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Highways and Transportation

Ashford Highway Depot
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Tel: 03000 418181

Date: 18 March 2022

Our Ref:

Application - MBC/18/504836/EIOUT

Location - Binbury Park Bimbury Lane Detling Maidstone Kent

Proposal - Outline application (with all matters reserved apart from access) for the erection of up to 1,750 dwellings including affordable housing, 46,000 sq.m of commercial space, a hotel, a local centre, a new primary school, a park and ride facility, strategic highways improvements including new Kent Showground access/egress, accesses/roads including a new bridleway bridge, parking, associated open space, landscaping, services, and Sustainable Drainage Systems. In addition the proposals include a publicly-accessible country park including the Binbury Motte and Bailey Castle Scheduled Ancient Monument.

Thank you for your re-consultation in relation to the above planning application.

It is noted that the applicant has submitted a Technical Note (dated January 2022), which is intended to address the comments in the KCC Highways consultation response of 30 November 2021.

Following a review of the Technical Note (TN) alongside the submissions previously made in support of the application, KCC Highways has the following additional comments:

Site Access Layout

The TN confirms that minor modifications have been made to ensure the vehicle access arrangements achieve conformity with current design standards. The revised 'Proposed Grade Separated Access' drawing (ref: 14-013-054 Rev F) illustrates the updated road layout from both the horizontal and vertical perspective.

The various design standards that have been applied are described in the TN in respect of the merge/diverge slip roads with the A249, the two new roundabouts and the connecting sections of road. This provides confirmation that the design has been based on the current design standards.

The applicant has clarified that the slip road designs are based on a proposed 50mph speed limit as this reflects the expected transition speeds as road users leave or join the dual

carriageway. The credibility of this assumption will be assisted by the County Council's planned implementation of a northward extension to the existing 50mph limit on the A249 later this year.

The TN has acknowledged how the Stage 1 Road Safety Audit, undertaken in June 2018, pre-dates the introduction of the new GG119 guidance on safety audits. The applicant is nonetheless of the view that the audit is not invalidated by the change in guidance. This view is corroborated by two independent road safety auditors, who confirm that the guidance has not altered the technical requirements associated with conducting the audit. They highlight that the audit would only be invalidated if it has exceeded its shelf life or if there have been changes to the highway network or traffic volumes. The applicant is of the view that no such changes have occurred.

KCC Highways is mindful of paragraph 4.2 of GG119, which states that '*Stage 1 and Stage 2 Road Safety Audits shall be repeated if the previous Road Safety Audit for the relevant stage is more than five years old*'. On this basis the audit has not yet reached the end of its shelf life.

KCC Highways would also acknowledge that there have been no changes to the highway network, given that the upgrade to M2 J5 is in the early stages of implementation. Furthermore, the audit pre-dates the downward trend in traffic volumes caused by the COVID pandemic and therefore takes account of more typical road conditions.

It is therefore accepted that the Road Safety Audit remains valid.

Based on the submitted information, KCC Highways is now satisfied that a compliant access design is achievable within land that is under the control of the applicant.

Minor Road Access Points

The TN confirms the intention to provide vehicular access points onto Binbury Lane and Scragged Oak Road. It proposes that a requirement to submit design details for approval forms a condition of any outline planning permission.

This approach is inconsistent with the outline planning application, which seeks outline planning permission with all matters reserved except for access.

KCC Highways remains concerned that the accesses will result in increased traffic movements on roads that, in the absence of improvements, will have a narrow carriageway width and limited forward visibility in places. It is noted that the scope for improvements to reduce conflicts and maintain highway safety is limited as the applicant has land within their control along Binbury Lane but not along Scragged Oak Road.

It is accepted that the minor road accesses should be viewed in the overall context of the site access strategy. This places a significant emphasis on achieving safe and efficient access to the development directly to/from the A249 for the majority of trips. Furthermore, it incorporates safety improvements to the existing County Showground and Scragged Oak Road junctions with the A249. On balance, it is therefore acknowledged that an in-principle objection to the inclusion of the minor road accesses could be difficult to sustain.

KCC Highways nonetheless require the inclusion of a planning condition that requires the applicant to submit design details of the minor road accesses and any associated highway works for approval in the interest of maintaining highway safety at these locations.

A249 Footway/Cycleway

The TN includes a review of the dimensions of the proposed footway/cycleway route against the advice contained in LTN 1/20. This confirms how most of the route is in conformity with current design guidance in terms of width and separation from the carriageway.

