

From: **Haroona Chughtai – Director of Highways & Transportation**

To: **Neil Baker – Cabinet Member for Highways and Transport**

Decision No: **25/00019**

Subject: **A228/B2017 and B2017/B2160/Mascalls Court Road,
Paddock Wood Junction Improvements**

Classification: **Unrestricted**

Electoral Division: Tunbridge Wells Rural – Sarah Hamilton

Summary: Approval to defer the improvement of the A228/B2017 junction improvement and approve the amendment of the B2017/B2160 junction improvement; and reaffirming authority to progress the scheme through detailed design and to enter into construction contracts as necessary including any planning and statutory consents required.

Recommendation(s):

The Cabinet Member for Highways and Transport is asked to agree to:

- i) Approve to defer the improvement of A228/B2017 junction improvement.
- ii) Approve to use any surplus S106 funding to progress the feasibility and opportunities for voluntary land acquisition of an alternative A228/B2017 junction improvement for a larger roundabout.
- iii) Approve to progress the amended B2017/B2160 junction improvement as shown indicatively on Drg. No. 60660469-ACM-01-SW-DR-HR-0105 through surveys, design and construction.
- iv) Approve for the proposed B2017/B2160 junction improvement shown on Drg. No. 60660469-ACM-01-SW-DR-HR-0105 to be used for Land Charge disclosures and development control.
- v) Approve to take a transfer of land for the B2017/B2160 junction improvement from an adjacent housing development under a section 106 planning obligation and to acquire any other land and rights as necessary.
- vi) Approve to progress any statutory approvals and consents including Traffic Regulation Orders required for the B2017/B2160 junction improvement scheme including detailed planning consent, drainage and environmental consents and securing temporary use of land for a construction site compound.
- vii) Approve to enter into construction contracts as necessary for the delivery of the B2017/B2160 junction improvement scheme subject to any internal approval process required to the proposed procurement strategy; and

viii) Delegate authority to the Corporate Director of Growth, Environment and Transport Approval to take relevant actions, including but not limited to awarding, finalising and entering into the relevant contracts or other legal agreements, as necessary, to implement the decision.

1. Introduction

- 1.1. There are three major housing developments in Paddock Wood that are being implemented and together are delivering nearly 1,000 new homes. The improvement of the A228/B2017 and B2017/B2160 junctions were identified to mitigate the traffic impacts of the new developments as shown on the plans in **Appendix B**. As three developers were involved, the County Council took responsibility for delivering the schemes using the aggregate section 106 funding and within the land for the B2017/B2160 junction improvement provided for within one section 106 agreement. A report to this Committee and ROD 21/00048 refers.
- 1.2. 'Minor' and 'Major' improvements were identified, and the decision was taken to proceed with the major improvements when all three developments were consented. Section 106 contributions with index linking totalling £4.789m were collected from the three developers.
- 1.3. Initial scoping, survey and feasibility investigations identified that the A228/B2017 junction improvement for an improved roundabout was not practicable or deliverable within the highway boundary. Reverting to the 'Minor' improvement option was not considered worthwhile with the improvements not delivering significant operational benefits. Practical improvement requires a larger roundabout, and this will require land and will have increased costs. Officers are of the view that any surplus section 106 funding should be used to progress either the outline design and feasibility of a larger roundabout or other proposals that would be beneficial to the residents of the new developments and Paddock Wood generally and this will be discussed with the three developers after the scheme is completed.
- 1.4. The proposed improvement of the B2017/B2160 junction involved the local realignment of B2017 Badsell Road to create a traffic signal-controlled crossroads with the B2160 Maidstone Road and Mascalls Court Road. This was intended to provide increased junction capacity and improved facilities for pedestrian and cycle crossings bearing in mind the new adjacent development residents and proximity to Mascalls Academy. It also allowed the slight shift of Badsell Road away from two properties and avoided the loss of part of an existing linear tree screen.
- 1.5. Unfortunately the design of this improvement has also been problematic. The junction is on the line of a watercourse that runs along the general direction of Maidstone Road. It changes from open watercourse into a culvert through the junction and for some distance towards Paddock Wood. The watercourse and culvert lacks capacity and the junction is an obstacle and with adjacent properties has been subject to minor historic flooding.

1.6 The proposed junction made some allowance for additional surface water drainage but since the concept development of the original scheme and developments planning consents the Environment Agency has updated their Flood Map for Planning and designated parts of the highway scheme as Flood Zone 3 and 2. Consequently when the hydraulic modelling was carried out by the County Council's consultant's, it was identified that the land available for the scheme would not provide sufficient space to be able to mitigate the additional surface water generated by the changes in the highway and the additional hard paved areas.

