



Land at Albion Road and Copper Lane, Marden

Proof of Evidence of Mark Gimingham – Volume 1 Text

Client: B.Yond Homes Limited

PINS Ref: APP/U2235/W/24/3346817

Date: 23 October 2024

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# Quality Management

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## Appendices

For Appendices see Volume 2

## SECTION 1      Qualifications, Experience and Scope of Evidence

### 1.1      Personal Qualifications and Experience

- 1.1.1 My name is Mark Christopher Gimingham. I have an Honours Degree (BA) in Town and Country Planning and I am also a Bachelor of Town Planning. I am a Chartered Member of the Institute of Logistics and Transport as well as a Member of the Chartered Institute of Highways and Transportation.
- 1.1.2 I am a Partner of i-Transport LLP (based in the Basingstoke office) and have responsibility for development planning projects, in particular with regard to transport, highways, traffic and parking issues, providing advice on schemes at all stages of the planning process. I have worked in the field of traffic engineering and transport planning for over 25 years, having previously worked for RPS Transport, TPK Consulting and the Halcrow Group.
- 1.1.3 I am fully familiar with the Appeal Site and the surrounding transport network. I have visited the site and the surrounding highway network on numerous occasions during my involvement with the project during weekday highway network peak periods as well as at off-peak times and weekends.

### 1.2      Background of Appointment

- 1.2.1 i-Transport LLP was appointed by B.Yond Homes Limited (formally Rydon Homes) in 2018 to provide highways and transport advice in relation to the proposals for residential development on land to the east of Albion Road, Marden which was ultimately the subject of an outline planning application submitted to Maidstone Borough Council (application reference: 23/504068/OUT). A site location plan is provided at **Appendix MCG1**.
- 1.2.2 i-Transport prepared and presented the access design, Transport Assessment (report reference ITB15098-101B, dated 7 August 2023) and Framework Travel Plan (report reference ITB15098-101B, dated 7 August 2023) relating to the planning application.
- 1.2.3 The Local Highway Authority, Kent County Council (KCC), provided an initial highway consultation response to the planning application dated 23 October 2023, which raised a holding objection to the proposals on the basis that additional information was requested for review.

1.2.4 In summary, the additional information requested included:

- Submission of a revised pedestrian access strategy;
- Submission of a Stage 1 Road Safety Audit and supporting Designer's Response;
- Submission of the raw traffic survey data used to derive the visibility splays from the primary vehicular access;
- Recalculation of the visibility splays from the primary vehicular access, with bonnet length accounted for;
- Amendments to the junction layout to accommodate larger vehicles, without the overrunning of adjacent traffic lanes;
- Submission of appropriate evidence to demonstrate the suitability of the visibility sight lines from the pedestrian / cycle / emergency access; and
- Confirmation of the extent of off-site highway works being offered as part of the development.

1.2.5 The application was refused on 22nd December 2023. There were 7 Reasons for Refusal (RfR), two of which relate to transport / highways matters and are based on the additional information requested by the Local Highway Authority in their holding objection. The two transport / highway reasons for refusal are set out below for ease of reference:

***RfR 3 – “Due to the absence of safe pedestrian and cycle access on Albion Road to access the services within the village of Marden, the residents are likely to be reliant on the private motor vehicle to travel for access to day-to-day needs. This would be contrary to the aims of sustainable development as set out in Policies SS1, SP17, SP23 and DM1 of the Maidstone Borough Local Plan, policy In2 of the Marden Neighbourhood Plan, the National Planning Policy Framework and the objectives of Active Travel England to secure good walking, wheeling and cycling infrastructure”.***

***RfR 4 – “The proposed access arrangement shows that refuse freighters are not able to safely access or egress from the site without overrunning adjacent traffic lanes. The Transport Assessment is deficient in that is no Road Safety Audit, there is inadequate raw data for traffic survey, visibility splays need recalculation and trip generation data needs sensitivity testing. The development is contrary to the NPPF which requires safe and suitable access to be achieved for all users and to policies DM1 and DM21 of the Maidstone Borough Local Plan 2017 and policy In3 of the Marden Neighbourhood Plan”.***

1.2.6 B.Yond Homes submitted an appeal against MBC's refusal of the application on 21 June 2024.

1.2.7 Since the planning refusal, the Appellant has been discussing the two transport related reasons for refusal with the Local Highway Authority.

1.2.8 A Transport Assessment Addendum (report reference ITB15098-106, dated 18 September 2023) was submitted for public consultation by B.Yond Homes in September 2024. The package of highway and transport improvements set out in the TAA is summarised below:

- The Albion Road all purpose access and new footway connection along Albion Road between the site and the existing footway at the Albion Road / Seymour Drive junction as shown in drawing ITB15098-GA-060 Rev E and the visibility splay drawings ITB15098-GA-074 and ITB15098-GA-063D;
- The Copper Lane – Pedestrian / Cycle / Emergency Access as shown in drawing ITB15098-GA-057 Rev B;
- Surface improvements (bitmac / tarmac surface) to public footpath KM281 between Albion Road and Blossom Way as shown in drawing ITB15098-GA-051 Rev B; and
- Framework Travel Plan.

1.2.9 The Local Highway Authority provided a further highway consultation response on the Transport Assessment Addendum dated 8 October 2024. This response confirms that the LHA is now satisfied on highway and transport matters and that KCC do not consider that either of the highways based reasons for refusal represent sustainable grounds for objection. KCC Highways recommends “no-objection” to the proposed development subject to conditions and planning obligations to be secured in a Section 106 Agreement.

1.2.10 I approached the Local Highway Authority about producing a Transport Statement of Common Ground (TSoCG) for the Appeal Inquiry. The LHA have responded by saying that and at this time they do not believe that there is a need for a TSoCG because their previous objections/concerns have been overcome via the Transport Assessment Addendum. The LHA note that their 8 October consultation response will be available to the Inspector (as well as any other interested parties) and from this the Inspector should be able to clearly understand the LHA’s final position on the development proposal.

## 1.3 **Scope of Evidence**

### Transport Reasons for Refusal

1.3.1 Although there are two transport reasons for refusal based on the Local Highway Authority’s initial holding objection, these matters have now been agreed with the LHA. I would expect that in the absence of a Local Highway Authority objection that the Local Planning Authority (Maidstone Borough Council) would then drop these reasons for refusal.

1.3.2 However, it is understood from correspondence received on 23 October 2024 that the Local Planning Authority considers that RfR 4 has been dealt with by the appeal amendment and RfR3 has been dealt with by the appeal amendments in regard to pedestrians but will be maintained in a modified form in regard of cyclists. It is unclear what modified form of RfR3 the LPA will take given that the Local Highway Authority is satisfied on all highway matters including cycling. My evidence addresses the transport related reasons for refusal and how the transport and highway matters have been addressed with reference to the final consultation response from the LHA, but I reserve my right to provide rebuttal evidence when I understand the position of the LPA more clearly. Additionally, Marden Parish Council and third parties have raised a number of highway and transport issues with the Appeal scheme. As such, my evidence addresses specifically the highway and transport issues raised.

1.3.3 To assist the Inspector, my evidence refers where relevant to national and local transport planning policy context and clarifies the extent of the agreement with the Local Highway Authority, by reference to their final consultation response dated 8 October 2024 confirming no objection to the proposed development.