The exception is a 50m section of the route alongside the off-slip into the County Showground, where the width is 2.5m and there is no separation from the carriageway. The proposed 2.5m width achieves the 'absolute minimum at constraints' based on a peak hour cycle flow of 300-1000. There would, however, be no separation from the carriageway. The absolute minimum separation of 3m on a 70mph section of road (or an absolute minimum of 1.5m following the County Council's planned extension of the 50mph limit) has not therefore been met and the applicant does not have the land control to address this.

The applicant contends that no separation is required as vehicle speeds on the off-slip would be no greater than 30mph, thereby achieving conformity with LTN 1/20. KCC Highways regard it to be highly likely that speeds will be higher than 30mph as they begin slowing down from speeds of up to 70mph. This represents a highway safety concern in view of the proximity of pedestrians and cyclists to passing traffic.

KCC Highways recognise however, that no issues were raised in the Stage 1 Road Safety Audit. Furthermore, the absence of separation is over a relatively short distance of 50m and is alongside the off-slip rather than the mainline carriageway. On this basis it is concluded that an objection on highway safety grounds could be difficult to sustain.

Traffic Data/Committed Developments

The TN confirms that the applicant regards the 2017/18 traffic data to be representative of pre-Covid traffic levels. The raw data has been appended to the TN and KCC Highways accept that it provides a suitable dataset for the assessment.

It is understood that no further committed developments have needed to be accounted for within the assessment.

Trip Generation

The TN has included an updated trip generation forecast for the affordable housing component as a means of demonstrating that the trip rates included in the Transport Assessment can be regarded as robust. This has confirmed the suitability of the applied residential trip rates.

M20 J7

The applicant has updated the mitigation design for M20 J7 to incorporate the latest layout devised by KCC Highways, as shown in revision D of drawing 14-013-064.

A Stage 1 Road Safety Audit (dated November 2021) and associated Designers Response (dated January 2022) have also been provided. The audit was undertaken in relation to

Revision C of the drawing, and it is understood that Revision D incorporates the modifications referenced in the Designers Response.

The Designers Response has satisfactorily addressed the majority of the recommendations in the Road Safety Audit, including those related to the positioning and visibility of signal heads (3.1 – 3.3. and 3.5 - 3.6), vehicle tracking (3.10), pedestrian/cycle facilities (3.11 – 3.13), road markings/signage (3.7, 3.15 – 3.16), vegetation removal (3.8) and maintenance vehicle bays (3.17).

There are several recommendations however, where further design related work will be needed to fully satisfy KCC Highways requirements.

In the case of recommendation 3.9, the auditor has referred to the risk of side impact collisions on both A249 approaches. Although the recommendation is accepted in the Designers Response, the revision D drawing only illustrates swept path analysis for the northern A249 arm. Swept path analysis for the southern arm is also required. On both arms KCC Highways would also want the swept path analysis to reflect the potential for two articulated Heavy Goods Vehicles to run in parallel.

In the case of recommendation 3.14, the recommendation of the auditor regarding lane markings has not been fully addressed as the revision D drawing still shows three southbound lanes to be marked 'A249 Maidstone' on the northern A249 arm. These three lanes feed into two lanes marked 'A249 Maidstone' on the circulatory and would therefore be likely to lead to conflicts as road users change lanes. This could be resolved by removing 'A249 Maidstone' from the third lane and adjusting the markings to suit.

These alterations are also relevant to audit recommendation 3.4, which highlighted the need for southbound road users on the northern A249 arm to have suitable visibility of the signal heads. By changing the lane allocations as described above it may be possible to address the recommendation by including a splitter island between the middle lanes for the stationing of the signal heads (akin to the other four lane approaches to the roundabout). KCC Highways regard this to be more effective than the proposal in the Designers Response to use double height signals. In the event that a splitter island cannot be achieved, a Rotating Mast Arm will be required as this will be less disruptive when maintenance is required.

The required changes to the southbound lane allocations on the northern A249 arm have implications on the accuracy of the capacity modelling analysis previously undertaken by the applicant. It is noted however, that the balance of the turning flows on this arm is weighted heavily in favour of movement to the M20 Londonbound. The required alteration to the lane allocations will therefore be beneficial in providing greater capacity for those turning to M20 Londonbound. It is therefore likely that the change will achieve an improvement in modelling outputs when compared against those previously submitted. A further model run would be required to provide confirmation of this.

It should be noted that mast arm signals are also likely to be required on the eastern and western bridge sections of the circulatory to ensure the signals are sufficiently visible to road users using lanes two and three.

