

Town and Country Planning Act 1990  
Planning and Compulsory Purchase Act 2004  
Appeal by Catesby Strategic Land Ltd

***Land at Moat Road, Headcorn***

Rebuttal Proof of Evidence on Transport and Accessibility

Prepared by Dave Neale FIHE  
on behalf of the Appellant

PINS Ref: APP/U2235/W/24/3351435

LPA Ref: 23/504471/OUT



### 1.0 Introduction and Context

- 1.1 This rebuttal evidence has been prepared in response to transport and accessibility matters raised by Mr David Roberts on behalf of Maidstone Borough Council (“MBC”) in his proof of evidence.
- 1.2 It should be noted that lack of comment on any particular point, should not be interpreted as agreement to it. Rather, this rebuttal addresses points on which further evidence is required.

### 2.0 Rebuttal to David Roberts’ Evidence

#### 2.1 Introduction

2.1.1 The evidence of David Roberts (“DR”) raises 2 points: (i) the right of way between the Site and Mill Bank (issue 1) and (ii) cycle access between the Site access and the A274.

2.1.2 It is noted that the evidence of DR does not engage with or provide an answer to the following points raised by the Appellant:

- This is an outline application, with all matters reserved save for the point of access on Moat Road;
- There are two matters for agreement, being the access and the principle of development. The detail of the access is acceptable to the LPA and LHA, meaning that only leaves the principle of development for agreement.
- The site is allocated for approximately 110 homes. 115 homes falls within that approximation;
- The principle of development of the site for approximately 110 homes is acceptable and promoted within the Plan period;
- The detail of the secondary access is not for determination at this stage. It will be addressed through RMA and conditions;
- The condition of the route can be addressed through conditions. There is not, therefore, a basis for refusal;
- The cycle route concerns off-site highway works. The proposal reflects the position advanced during the promotion of the allocation in the Plan process;



- The detail of such off-site highway works is not sought at this stage. It can be addressed by condition;
- There is no relevant accident issue for cyclists on this stretch of road;
- Given the site is allocated, there has to be (in principle) a scheme of secondary access (north) and off-site highway improvements which is acceptable to the LPA;
- The LPA and DR do not have any *positive* suggestion as to what is required by the Appellant to develop a site promoted for new homes by the LPA in the Plan period;
- There cannot, therefore, be a reasonable or respectable basis for the reason for refusal.

2.1.3 Without prejudice to such fundamental points, the detail of a number of points is addressed below. In the following, paragraph and page number references relate (unless otherwise indicated) to those in DR's evidence.

## 2.2 Matters Raised.

*4.7 The Transport Assessment (CD 1.33), at paragraph 4.2.13, confirms that the site has a right of access along the existing track. Importantly, a right of access does not convey any rights to change the width or surface condition of the route, or add lighting; only the right to use it to access land. On this basis, the existing width, surfacing and unlit condition of the right of way should be assessed for its suitability to serve the site.*

2.2.1 This matter will be addressed by Mr Collins in his rebuttal. However, for the avoidance of doubt, the Appellant does have rights to address these concerns and the Appellant has received legal advice on this point. The legal/evidential basis for DR's position is not clear/robust.

*4.13 When two vehicles meet along the track, at its widest point, there is barely sufficient width for a car to pass another car. The Transport Assessment (paragraph 4.2.15) correctly states that the minimum width to allow two cars to pass is 4.1m. This passing would involve incursion into the growing hedgerows at certain times of the year, and would rely on a very high maintenance regime for the hedgerows, which is in turn hampered by bird nesting season from March to August, inclusive.*



2.2.2 This confirms agreement that two cars can pass. The matter of conditions will be addressed by Mr Collins in his rebuttal. However, it is considered that the trimming of hedgerows could be managed by way of an appropriately worded condition to agree a maintenance regime for the management of the track between the access into the site and the A274.