#### **Summary of Highway and Transport Issues**

1.3.4 I have summarised my interpretation of the alleged highway and transport issues associated with the Appeal scheme under the following key themes:

##### **Transport Impacts Along Albion Road**

- Relevant design guidance - Design Manual for Roads and Bridges is appropriate guidance for Albion Road;
- The baseline traffic / transport data is from 2022 and is now out of date with traffic flows along Albion Road being heavier;
- The proposed footway along Albion Road has insufficient width;
- A pedestrian crossing of Albion Road is needed;
- The carriageway width at the priority working along Albion Road is not wide enough for large agricultural vehicles such as combine harvesters;
- Visibility at the access junction will be impaired by foliage / hedgerows;
- Insufficient vehicle swept path analysis at private accesses along Albion Road;
- The Albion Road / Thorn Road / Plain Road junction is missing from the access drawings and is a dangerous junction; and

- The proposed development (development traffic and priority working for the footway) will cause major congestion on Albion Road and side roads.

#### **Other Transport Issues**

- Footpath KM281 has insufficient width; and
- A pedestrian / cycle access into the Seymour Drive development is needed from the north east corner of the site.

### **1.4 Structure of Evidence**

1.4.1 The remainder of my evidence is structured as follows:

- Section 2 – Local Highway Authority’s Final Consultation Response;
- Section 3 – Policy Context;
- Section 4 – Reasons for Refusal 3 and 4;
- Section 5 – Opportunities to Promote Sustainable Transport Modes;
- Section 6 – Transport Impacts on Albion Road;
- Section 7 – Other Transport Issues Raised;
- Section 8 – Planning Conditions and Obligations; and
- Section 9 – Summary and Conclusions.

## SECTION 2      Local Highway Authority's Final Consultation Response

- 2.1.1 The LHA provided its final highway consultation response dated 8 October 2024. This response confirms that the LHA is now satisfied on highway and transport matters and recommends "no-objection" to the proposed development subject to conditions and planning obligations to be secured in a Section 106 Agreement.
- 2.1.2 The LHA response notes that subsequent to the refusal of planning permission the appellant has been engaging with KCC Highways to address KCC's specific concerns. This has resulted in the applicant submitting a Transport Assessment Addendum in advance of the forthcoming Appeal Inquiry.
- 2.1.3 The LHA response confirms that they have reviewed the Transport Assessment Addendum and their position on the two transport reasons for refusal. A summary of the LHA's position is provided below:

### **Reason for Refusal 3**

- The appellant has revised their pedestrian access strategy, proposing to provide a new pedestrian link along the site frontage, rather than solely relying on a connection with public footpath KM821. KCC Highways consider the revised access strategy to be appropriate given how it would provide a direct and obvious link to Marden village centre;
- To facilitate the provision of this link the appellant is seeking to provide a priority working arrangement which would involve narrowing the carriageway for a reasonable distance;
- The appellant has provided a Stage 1 Road Safety Audit and supporting designer's response for all proposed highway works. The auditor's recommendations have been accepted and incorporated into the final design proposals;
- Additionally, the appellant has demonstrated that adequate levels of visibility can be achieved on approach to and between the give way markings. This has significance as it ensures highway users, including cyclists, have suitable levels of visibility to any stationary or oncoming vehicles;
- The acceptability of the proposed pedestrian access strategy has been demonstrated in technical terms; and

- On this basis, KCC Highways now consider that safe pedestrian access can be achieved. It is KCC Highway's expectation that the highway works are secured by an appropriately worded condition via a S278 agreement and delivered in advance of any occupations, in the interests of highway safety.

#### **Reason for Refusal 4**

- To reduce the extent of overrunning by refuse freighters the appellant has amended the primary site access to include additional widening. Although refuse freighters will still have to overrun adjacent traffic lanes to some degree, given their infrequent nature the design of the primary site access is acceptable;
- In accordance with KCC Highway's response of 23 October 2023 the appellant has sought to demonstrate the suitability of the proposed emergency access onto Copper Lane. Additional information provided includes a traffic survey to determine driven speeds along Cooper Lane. The results of this survey have been used to determine the necessary visibility sight lines, with drawing number: ITB15098-GA-057 titled 'Proposed Pedestrian/Cycle/Emergency on Copper Lane provided which demonstrates that they can be achieved in land within the control of the appellant, or existing highway boundary;
- The appellant has now provided all the traffic survey data that underpinned the conclusions of the original Transport Assessment. This has allowed KCC Highways to validate the findings of the Transport Assessment, including in relation to the suitability of the visibility sight lines from the primary site access and impact on nearby junctions; and
- To reflect the fact that construction of the development may be delayed the appellant has also provided revised capacity assessments for a future year of 2029. The results of these assessments support the conclusions of the Transport Assessment.

2.1.4 The LHA provides its summary / recommendation as follows:

***"Having reviewed the TAA the appellant has addressed this authority's previous concerns in a satisfactory manner. Therefore, KCC Highways do not consider that either of the highway based reasons for refusal represent sustainable grounds for objection."***

2.1.5 The LHA is therefore satisfied that the TAA addresses the pedestrian and cycle aspects of RfR3 and all matters contained within RfR4.

- 2.1.6 The LHA recommends a number of conditions are imposed upon any decision notice, should the Inspector be minded to grant planning permission. I anticipate that in advance of the Inquiry, MBC, KCC and the Appellant will have agreed a full list of conditions which will be supplied to the Inspector.

## SECTION 3 Policy Context

### 3.1 Introduction

3.1.1 The following documents are relevant to transport matters associated with the Appeal scheme:

- The Maidstone Borough Local Plan Review (MBLPR) 2021-2038 – March 2024;
- National Planning Policy Framework – December 2023; and
- National Planning Policy Framework - Emerging Draft – July 2024.