KCC Highways would also wish to draw attention to the merge arrangement for those proceeding northbound on the A249 northern arm. The revision D drawing shows how the inside lane will terminate, thereby requiring road users in this lane to change lane. Such manoeuvres may be difficult, particularly for slower moving vehicles, as the signal control will create a platooning effect in the traffic flow. The issue could be overcome by instead terminating the outside lane, where road users would be required to merge.

In conclusion, the submissions to date have demonstrated that a satisfactory form of improvement can be achieved at M20 J7 to mitigate the impact of the development. The modifications described above will need to be incorporated into the layout design to fully satisfy KCC Highways requirements.

The TN proposes that delivery of the M20 J7 improvement is achieved via a financial contribution secured through a S106 Agreement. This would cover any funding shortfall in relation to the County Council's planned signalisation scheme as well as the cost of the extension to that scheme now proposed in support of the development. This has the benefit of enabling the improvements to M20 J7 to be delivered as a single package, thereby minimising disruption to road users.

KCC Highways could only proceed with a S106 funding mechanism once the required modifications are made to the layout design to enable a robust cost estimate to be generated. Further dialogue with the Local Planning Authority will therefore be necessary if this, or an alternative mechanism, is to be taken forward to ensure the improvement is delivered in a timely manner with no further cost to the public purse.

A249 Bearsted Road Improvement Scheme

The TN reaffirms the applicants' view that the capacity modelling previously presented in the August 2021 TN has demonstrated how the impact of the development on the Bearsted Road corridor will be marginal in terms of queuing and delay. The applicant also highlights how this conclusion remains valid irrespective of any recent modifications to the County Council's planned scheme of improvements.

KCC Highways maintains the view that the scheme, now due to be implemented from Spring 2022, should be in place in advance of large-scale development on the A249 corridor. This is to ensure congestion on this part of the network is not worsened at all by development traffic in advance of the additional capacity created by the scheme becoming available.

A249 Chiltern Hundreds Roundabout

To mitigate the impact of additional development traffic, the applicant has proposed a junction improvement that involves widening the Sittingbourne Road arm to form a three-lane approach and the Penenden Heath Road arm to a two-lane approach. The widening on both arms is achievable on land that falls within the publicly maintainable highway.

Capacity modelling analysis has been undertaken to demonstrate how the modified junction layout would operate with reduced queuing and delay in 2031 when compared against the existing layout.

It should be noted that the modified layout has not been the subject of a Stage 1 Road Safety Audit.

KCC Highways routinely requires a safety audit for any alterations to the highway layout. It is therefore concluded that whilst the applicant has demonstrated that there is scope to improve the junction to mitigate the impact of the development, the acceptability of the proposed improvements cannot be confirmed until such time that a safety audit is provided.

A249 Corridor – Minor Road Junctions

The TN includes a review of the various side road junctions along the A249 corridor to address KCC Highways concern that the additional development traffic on the A249 could adversely affect highway safety for existing road users.

The applicant has highlighted that the junctions of Oad Street, South Green and Honeycrook Hill are already due to be modified as part of the M2 J5 improvement.

In the case of the other side road junctions further to the south, including Rumstead Lane and Church Hill, the applicant has explained that the grade-separated development access roundabout will reduce right-turn movements by affording road users with a convenient opportunity to u-turn.

KCC Highways would acknowledge that the opportunity to u-turn is likely to be attractive to some road users in view of the delay and difficulty often associated with manoeuvres to or from the existing junctions. The new road layout will therefore, at least in part, mitigate the impact on highway safety.

Although the TN has not commented specifically on The Street or Pilgrims Way junctions, it is understood that the proposed bus priority arrangement will remove the southbound left turn into Pilgrims Way for general traffic and thereby reduce the number of available off-slips to Detling village. This is likely to reduce the scope for conflict on the A249 currently caused by vehicles decelerating to turn off at multiple locations.

KCC Highways is also mindful of the highway safety benefit associated with the proposals to improve access and parking at the County Showground. This will be beneficial to highway safety along the A249 corridor in maintaining a more efficient traffic flow when major events are in progress.

When viewed as a whole, KCC Highways conclusion is that the benefits of the proposals are likely to outweigh any worsening of highway safety at individual minor road junctions.

M2 Junction 5

The applicant has not submitted impact analysis on M2 J5. Whilst this remains a significant omission, KCC Highways is mindful that the improvement scheme currently being implemented will incorporate a new flyover for the A249. This flyover will importantly remove the current queuing associated with through traffic on the A249 having to give-way at the junction. This will remove queuing on the A249 and ensures the junction is better able to accommodate the additional development traffic.

On this basis, it is concluded that an objection in relation to M2 J5 cannot be justified.