*4.15 With a maximum width of 4.3m and a minimum width of 2.1m, it is clear that an emergency vehicle, or other service vehicle, could not pass a moving or parked car along the track.*

*4.18 Manual for Streets (paragraph 6.7.3) similarly confirms that a 3.7m width is required for the fire service to operate, although simply to reach a fire, a 2.75m width over a short distance can be acceptable.*

*4.19 From the above, it is clear to see that the right of way does not meet the width requirements for an emergency access, in the event that the main access to Moat Road is blocked by a flood, or any other event.*

2.2.3 As set out in MfS (para 6.7.3) it states:

*a 3.7 m carriageway (kerb to kerb) is required for operating space at the scene of a fire. Simply to reach a fire, the access route could be reduced to 2.75 m over short distances, provided the pump appliance can get to within 45 m of dwelling entrances;*

2.2.4 Drawing 20472-05 appended to CD1.35 and provided as Appendix DN2 of my proof provides the measured topographical survey of the northern access. This shows a minimum width of c4.66m not 2.1m which is referred to in CD1.35 as the current “used” width of the track.

2.2.5 Drawing 20472-05a is attached to this rebuttal as **Appendix DNR1**. This is to provide the Inquiry with clarification regarding the actual width of the route and the ability for a fire tender to pass a parked vehicle. For the avoidance of doubt, the access track is *private* land and there is no right to park on it. There is, nonetheless, room to pass any parked vehicle(s).



2.2.6 The drawing shows that a width of 2.75m would be available between a parked car and the opposite hedgerow at the narrowest point of the lane. Therefore, should (in the 1:100 flood event with CC allowance) a car be parked on the route at the time that an emergency vehicle requires access to the site because access via Moat Road is not available, then there would be sufficient room for it to pass.

*4.24 Dealing with this offer separately, in my view, any reduction in the speed limit along a residential frontage should be fully supported, since there would almost inevitably be dog walkers and other leisure walkers, and cyclists, who will head out of the main access and head west along Moat Road, into the rural area, and every speed reducing effort should be made to manage highway safety when more people are being introduced into an area. It is clear to me that there would be significant highway safety benefits from reducing the speed limit from 60mph to 30mph along the site frontage, so the absence of certainty on that offer from the Appellant is unhelpful. It is not mentioned in the Appellant's Statement of Case when lodging the appeal. Notwithstanding this, exploring options for a speed limit reduction and, if approved, implementing the speed limit reduction would need to be fully funded by the appellant.*

*4.25 A further measure to seek to reduce vehicle speeds on the approach to Headcorn is confirmed in the Transport Assessment (paragraph 4.2.1) to be enhanced signing at the speed limit change. Again, this is a measure that should be fully supported to enhance driver awareness on the approach to an urban area*

2.2.7 Without prejudice to the evidence that the appeal scheme is acceptable without it, I agree that there would be there would be benefits to extending the 30mph speed limit to the west to incorporate the site access. Therefore, it is proposed to include a sum within the S106 agreement to allow the Council to progress the associated traffic regulation order, with signage being included within the S278 works for the site access and offsite works, should the Inspector conclude such a request meets the CIL requirements test i.e. it is necessary.

*4.32 As a starting point, Figure 4.1 of LTN 1/20 (see below) sets out an appropriate level of protection for cyclists dependent upon the speed limit, or the speed limit plus 10mph, if the 85th percentile speed if this is greater than 10% above the speed limit. With the recorded 85th percentile speeds on Moat Road, Figure 4.1 would lead to design standards for 40mph – 50mph being appropriate to protect cyclists.*



*4.33 For speed considerations of 40mph and above, a fully kerbed cycle track is set out to be the only suitable measure to protect most people. Even light segregation is set out to be unsuitable for some potential cyclists.*

2.2.8 It should be firstly clarified that LTN1/20 is not a design tool for the assessment of development proposals. The purpose of the document is specifically set out at Section 1.1 and 1.2 (**CD 15.3**). This confirms that:

*1.1.1 This national guidance provides a recommended basis for those standards based on five overarching design principles and 22 summary principles. There will be an expectation that local authorities will demonstrate that they have given due consideration to this guidance when designing new cycling schemes and, in particular, when applying for Government funding that includes cycle infrastructure.*