3.1.2 I discuss each one in turn.

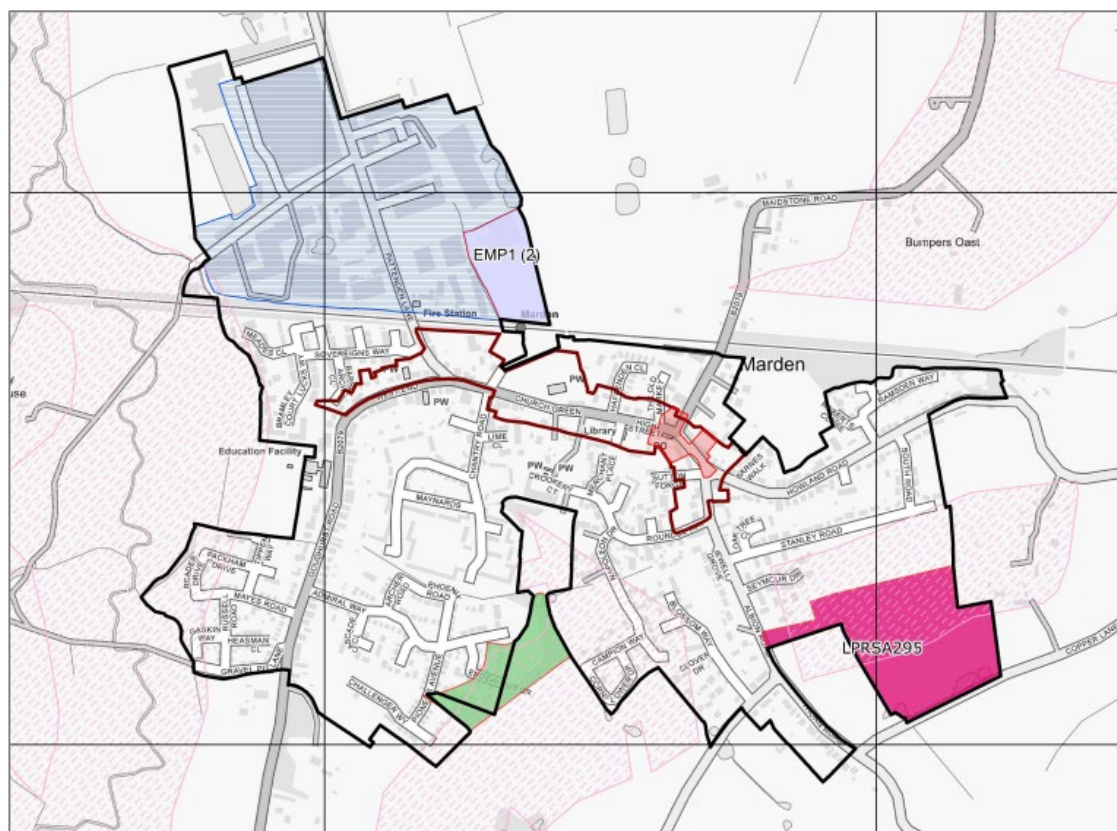
### 3.2 The Maidstone Borough Local Plan Review (MBLPR) 2021-2038 – March 2024

3.2.1 The Maidstone Borough Local Plan Review (MBLPR) 2021-2038 was adopted on 20 March 2024 and sets out the policies and plans to guide future development within the Borough until 2038.

3.2.2 The MBLPR allocates sites within Marden. Policy LPRSA295 - Land at Copper Lane and Albion Road, Marden is included as an allocation for the development of approximately 113 dwellings – an extract from the Local Plan Review policies map showing the site location is provided as **Image MCG3.1**. The policy states that a number of conditions are considered appropriate to be met before development is permitted. The access, highways and transportation conditions are as follows:

- Provision of suitable vehicular access to Albion Road that meet adequate capacity standards and safety provisions; and
- Development will be subject to the creation of safe pedestrian connections to the wider pedestrian network.

**Image MCG 3.1 Extract from the Local Plan Review - Location of the Policy LPRSA295 / Site**



**3.2.3** Policy LPRTRA2: Assessing the Transport Impacts of Development sets out that Transport Assessments and Travel Plans developed in accordance with KCC guidance will be expected to accompany all planning applications for new developments that reach the required threshold. The policy states that development proposals must:

***Demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual highway safety or capacity impacts:***

***Demonstrate that any measures necessary to mitigate the transport impacts (in terms of highway safety and capacity as well as air quality) of development are viable and will be delivered at the appropriate point in the proposed development's buildout. This will be ahead of first occupation for some measures and at an agreed trigger point for others;***

***Provide a satisfactory Transport Assessment for proposals that reach the required threshold and a satisfactory Travel Plan in accordance with the threshold levels set by Kent County Council's Guidance on Transport Assessments and Travel Plans and in Highways England guidance; and***

***Demonstrate that development complies with the requirements of policy TRA1 for air quality and the guidance included in the Kent County Council Kent Design Guide.***

- 3.2.4 The policy goes on to state that proposals for development will be permitted if adequate provision is made, where necessary and appropriate, within the overall design and site layout for the following facilities for public transport and active travel secured through legal agreements:

***Priority or exclusive provision for public transport vehicle access to or through the proposed development area;***

***Safe and convenient passenger waiting facilities, information systems and signed pedestrian access routes to public transport services;***

***Suitable provision for disabled access to public transport waiting facilities from all parts of the development area;***

***Suitable provision for disabled access onto buses from the waiting facilities;***

***Priority for pedestrians and vulnerable road users through design throughout the development;***

***Suitable provision for safe active travel connectivity connecting the site to the local area.***

***Development proposals will be considered in the context of both their impacts in terms of motor vehicle movements and overall sustainability. The impacts of development on the functionality of the highways network will be considered in the context of any sustainable transport gains that are proposed to accompany them.***

### 3.3 National Planning Policy Framework - December 2023

- 3.3.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 3.3.2 Promoting sustainable transport is covered in Section 9 of the NPPF (paragraphs 108 – 117). Paragraphs 114 – 117 consider development proposals.
- 3.3.3 Paragraph 114 states that:

***In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:***

***a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;***

***b) safe and suitable access to the site can be achieved for all users;***

***c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and***

***d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.***

3.3.4 Paragraph 115 states that:

***Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.***

3.3.5 Paragraph 116 states that:

***Within this context, applications for development should:***

***a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;***

***b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;***

***c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;***

***d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and***

***e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations.***

3.3.6 Paragraph 117 states that:

***All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.***

## 3.4 National Planning Policy Framework - Consultation Draft - July 2024

3.4.1 The Labour Government is proposing changes to the NPPF.

3.4.2 Promoting sustainable transport is covered in Section 9 of the consultation draft NPPF. The Government is concerned that at present, planning for travel too often follows a simplistic 'predict and provide' pattern, with insufficient regard for the quality of places being created or whether the transport infrastructure which is planned is fully justified. The Government believes that challenging the default assumption of automatic traffic growth, where places are designed for a 'worst case' peak hour scenario, can drive better outcomes for residents and the

environment. This approach is known as ‘vision-led’ transport planning and, unlike the traditional ‘predict and provide’ approach, it focuses on the outcomes desired, and planning for achieving them. To support this approach, the Government is proposing to make amendments to paragraphs 114 and 115 of the existing NPPF – see **Image MCG3.2** below

**Image MCG3.2– Extract from Consultation Draft NPP F amendments to paragraphs 114 and 115**

**Considering development proposals**

~~114.~~112. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) ~~appropriate opportunities~~ A vision led approach to promote promoting sustainable transport modes can be – or have been – taken up, given is taken, taking account of the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code<sup>49</sup>; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision led approach.

~~115.~~113. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in all tested scenarios.

**3.4.3** Both the Maidstone Borough Local Plan Review (MBLPR) 2021-2038 – March 2024 and the National Planning Policy Framework – December 2023 provide a clear framework against which I can assess the transport aspects of the Appeal scheme. Although a material consideration, given the Government’s proposed changes to the NPPF (July 2024) are only at consultation draft stage I would expect the Inspector to give limited weight to the emerging changes at paragraphs 114 and 115.

## SECTION 4 Reasons for Refusal 3 and 4

### 4.1 Introduction

4.1.1 Reasons for Refusal 3 and 4 are based on the additional information requested by the Local Highway Authority in its initial holding objection.