2.0 Proposed Amended Scheme

2.1 The proposed scheme would add to the impermeable surface area and there is not sufficient room within the section 106 land being made available to mitigate the flood risk. The scheme would require planning consent as a Regulation 3 planning application to the County Council and because of the enhanced flood risk, the Environment Agency and the County Council's Drainage Team would have no choice but to object to the planning application and the Planning Applications Team would therefore not be able to recommend approval to the Planning Applications Committee.

2.2 Officers and our consultant have reviewed the scheme to see if an amended road layout could be identified that would still provide additional traffic capacity together with the other accessibility objectives. In particular, taking less land for the road to provide additional space for surface water storage features such that the flood risk was not worsened and indeed marginally improved, particularly to the nearby residential properties compared to the existing situation.

2.3 The work has required some time and several iterations to help identify a suitable and optimum amended scheme. The original Environment Agency base flood model has been refined to better reflect the local situation. This work has been made more difficult because the Environment Agency's flood model has recently been updated that had the effect of worsening the future predicted situation.

2.4 The scheme now proposed is shown on Drg. No. 60660469-ACM-01-SW-DR-HR-0105 in **Appendix C**. It provides for a staggered partially traffic signal-controlled junction. The stagger over the existing layout is reduced. Traffic signal control will not be applied to the Mascalls Court Road arm of the junction. The improved accessibility for pedestrians and cyclists is retained. A junction capacity assessment has indicated that the operation of the revised layout is better than the original crossroads scheme.

2.5 Only a slight shift in the alignment of Badsell Road has been possible in order to minimise the increase in impermeable area and retain sufficient land for surface water storage. This will be an understandable disappointment for the owners of the two local properties who did not object to the opposite

housing development because of the expected highway benefits to them of having traffic moved some distance away from their homes.

- 2.6 It will be small comfort to the owners, but the existing footway along Badsell Road will be widened with a grass verge added and the left turn into Maidstone Road improved. The Badsell Road approach to the junction will be widened to two lanes and consequently some traffic will be moved further away from their homes. The improved operation of the junction should also help reduce waiting traffic queuing at the signals. In discussion with the owners, it will be possible to offer some raised protection along the back of the footway and possibly at their driveways to further reduce the risk of flood water entering their gardens.
- 2.7 The further disadvantage for the two owners and the wider community is the unavoidable loss of a line of trees along the south side of Badsell Road although some replacement planting will be possible within the area to be used for surface water storage, but of course this will take time to become established.
- 2.8 The surface water storage solution will be a combination of an open lagoon and buried crates aimed at holding back the surface water discharge to attenuate the flow of water into the culvert section.

3. Public Engagement

- 3.1 The local Member, Paddock Wood Town Council, Tunbridge Wells Joint Transportation Board and the two homeowners adjacent to the junction have been regularly made aware of the difficulties in progressing the improvement. They were aware of the possible compromises that would need to be considered. Now that a solution has been identified, engagement with these interested groups and the homeowners is being carried out and an update will be presented verbally at the Committee meeting. The three developers will also be made aware.
- 3.2 The County Council is keen to carry out this junction improvement as soon as possible, which other than for the flood risk issues, would have been completed by now to provide supporting mitigation for the developments that are well advanced.

4. Options Considered

- 4.1 This is a difficult situation, and the way forward is a clear choice of either progressing this amended scheme or not carrying out an improvement at all.
- 4.2 Abandoning the scheme has been rejected because this would result in no mitigation or improved accessibility to support the major housing developments in Paddock Wood delivering nearly 1,000 homes.

- 4.3 Officers and our consultant have been unable to identify any other scheme that can offer a better solution to that being proposed that can also mitigate the flood risk, within the land available.

5. Financial Implications

- 5.1 The scheme is fully funded by the three section 106 developer contributions. With indexation, the County Council banked £4.789m. The spend to date which has unfortunately incurred significant consultant fees related to the flood modelling and scheme iteration and optimisation studies is circa £400k. The estimated cost of the original scheme was circa £3.5m, but the amended scheme is expected to cost less due to the reduced size of the scheme. The detail of the design is currently being finalised and updated estimates being sought from utility companies, to allow an updated cost estimate to be prepared by independent cost consultants.
- 5.2 As advised previously, this should leave a surplus in the s106 funding that could be used for the feasibility study of an enlarged roundabout at the A228/B2017 junction or other improvements beneficial to Paddock Wood, but this will not be committed in full until the B2017/B2160 junction is completed, and the out-turn cost is known.