*1.2.1 This Local Transport Note provides guidance and good practice for the design of cycle infrastructure, in support of the Cycling and Walking Investment Strategy. The scope of the document is limited to design matters.*

2.2.9 Therefore, whilst LTN1/20 provides guidance and good practice for designing new cycling proposals, its primary application is to ensure best value for money from government funding and to inform the Council's LCWIP process. It cannot be seen as a blanket "you must" for all cycling schemes. This is acknowledged in para 110 of the Framework which states:

*However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*

2.2.10 Furthermore, as set out in the ministerial foreword, the purpose of the document is to ensure that where schemes are provided with Government funding, they meet higher standards. In this case, no Government funding is sought to deliver improved cycle links. They also recognise that different levels of provision may be appropriate in different places, for instance the main county town may be a higher priority for cycling interventions than a small village. Their main focus is on medium-sized towns, larger towns and cities.

2.2.11 In any event, the NPPF requires consideration of opportunities for all modes. It does not require the site to be accessible by bicycle for all users. Furthermore, in the specific context of the development proposals, there is no local policy requirement for cycle access



by more vulnerable cyclists (for example children), which is the basis of the assessment in LTN1/20 Figure 4.1 as presented by Mr Roberts in (para 4.36) of their evidence. Further, there is no requirement in the policy of allocation for there to be a bespoke cycle lane along this part of the road. Indeed, it is not required because there is no relevant accident record to suggest it is needed. Further, it would be an isolated cycle lane on a short stretch of road, which would cease at the A274.

2.2.12 It cannot (reasonably or rationally) be the position of DR and MBC that all new developments where the 85<sup>th</sup> percentile speed of traffic is above 33.1mph and volumes are over 2,000 vehicles per day, must provide a 2m stepped cycle track, in addition to any adjacent footway. That would preclude significant development options on the edge of or within existing settlements due to land constraints. Yet, that is the logic of their position.

2.2.13 I certainly do not consider this is what KCC (who have confirmed no objection) had in mind or MBC when allocating the site for housing development, as that would require a long stretch of single carriageway. *If* (which is not accepted) that is what the LPA actually want, this can be required by a negatively worded Grampian condition requiring such a scheme of off-site highway works.

2.2.14 This is an issue which goes to the principle of development. There has to be an acceptable solution. Development Control Officers cannot (reasonably) use guidance in LTN1/20 to sterilise the allocation.

2.2.15 The scheme for Moat Road (as proposed) will deliver an improved environment to provide a safe and suitable route for pedestrians and cyclists to and from Headcorn. This position is supported by the findings of the recent independent road safety audit.