4.1.2 As set out in Section 2 of my Proof, following submission of the Transport Assessment Addendum the LHA's final consultation response dated 8 October 2024 confirms:

***"Having reviewed the TAA the appellant has addressed this authority's previous concerns in a satisfactory manner. Therefore, KCC Highways do not consider that either of the highway based reasons for refusal represent sustainable grounds for objection."***

4.1.3 Notwithstanding the above the Local Planning Authority still has not confirmed that the transport / highway reasons for refusal have been withdrawn. Therefore I undertake my own analysis of these reasons for refusal with reference to the Transport Assessment Addendum and the Local Highway Authority's final position on the development as recorded in its 8 October 2024 response.

4.1.4 Reasons for Refusal 3 and 4 cover a number of matters some of which interrelate across both reasons for refusal. As such, I have split the various elements of the reason for refusal as follows:

- Inadequate raw data for traffic survey (from RfR 4);
- Visibility splays at the Albion Road site access need recalculation with bonnet length accounted for (from RfR4);
- Absence of safe pedestrian and cycle access on Albion Road to access the services within the village of Marden (from RfR3);
- The proposed access arrangement shows that refuse freighters are not able to safely access or egress from the site without overrunning adjacent traffic lanes (from RfR 4);
- The Transport Assessment is deficient in that there is no Road Safety Audit (from RfR 4);
- Visibility splays at the Copper Lane pedestrian / cycle / emergency access (not a reason for refusal but referred to in KCC's initial holding objection);
- Trip generation data needs sensitivity testing (from RfR 4).

### 4.2 Inadequate raw data for traffic survey (from RfR 4)

4.2.1 The requested raw traffic survey data is included in Appendix B of the Transport Assessment Addendum. The LHA's final highway consultation dated 8 October 2024 notes that:

*Lastly, the appellant has now provided all the traffic survey data that underpinned the conclusions of the original Transport Assessment (TA). This has allowed KCC Highways to validate the findings of the TA, including in relation to the suitability of the visibility sight lines from the primary site access and impact on nearby junctions.*

4.2.2 I therefore consider that this aspect of the reason for refusal has been addressed.

4.3 **Absence of safe pedestrian and cycle access on Albion Road to access the services within the village of Marden (from RfR3), Visibility splays at the Albion Road site access need recalculation with bonnet length accounted for (from RfR4), The proposed access arrangement shows that refuse freighters are not able to safely access or egress from the site without overrunning adjacent traffic lanes (from RfR 4); The Transport Assessment is deficient in that there is no Road Safety Audit (from RfR 4)**

4.3.1 I believe that its more understandable to address the above matters as one.

4.3.2 The planning application did not originally include a footway link along Albion Road between the site and the existing footway network to the north.

4.3.3 To address KCC's concern over safe pedestrian and cycle access on Albion Road to access the services within the village of Marden, the appellant's design team undertook an optioneering exercise for a footway link along Albion Road. A number of options for the footway were investigated:

- Utilising the east side highway verge connecting the site with the existing footway network at the Albion Road / Seymour Drive junction – however the analysis identified deliverability constraints given topography, the requirement for a no-dig solution to protect the root protection area of trees along this section of Albion Road (requiring any footway solution to be raised) and needing to tie into a gated pedestrian access to Seymour Drive; and
- Utilising the west side highway verge connecting the site with the existing footway network at the Albion Road / Jewell Grove junction – however the analysis identified similar deliverability constraints relating to the requirement for a no-dig solution to protect the root protection area of trees along this section of Albion Road (requiring any footway solution to be raised) whilst also needing to maintain access to private driveways.

- 4.3.4 Having regard to the above the Albion Road site access and footway solution was developed further taking into account these constraints.
- 4.3.5 The highway scheme provides a proposed simple priority junction site access from the east side of Albion Road (suitable for a residential development), with a new footway on the east side of Albion Road providing a connection to the existing footway at the Albion Road / Seymour Drive junction to the north. The footway is achieved via a build out and priority working arrangement on Albion Road. The works are shown in drawing ITB15098-GA-060 Rev E and the visibility splay drawings ITB15098-GA-074 and ITB15098-GA-063D.
- 4.3.6 The proposed access from Albion Road will take the form of an all-purpose simple priority junction. The junction would have a kerbed radii of 10m. The access road carriageway width will measure 7m at its western end near Albion Road narrowing to 5.5m within the site. This improves turning and access for the occasional larger vehicles such as refuse vehicles.
- 4.3.7 Appendix H of the Transport Assessment Addendum provides the vehicle swept path analysis. A refuse vehicle can pass a car at the proposed site access junction. The wider access bellmouth significantly reduces the extent of overrunning of a large vehicle, but I acknowledge does not remove it entirely. The Local Highway Authority's final highway consultation dated 8 October 2024 notes that although refuse freighters will still have to overrun adjacent traffic lanes to some degree, given their infrequent nature the design of the primary site access is acceptable.
- 4.3.8 Visibility splays with the necessary adjustment for bonnet length in accordance with Manual for Streets are shown at the Albion Road site access as follows:
- 2.4m x 52m to the north; and
  - 2.4m x 47m to the south.
- 4.3.9 The Local Highway Authority's final highway consultation dated 8 October 2024 notes that the visibility provision is acceptable and this will be secured in the approved drawings and conditions.
- 4.3.10 Footways (2.0m wide) will be provided either side of the access road within the site. The southern footway terminates at the bellmouth of the junction but facilitates a dropped kerb crossing to access the west side of Albion Road and public footpath KM281. An uncontrolled crossing with dropped kerbs and tactile paving is provided across the bellmouth of the proposed access to enable safe pedestrian crossing.
- 4.3.11 The footway is proposed along the east side of Albion Road between the site and the existing footway network at the Albion Road / Seymour Drive junction to the north.

#### 4.3.12 Key aspects are summarised below:

- A 1.5m footway (wide enough for a wheelchair user to pass a pedestrian) except where tree or highway boundary constraints require a reduction to 1.2m (wide enough for a vision impaired person being guided or two ambulant pedestrians to pass). There is a very short section of narrower footway at the northern end to tie into the Albion Road / Seymour Drive junction which is wide enough for a wheelchair user;
- To achieve the footway, a priority working / build out providing narrowing for a length of circa 45m is proposed – priority to northbound traffic; and
- Width of carriageway through priority working / build out - as requested by the LHA a minimum carriageway width of 3.5m is provided to accommodate larger / agricultural vehicles and abnormal indivisible load vehicles, given the local context. There is white lining on each side of the carriageway to reduce the visual running width to 2.75m-3m. As the LHA note in its final consultation response when discussing the priority working – *"Additionally, the applicant has demonstrated that adequate levels of visibility can be achieved on approach to and between the give way markings. This has significance as it ensures highway users, including cyclists, have suitable levels of visibility to any stationary or oncoming vehicles."*

4.3.13 A Stage 1 Road Safety Audit with Designer's Response has been undertaken of the Albion Road site access and footway arrangement (Appendix I of the Transport Assessment Addendum) and there are no residual safety concerns with the access as proposed. The LHA's final highway consultation dated 8 October 2024 notes that the auditor's recommendations have been accepted and incorporated into the final design proposal.