Rural Routes

The TN reasserts the applicants' view that the development is not expected to result in discernible traffic increases on minor roads in the vicinity of the site. Importantly, it highlights how the newly available facilities within the development site would be likely to reduce journey distances for many residents within the existing nearby communities who currently use these roads but must travel further afield for equivalent facilities.

In light of this clarification and, having regard to the recent crash history on nearby roads such as Scragged Oak Road, Cox Street, Binbury Lane and Yelsted Road, KCC Highways would acknowledge that a highway safety objection on this ground could be difficult to sustain.

Public Transport

The TN confirms that the applicant has not had further dialogue with the bus operator regarding the viability of the proposed park and ride service. This limits the weight that can be given to the feasibility assessment submitted alongside the planning application, which was undertaken in 2016 prior to the COVID pandemic.

The applicant has expressed the view that the impact of the COVID pandemic on public transport usage is temporary and a return to pre-pandemic levels of usage is expected. KCC Highways regard this to be highly uncertain.

There is also uncertainty as to the attractiveness of a park and ride service for road users travelling southbound on the A249 to Maidstone town centre, given the additional journey time associated with deviating into the site to use the service. Furthermore, the journey time for car users will be made more attractive by the proposed capacity improvements at M20 J7.

A further concern is the potential for the park and ride service to attract customers who use other existing local bus services, which could in turn adversely impact on the viability of those services.

KCC Highways is nonetheless supportive of the applicants' intention that public transport should be at the heart of the proposals to encourage sustainable travel patterns. There are also clear advantages associated with introducing a bus service that can meet the needs of the development whilst also encouraging some car users on the A249 to switch modes for journeys to/from Maidstone.

It is therefore recommended that a co-ordinated approach to public transport provision is adopted in relation to this development to ensure compatibility with the wider network. This should involve a financial contribution secured via a Section 106 Agreement, payable to the County Council, that would facilitate the provision of a half hourly service serving the development, including the car park facility, and town centre. The contribution will enable the County Council, as Local Transport Authority, to determine what form of service is suitable at the point in time it is needed and review whether the proposed bus priority provision is needed to support it.

It is noted that the applicant is willing to make a financial contribution via a S106 Agreement towards safety improvements to existing bus stops on the A249 corridor.

Recommendation

Several of the concerns previously raised by KCC Highways have now been addressed in the applicants' submissions. Those concerns that remain are either capable of being resolved or are insufficiently substantive in the context of the National Planning Policy Framework to justify an objection to the planning application.

KCC Highways would draw specific attention to the following items that will require timely resolution in the event that planning permission is granted:

- the need for alterations to the proposed M20 J7 layout design in accordance with the Stage 1 Road Safety Audit recommendations and KCC Highways requirements;
- funding arrangements for M20 J7 and bus service provision;
- completion of a Stage 1 Road Safety Audit in support of the Chiltern Hundreds roundabout modifications; and
- the submission and approval of design layouts for the minor road access points.

The recommendation of no objection is subject to a condition being imposed that prevents occupation of the development until the A249 Bearsted Road Improvement Scheme has been implemented by the County Council. This is reasonable and necessary on account of the potential for worsening congestion in the absence of the scheme, as evidenced within the applicants' capacity modelling analysis.

The recommendation of no objection is also subject to the applicant being required to enter into a Section 278 Agreement to secure the required highway works on the A249 corridor (including Chiltern Hundreds roundabout), Binbury Lane, Scragged Oak Road and Pilgrims Way. The applicant should be required to implement the works prior to first occupation.

It is essential that any planning obligation relating to funding for the M20 J7 improvement and bus services provides flexibility to enable further dialogue to take place on the specific operation and delivery arrangements that will be appropriate at the time of implementation.

The following should also be secured via a Section 106 Agreement and planning conditions as appropriate:

- Provision of a financial contribution to facilitate delivery of the M20 J7 signalisation scheme and associated junction enlargement;
- Provision and implementation of a site-wide Travel Plan that has been approved by the planning and highway authorities;
- Provision of a Travel Plan monitoring fee;
- Provision of a financial contribution to facilitate the delivery of a half hourly bus service to connect the development to the town centre;

- Provision of a financial contribution towards bus stop improvements on the A249 corridor;
- The requirement to submit details for approval in relation to the proposed access points on Binbury Lane and Scragged Oak Road;
- Preparation and submission of a Construction Environmental Management Plan for approval by the planning and highway authorities;
- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction;
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction;
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction;
- Provision of measures to prevent the discharge of surface water onto the highway;
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing;
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing;
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing; and
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all

development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Yours Faithfully

Director of Highways & Transportation

*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.