## 3.0 Conclusions

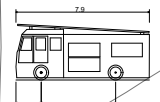
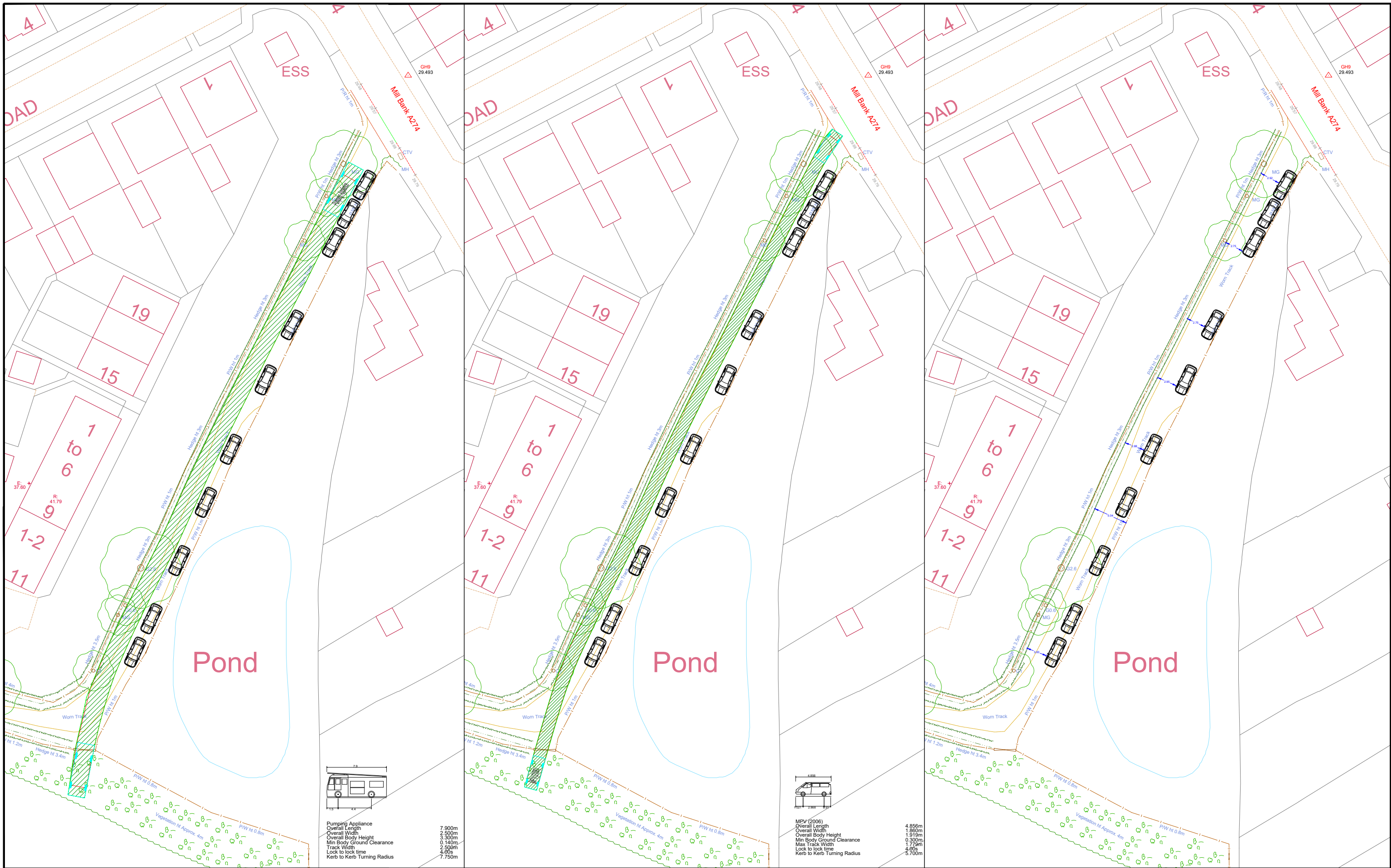
3.1 There is no new evidence provided by Mr Roberts that alters the findings of the submitted Transport Assessment and my subsequent proof of evidence.

3.2 It therefore follows that the evidence presented clearly concludes that the appeal scheme is consistent with the requirements of Paragraphs 109, 110, 116 & 117 of the NPPF, the strategic policies of the local plan and the site specific policies set out in LPRSA310 in that it provides safe and suitable access by all modes and direct access to public transport.

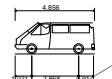
**Appendix DNR1**

Drawing 20472-05a





Pumping Appliance  
 Overall Length 7.900m  
 Overall Width 2.500m  
 Overall Body Height 3.300m  
 Min Body Ground Clearance 0.140m  
 Track Width 2.500m  
 Lock to lock time 4.00s  
 Kerb to Kerb Turning Radius 7.750m



MPV (2006)  
 Overall Length 4.856m  
 Overall Width 1.850m  
 Overall Body Height 1.919m  
 Min Body Ground Clearance 0.300m  
 Max Track Width 1.720m  
 Lock to lock time 4.00s  
 Kerb to Kerb Turning Radius 5.700m


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DRAWING TITLE Northern Emergency Access Details			
SCALE 1:500@A3	DRAWN BY DN	DATE Feb 25	DRAWING No 20472-05
REVISION A			



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