4.3.14 **Appendix MCG2** provides a note prepared by FLAC regarding arboricultural input to the no-dig footway comprising cellular confinement system over tree root protection areas. The note:

- Addresses the loss of 4 trees (3027, 3028 and TG3007 (two trees) at the southern end of the footway scheme (located within the site / highway boundary) to address the safety audit comments through lowering the level of the footway; and
- Confirms that the combination of a no-dig design and otherwise traditional construction within the carriageway will safeguard the existing soil structure resulting in no impairment to tree root function and support. FLAC do not expect the footway to result in any measurable or permanent adverse impact upon any other trees.

- 4.3.15 In terms of street lighting, drawing ITB15098-GA-060 Rev E confirms that the footway and build out works are proposed to have street lighting with the details to be set out at detailed design stage. In my experience, it is normal for street lighting design to be undertaken at detailed design stage through the S278 process.
- 4.3.16 In my opinion, the Albion Road access and footway (build out / priority working) provide for safe and suitable access to the site for all modes. The Local Highway Authority's final highway consultation response dated 8 October 2024 confirms its agreement to this.
- 4.3.17 Public footpath KM281 is a highway / public right of way for walking. Surface improvements (tarmac / bitmac surface) and cutting back of the adjacent foliage / hedge to highway limits are proposed to the section of Footpath KM281 between Albion Road and Blossom Way to provide a 1.2m -1.5m footpath (wide enough for two pedestrians to walk side by side) and to enable all weather use - as shown in drawing ITB15098-GA-051 Rev B. I acknowledge the footpath is unlit and lacks natural surveillance which may deter some users. Nevertheless, I have walked it on a number of occasions during summer and winter months and it is an available route providing an alternative route between the site and the amenities in Marden (especially on the west / north west side such as the primary school and Marden rail station).

#### 4.4 **Visibility Splays at the Copper Lane – Pedestrian / Cycle / Emergency Access**

- 4.4.1 A pedestrian / cycle / emergency access from Copper Lane is proposed in the broad position of the existing field gate access. This access would have a width of 3.0m to enable emergency vehicle access to the site in the event that the proposed access is blocked. A removable bollard or similar would be installed to prevent car access. The informal passing place for vehicles travelling along Copper Lane at the field gate access is retained.
- 4.4.2 Visibility splays with the necessary adjustment for bonnet length in accordance with Manual for Streets are shown at the Copper Lane pedestrian / cycle / emergency access as follows:
- 2.4m x 51m to the east; and
  - 2.4m x 48m to the west.
- 4.4.3 The Local Highway Authority's final highway consultation dated 8 October 2024 notes that the visibility provision is acceptable and this will be secured in the approved drawings and conditions.

4.4.4 A Stage 1 Road Safety Audit with Designer's Response has been undertaken of the Copper Lane pedestrian / cycle / emergency access (Appendix K of the Transport Assessment Addendum) and there are no residual safety concerns with the access as proposed.

4.4.5 In my opinion, the Copper Lane pedestrian / cycle / emergency access provides for safe and suitable access to the site for these modes. The Local Highway Authority's final highway consultation dated 8 October 2024 confirms its agreement to the Copper Lane pedestrian / cycle / emergency access.

#### 4.5 Trip generation data needs sensitivity testing (from RfR 4)

4.5.1 Section 7 of the Transport Assessment Addendum discusses the traffic analysis and sensitivity testing.

4.5.2 The Local Highway Authority's initial holding response on the planning application noted that:

***"To derive the trip generation forecasts the applicant has interrogated the TRICS database focusing on sites in an 'edge of town' location. Whilst KCC Highways consider that the sites selected broadly reflect the development's locational characteristics there are concerns about the inclusions of TRICS sites ES-03-A-08, given how it is located in a larger town near to regular bus and train services. This contrasts to the development site which whilst near to a mainline train station with a good frequency of service, it limited bus services. Sensitivity testing should therefore be completed".***

4.5.3 The Transport Assessment Addendum includes a sensitivity test which removes site ES-03-A-08. I note that there is only a slight difference in the number of total person trips and no difference in vehicle trips between the proposed and sensitivity trip calculations. Consequently, the removal of TRICS site ES-03-A-08 has a negligible impact on the trip generation of the site, therefore, the proposed trip rates and subsequent trip generation in the Transport Assessment is representative of the proposed development site and thus suitable to be used in the traffic impact analysis.

4.5.4 To reflect the delay in the scheme, the Transport Assessment assessed a design year of 2029 (5 years after the Appeal date). I agree with the conclusions of the Transport Assessment Addendum that the development (development generated traffic and site access arrangements) will not have a significant impact on the operation of the local highway network (in terms of capacity, congestion and highway safety) and there is no need for the development to provide capacity improvements (as originally concluded in the Transport Assessment). The local highway network will operate acceptably in the future.

4.5.5 The LHA's final highway consultation dated 8 October 2024 confirms its agreement with this:

***“To reflect the fact that construction of the development may be delayed the appellant has also provided revised capacity assessments for a future year of 2029. The results of these assessments support the conclusions of the TA.”***

## 4.6 Summary

4.6.1 In summary, I consider that:

- All aspects of Reasons for Refusal 3 and 4 and the LHA’s initial holding objection have been addressed and overcome.; and
- The development meets the site specific transport requirements of Policy LPRSA295 - Land at Copper Lane and Albion Road, Marden as well as local and national transport planning policy requirements.

4.6.2 This accords with the LHA’s final consultation response dated 8 October 2024. This confirms that having reviewed the Transport Assessment Addendum the appellant has addressed KCC’s previous concerns in a satisfactory manner and KCC Highways do not consider that either of the highways based reasons for refusal represent sustainable grounds for objection subject to conditions and planning obligations.

## SECTION 5      Opportunities to Promote Sustainable Transport Modes

- 5.1.1 The Appeal site is located in the south eastern part of Marden.
- 5.1.2 I consider that there are good opportunities to promote sustainable transport modes for future residents of the proposed development.
- 5.1.3 The Maidstone Local Plan review 2021-2038 states that outside of Maidstone town centre and urban area, Rural Service Centres are considered to be highly sustainable settlements in Maidstone's settlement hierarchy. Marden is identified as a Rural Service Centre.
- 5.1.4 Marden has a number of employment opportunities as well as a wide range of local amenities and services including a primary school, shops, medical centre, library and rail station – see **Appendix MCG3**. KCC's initial consultation response notes that there are some local services and facilities within walking distance of the site, including a school, doctors, local shops and public house. In my opinion, the employment opportunities and amenities in Marden are within a reasonable walking and cycling distance of the site.
- 5.1.5 The new footway connection along the east side of Albion Road between the site and the existing footway network to the north at the Albion Road / Seymour Drive junction provides a safe and direct connection for pedestrians between the site and the amenities in Marden.
- 5.1.6 Pedestrian / cycle / emergency access is proposed from Copper Lane.
- 5.1.7 Public footpath KM281 is a highway / public right of way for walking. Surface improvements (tarmac / bitmac surface) and cutting back of the adjacent foliage / hedge to highway limits are proposed to the section of Footpath KM281 between Albion Road and Blossom Way to enable all weather use. Its limitations are noted in Section 4 of my evidence. Nevertheless I have walked it on a number of occasions during summer and winter months and it is an available and direct route providing an alternative route between the site and the amenities on the western / north western side of Marden including the primary school and Marden rail station.
- 5.1.8 **Appendix MCG4** provides a plan showing the public right of way network around Marden. In my view, both public footpath KM281 and the pedestrian / cycle / emergency access from Copper Lane provide good access from the site to the public right of way network, recreational walks and countryside around Marden.
- 5.1.9 Cycling is generally on carriageway within Marden, which I consider to be safe and appropriate.