6. Legal Implications

- 6.1 The County Council is party to signed section 106 Agreements with the three developers. The developers are aware of the deferment of the A228/B2017 roundabout. The developers are also broadly aware of the flood risk issues at the B2017/B2016 junction and will be advised of the amended scheme that, while not as envisaged in the section 106 agreements, does seek to provide similar benefits.
- 6.2 The County Council will proceed in due course with the section 106 land transfer obligation from the Mascalls Farm developer required to implement the B2017/B2160 junction improvement.
- 6.3 As the proposed scheme is now contiguous with the existing public highway it has been confirmed by KCC's Planning Team that it can proceed as Permitted Development and therefore does not require planning permission.
- 6.4 No further legal implications have been identified.

7. Policy Framework

- 7.1 The scheme (including the deferred scheme) supports Kent's strategic priorities that are outlined within Framing Kent's Future and Securing Kent's Future 2022-2026. It will help support Priority 2 by improving infrastructure for communities and in particular providing improved cycling and pedestrian facilities at the B2017/B2016 junction which is adjacent to Mascalls Academy

- 7.2 The scheme also supports the key priorities set out in the County Council's Local Transport Plan 5 "Striking the Balance" (LTP5) in terms of providing additional highway capacity, improving accessibility and reducing congestion will also be benefit aims. These schemes are specifically referred to for providing improvements in 'Paddock Wood to improve pedestrian, wheeling, and cycling journeys.

8. Equalities implications

- 8.1 An Equalities Impact Assessment has been prepared and approved and is included in **Appendix D**. This will be reviewed periodically as the scheme design is progressed.

9. Timetable

- 9.1 Subject to the views of the Committee and the Cabinet Member taking the recommended decisions, the intention would be to carry out the required vegetation clearance in late February/early March 2025 before the bird nesting season. The detailed design will be progressed and contract documents prepared to allow quotations to be requested from our supply chain during March and April, with the objective of making a start of construction in summer 2025. The works are estimated to take 4-6 months to complete with completion prior to March 2026.

10. Conclusions

- 10.1 The improvement of both the A228/B2017 and B2017/B2160 junctions are important schemes to provide increased capacity and improve accessibility to help mitigate the three large housing developments in Paddock Wood.
- 10.2 The deferment of the A228/B2017 scheme is unfortunate but is necessary because a worthwhile improvement of the junction cannot be achieved within the constraints of the highway boundary, but there should be surplus section 106 funding that will allow a better scheme to be developed, or other improvements to benefit Paddock Wood.
- 10.3 The inability to deliver the B2017/B2160 as planned is also unfortunate because of the site constraints and lack of sufficient land to mitigate the flood risk aspects that have become a more important consideration since the three developments were consented in 2018.
- 10.4 After considerable flood risk modelling and scheme development work, an amended scheme has been developed that will still provide the increased traffic capacity and accessibility improvements that were the objectives of the original proposal. It is by its nature a compromise solution and it is unfortunate and unavoidable that traffic cannot be moved further away from the two adjacent properties. The owners of these properties (and indeed any other affected residents) may have the opportunity to make a valid claim, one year after the scheme is completed, for compensation arising from the adverse effects (such as traffic noise) arising from use of the

amended road layout under the provisions of the Land Compensation Act 1973.

11. Recommendation(s)

Recommendation(s):

The Cabinet Member for Highways and Transport is asked to agree the proposed decisions as follows and as indicated on the proposed decision sheet attached at **Appendix A**.

- i) Approval to defer the improvement of A228/B2017 junction improvement.
- ii) Approval to use any surplus S106 funding to progress the feasibility and opportunities for voluntary land acquisition of an alternative A228/B2017 junction improvement for a larger roundabout.
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- vi) Approval to progress any statutory approvals and consents including Traffic Regulation Orders required for the B2017/B2160 junction improvement scheme including detailed planning consent, drainage and environmental consents and securing temporary use of land for a construction site compound.
- vii) Approval to enter into construction contracts as necessary for the delivery of the B2017/B2160 junction improvement scheme subject to any internal approval process required to the proposed procurement strategy; and
- viii) Delegate authority to the Corporate Director of Growth, Environment and Transport Approval to take relevant actions, including but not limited to awarding, finalising and entering into the relevant contracts or other legal agreements, as necessary, to implement the decision.

12. Background Documents

Appendix 1 Proposed Record of Decision

Appendix A – Previous Record of Decision - [Decision - 21/00048 A228/B2017 and B2017/B2160 Paddock Wood Junction Improvements](#)

Appendix B – Section 106 scheme plans – Drg. No's SK26 Rev P4; and SK49 Rev A and SK50 Rev B

Appendix C – Proposed B2017.B2160 junction improvement plan and Drg. No.
60660469-ACM-01-SW-DR-HR-0105
Appendix D – Equalities Impact Assessment

13. Contact details

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