- 5.1.10 Marden is served by bus services 22, 23 and 27 which provide a service approximately every two hours between Marden and Maidstone Monday to Saturday – see public transport timetables at **Appendix MCG5**. The bus service could be used by commuters, as well as for other journey purposes such as retail and leisure journeys.
- 5.1.11 Bus service 527 also serves Marden and provides access to a number of educational establishments including: Oakwood Park Grammar School, Mid Kent College (Oakwood Park Campus), St Augustine Academy and Saint Simon Stock Catholic School. The bus service runs from Marden (opposite the library) at 07:24, arriving in proximity to the schools at 08:15 in time for the school day. The bus service returns from the schools at 15:50, arriving in Marden at 16:24. The site access arrangements and off-site highway improvements ensure that there is appropriate pedestrian access to the bus stops on the B2079 / High Street and at Plain Road.
- 5.1.12 Marden rail station is situated on the B2079 and is accessible from the site for pedestrians and cyclists. The station is situated on the South East Main Line and provides regular services to high order destinations such as London, Tonbridge and Ashford.
- 5.1.13 The proposed highway and transport improvements ensure that there is appropriate pedestrian access to the local bus stops and Marden rail station.
- 5.1.14 The Framework Travel Plan accords with the LHA's requirements.
- 5.1.15 In summary, in my opinion the site benefits from good levels of accessibility and there are appropriate opportunities to promote sustainable transport modes at the Appeal site.

## SECTION 6      Transport Impacts on Albion Road

### 6.1      Introduction

6.1.1 I note that many comments from Marden Parish Council and third parties relate to transport impacts and issues along Albion Road. I have summarised my interpretation of these under the following broad headings:

- Relevant design guidance - Design Manual for Roads and Bridges is appropriate guidance for Albion Road;
- The baseline traffic / transport data is from 2022 and is now out of date;
- The proposed footway along Albion Road has insufficient width;
- A pedestrian crossing of Albion Road is needed;
- The carriageway width at the priority working along Albion Road is not wide enough for large agricultural vehicles such as large combine harvesters;
- Visibility at the access junction will be impaired by foliage / hedgerows;
- Insufficient vehicle swept path analysis at private accesses along Albion Road;
- The Albion Road / Thorn Road / Plain Road junction is missing from the access drawings and a dangerous junction; and
- The proposed development (development traffic and priority working along Albion Road) will cause major congestion on Albion Road and side roads.

6.1.2 I provide my assessment of these points below.

### 6.2      Relevant Guidance

6.2.1 Design Manual for Roads and Bridges (including CD 143 Designing for walking, cycling and horse-riding) is used for the design of the motorway and all-purpose trunk road network. Albion Road and the remainder of the highway network in Marden do not form part of the motorway or all purpose trunk road network. As such, in my opinion DMRB does not form an appropriate design standard for Albion Road and the remainder of the highway network in Marden.

6.2.2 Manual for Streets focuses on lightly-trafficked residential streets, but many of its key principles may be applicable to other types of street, for example high streets and lightly-trafficked lanes in rural areas. Manual for Streets 2 - wider application of the principles' is a companion guide to Manual for Streets. In my opinion, Manual for Streets / Manual for Streets 2 provides relevant design guidance in relation to the highway network in Marden. Extracts from Manual for Streets (and Inclusive Mobility which is referred to in MfS) are provided at **Appendix MCG6**. In addition, there is relevant guidance in the Traffic Signs Manual and Local Transport Notes.

6.2.3 I note that paragraph 1.4.5 of MfS states that although MfS provides guidance on technical matters, local standards and design guidance are important tools for designing in accordance with the local context. The Kent Design Guide and its supplementary guidance note provides local design guidance and is confirmed as a saved document in the adopted Maidstone Local Plan Review 2021 - 2038. It is the Local Highway Authorities that are responsible for setting design standards / guidance for their roads.

### 6.3 The baseline traffic / transport data is from 2022 and is now out of date

6.3.1 Third parties have commented that the 2022 traffic data (used in the Transport Assessment and Transport Assessment Addendum) was undertaken at a time of Covid and traffic flows in 2024 will have changed and are likely to be significantly higher due to other new developments in the local area.

6.3.2 Firstly, the traffic data was collected in February and June 2022. The traffic surveys were undertaken outside of any school and/or public holiday periods and at a time out of Covid restrictions. It would be quite normal to be able to rely on traffic data that is less than 3 years old. Indeed, the Local Highway Authority has been content with the use of 2022 base traffic data.

6.3.3 Notwithstanding this, manual classified traffic counts were carried out on Thursday 26th of September 2024, covering the main junctions along Albion Road including:

- Albion Road / Stanley Road;
- Albion Road / Seymour Drive;
- Albion Road / Plain Road; and
- Albion Road / Howland Road / High Street.

6.3.4 The survey results are provided at **Appendix MCG7**.

6.3.5 I have compared the September 2024 (Thursday) and June 2022 (Thursday) traffic flows on Albion Road (at a location between the Seymour Drive and Plain Road junctions ie along the site frontage) - see **Table MCG6.1**.

**Table MCG6.1: Albion Road – Traffic Flows – 2022 Compared with 2024**

Direction	2022 AM Peak Hour)	2024 AM Peak Hour	Difference
Nbound	84	97	+13
Sbound	93	107	+14
Two-Way	177	204	+27
	2022 PM Peak Hour	2024 PM Peak Hour	
Nbound	100	104	+4
Sbound	105	83	-22
Two-Way	205	187	-18

Source: Traffic Surveys

6.3.6 The surveys show that along Albion Road:

- During a Thursday morning peak hour the 2024 traffic flows are slightly higher than 2022 (2024 - 204 vehicles, an increase of 27 vehicles (1 every two minutes) over 2022 (16%);
- During a Thursday evening peak hour the 2024 traffic flows are slightly lower than 2022 (2024 - 187 vehicles, a decrease of 18 vehicles (1 every three minutes) over 2022 (-9%); and
- During a Thursday combined morning / evening peak hour the 2024 traffic flows are broadly the same as 2022 (2024 – 391 – an increase of only 9 vehicles over 2022 (2%)

6.3.7 Traffic flows are never the exact same over any two days. The differences are within typical daily fluctuations in traffic flow. I conclude that the 2024 traffic flows are broadly similar to the 2022 flows. Any differences will not be material or change the conclusions of the traffic analysis in the Transport Assessment / Transport Assessment Addendum.

6.3.8 Traffic flows across the remainder of a weekday (outside of morning and evening peak hour periods) is significantly lower and a weekend day has a lower peak hour traffic flow than a weekday peak hour.

6.3.9 Third party comments have referred to the on-street parking that occurs along Albion Road (notably outside Albion Cottages which have no off-street parking just to the north of the Stanley Road junction). Appendix C of the Transport Assessment Addendum provides the results of the parking beat surveys which were undertaken along Albion Road on Thursday 1st October and Saturday 3rd October 2020. At the time of the survey, Kent was placed in a 'medium' covid tier; restriction prevented mixing with more than 6 people in or outside, all shops were open, all schools were open, and people were advised to work from home where possible. Therefore, as the on-street parking mainly relates to residential parking the parking surveys are robust.

6.3.10 Notwithstanding this, new on-street parking survey data on Albion Road has been obtained in September on the day of the traffic survey concentrating on the area around Albion Cottages and between Stanley Road and Seymour Drive. The results are provided at **Appendix MCG7** and summarised below:

- 07:00 – 3 vehicles;
- 07:30 – 2 vehicles;
- 08:00 – 3 vehicles;
- 08:30 – 3 vehicles;
- 09:00 – 3 vehicles;
- 09:30 – 2 vehicles;
- 10:00 – 3 vehicles;
- 16:00 – 2 vehicles;
- 16:30 – 2 vehicles;
- 17:00 – 2 vehicles;
- 17:30 – 2 vehicles;
- 18:00 – 3 vehicles;
- 18:30 – 3 vehicles; and
- 19:00 – 3 vehicles.

6.3.11 Additionally, I undertook a parking beat survey on Tuesday 1 October covering the length of Albion Road between High Street and Plain Road - the results are provided at **Appendix MCG7** and summarised below:

- 07:50 - 6 vehicles parked on-street along Albion Road (3 of which were outside Albion Cottages); and
- 09:24 - 6 vehicles parked on-street along Albion Road (3 of which were outside Albion Cottages and 1 of which was between Stanley Road and Seymour Drive).

6.3.12 The 2024 surveys show similar levels and locations of on-street parking along Albion Road when compared to the 2021 surveys.

6.3.13 In summary, I agree that the surveys (2021 and 2024) show that there is some on-street parking along Albion Road north of the site (notably in front of Albion Cottages) the level of which varies through the day but is at its greatest when residents are not at work (ie evenings, overnight and early in the morning). However, Albion Road is lightly trafficked and operates acceptably, safely and well within capacity and without material delays.

#### 6.4 **The proposed footway along Albion Road has insufficient width**

6.4.1 Along the site access road 2.0m wide footways are proposed as there are no physical constraints. Manual for Streets discusses the Department for Transport document Inclusive Mobility which confirms that the 2.0m allows enough space for two wheelchair users to pass, although this would be an extremely rare occurrence.

6.4.2 Manual for Streets confirms that footway widths can be varied between different streets to take account of pedestrian volumes and composition. Site visits confirm that people do currently walk along Albion Road past the site frontage – from the September 2024 survey it was established that along Albion Road (north of Seymour Drive) there were 23 pedestrians in the morning peak hour and some 8 pedestrians in the evening peak hour. The development is expected to generate up to around 18 pedestrian movements in a weekday peak hour and some 113 across a weekday (12 hours – 07:00 – 19:00). Therefore even at its busiest times I estimate that less than 1 pedestrian a minute would be using the proposed footway along Albion Road which in practice is a very low volume of pedestrian movements. Traffic flows along Albion Road are relatively low, with low levels of heavy goods / large vehicle movements and average speeds of circa 25-28mph. As such, it is not necessary to consider additional footway widths due to traffic flow conditions along Albion Road.

6.4.3 Between the site access (north side bellmouth) and the Seymour Drive junction the footway has a length of around 64m. The majority of the footway is 1.5m wide provided in two sections - the width of the southern section of 1.5m footway (situated just north of the site access and extending for around 10m) is limited by physical constraints of the levels, the need to provide landscape mitigation and the highway / site boundary. The width of the northern section of 1.5m footway (situated at the northern part of the priority working and extending for around 25m) is limited by the required carriageway width through the priority working, the highway boundary and the requirement to not impact on the root protection area of nearby trees.

Inclusive Mobility confirms that a 1.5m footway should enable a wheelchair user and a walker to pass each other. Manual for Streets also confirms that a 1.5m width is wide enough for a pedestrian to walk side by side with a pedestrian pushing a pram.

6.4.4 There is a section of footway at the southern end of the priority working for a length of around 22m that has a variable width – the narrowest part being 1.2m but for most of that section it is wider (1.3m – 1.4m). Its width is limited by the required carriageway width through the priority working, the requirement to not impact on the root protection area of nearby trees and the highway boundary. A 1.2m wide footway is wide enough for:

- A single pedestrian to pass (0.6m);
- A pedestrian with a walking aid to pass (0.75m);
- A disabled person with a guide dog to pass (1.1m);
- A pedestrian with a child to pass (1.2m);
- A visually impaired person who is being guided to pass (1.2m); and
- Two ambulant pedestrians to pass (1.2m).

- 6.4.5 Additionally, Inclusive Mobility confirms that the 95th%ile width for an electric/ powered wheelchair is 706mm and for a manual wheelchair it is 702mm. IM goes on to state that the ISO standard for wheelchairs (ISO 7193) notes that propelling a wheelchair manually needs a minimum clearance of 50mm, and preferably 100mm, on both sides. I conclude that for a wheelchair user there is an absolute minimum width of 802mm and a preferable minimum width of 902mm. The entire length of the proposed footway (including the 2m long section which is around 1m wide to tie into the footway at the Seymour Drive junction to the north – width limited by the extent of the S38 adoption agreement for Seymour Drive and in line with Inclusive Mobility guidance that narrowing to an absolute minimum of 1m is appropriate for sections less than 6m) accommodates these absolute minimum and preferable minimum widths for a wheelchair user.
- 6.4.6 Of course, there may be occasions when a wheelchair user or someone pushing a pram may wish to pass a pedestrian at the short section of footway narrower than 1.5m. It is noted that on this section there is an existing pedestrian / gated access into the Seymour Drive development providing a minimum 1.5m passing place meaning that the maximum distance where a 1.5m width isn't available is around 18m. There is uninterrupted intervisibility along this section for footway users. As set out above the frequency of pedestrian movements is in reality low. The frequency of wheelchair users / prams wishing to pass pedestrians on the new footway will in reality be low so it will be only be occasionally when a wheel chair user will want to pass a pedestrian on the new footway and an even rarer occasion that they wish to pass on the short section of the new footway that is less than 1.5m wide. In this rare occasion then I would anticipate the pedestrian or the wheelchair user to wait for a matter of seconds to pass in the 1.5m footway.
- 6.4.7 The Kent Design Guide discusses Major Access Roads and has a minimum recommended footway width of 1.2m. It makes it clear that all figures are for guidance design specification should be guided by local context and agreed with the local authority. This is precisely the exercise that has been undertaken. In terms of local context, this section of Albion Road currently has no footway and as referenced above pedestrians do use it so the proposed footway will provide improvement. The proposed footway width does satisfactorily accommodate the expected movements and its width is not unusual and there are many examples of footways in Marden and the remainder of Kent where comparable width is provided.

6.4.8 Finally, comments have been raised that at the northern end a section of the footway is 30cm above the level of the carriageway and this may cause edge shyness. This section of footway has a width of 1.5m and is only for a short length (dropping back to standard kerb heights either side). It is not possible to lower this short section of footway due to the necessary no dig solution at the northern end of the footway (to avoid impacting on the root protection area of a third party tree -tree 3019). In my opinion a 30cm difference between footway surface and carriageway is not great and will not cause edge shyness and the double kerbing will give some set back from the carriageway (the risks of a user encroaching over the edging of the proposed footway is no greater than on any footway) and even if it did cause an element of edge shyness for this short section there is sufficient width for two pedestrians to walk side by side or a wheelchair user to pass away from the footway edge.

6.4.9 In summary, I conclude that the proposed footway is safe and suitable providing appropriate access to the site. With reference to the Local Highway Authority's final highway consultation response dated 8 October 2024 the Local Highway Authority agrees with this "on this basis KCC Highways now consider that safe pedestrian access can be achieved."

## 6.5 **A Pedestrian Crossing of Albion Road is Needed**

6.5.1 A number of comments have been raised stating that given the increased pedestrian usage to be expected along Albion Road as a consequence of the proposed scheme, the appeal should be rejected unless a controlled pedestrian crossing is provided in an appropriate location between the proposed vehicular / pedestrian access and the village centre.

6.5.2 As set out above, the development is expected to generate up to around 18 pedestrian movements in a weekday peak hour and some 113 across a weekday (12 hours – 07:00 – 19:00). In real terms these pedestrian flows are not large.

6.5.3 I note that the LHA has not requested a controlled pedestrian crossing on Albion Road.

6.5.4 Traffic Signs Manual, Chapter 6, section 13 discusses suggested criteria for use when assessing the provision of stand-alone crossings. Sub section 13.5 discusses crossing difficulty stating that it may be assessed by considering the number of gaps in the traffic flow which are acceptable to pedestrians, and the delay to pedestrians caused by having to wait for an acceptable gap. An acceptable gap from kerb to kerb, or kerb to refuge, varies from person to person. A gap of 4 - 6 s may be acceptable at normal urban traffic speeds, and shorter gaps where traffic is slower.

6.5.5 The future peak hour future traffic flow on Albion Road (two way) south of the High Street junction is around 364 vehicular movements (two way). The average gap in seconds between vehicles is therefore 9.89 seconds ( $3,600 / 364$ ). The width of the Albion Road carriageway is around 5.5m. Assuming a walking speed of 1.4m/s or 5kph (IHT – Providing for Journeys on Foot, 2000), it would take the average pedestrian around 4 seconds to cross Albion Road in the proposed location. This crossing time is less than the average gaps summarised above - this therefore provides 'acceptable' gaps and immaterial delay to pedestrians in the context of Traffic Signs Manual, Chapter 6, section 13.5.

6.5.6 In my opinion a controlled pedestrian crossing on Albion Road is not justified and I am not surprised that it has not been requested by the Local Highway Authority for this reason.

## 6.6 The carriageway width at the priority working along Albion Road is not wide enough

6.6.1 The proposed 3.5m carriageway width allows for larger vehicles / abnormal indivisible load vehicles and the majority of agricultural vehicles, given the local context. The priority working scheme includes white lining on each side of the carriageway to reduce the visual running width to 2.75m-3m.

6.6.2 The Seymour Road residents objections list a number of vehicles that should be accommodated stating that a large tractor measures 2.75m at its widest point, a tractor with a mounted or towed equipment measures a maximum width of 3 metres and Kent and Fire Resue state that 3.1m is the minimum required for fire engine to pass through. The proposed 3.5m carriageway is wide enough for all these vehicles to pass through.

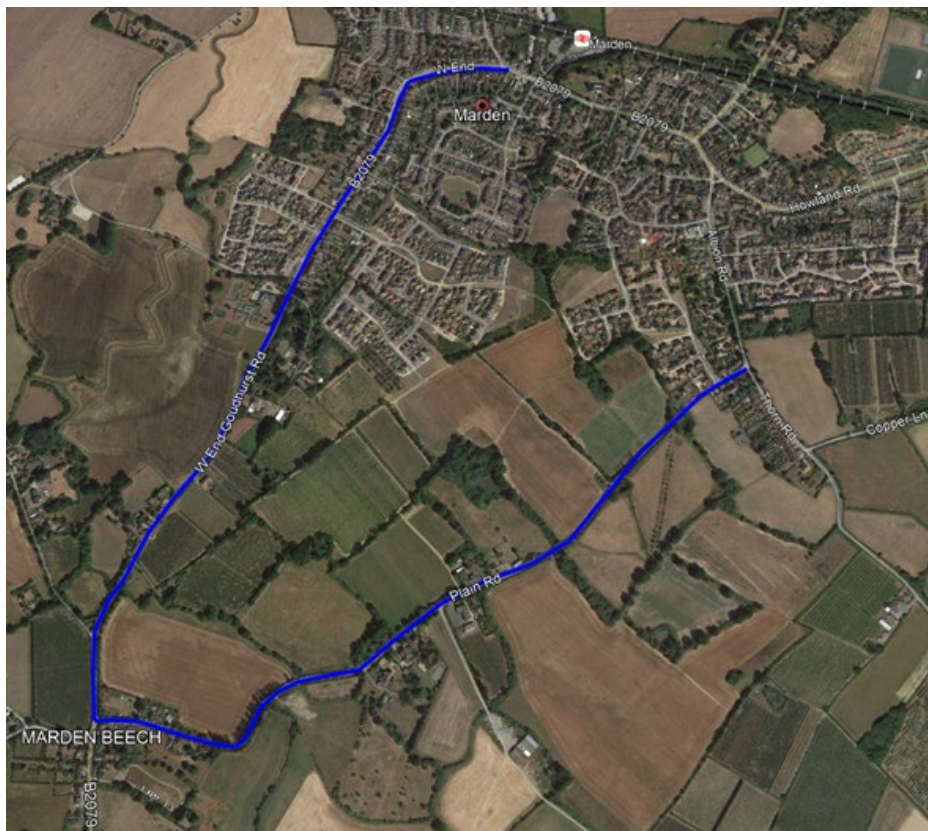
6.6.3 The priority working provides adequate levels of visibility on approach to and between the give way markings. ensures highway users, including cyclists, have suitable levels of visibility to any stationary or oncoming vehicles. This is a matter agreed by the LHA as set out in their final consultation response.

6.6.4 The priority working on Albion Road is expected to be self-enforcing in terms of preventing on-street parking on this section of Albion Road. I note that the LHA has not sought any financial contributions to fund traffic regulation orders to control on-street parking along Albion Road (or Copper Lane) so KCC Highways do not think they are necessary.

6.6.5 I have read comments that large combine harvesters wider than 3.5m also route along this section of Albion Road to get to areas to the north of Marden.

- 6.6.6 The on-street parking that occurs along the east side of Albion Road north of the site has been discussed earlier in this section – there is some on-street parking along Albion Road north of the site (notably in front of Albion Cottages) the level of which varies through the day. My site visits have revealed that there has always been at least 1 vehicle parked outside Albion Cottages and this is corroborated by the 2021 and 2024 parking surveys. Therefore the regular on-street parking that occurs along Albion Road to the north of the site already reduces the effective width of the carriageway to a level that may prevent vehicles wider than 3.5m from passing in any event.
- 6.6.7 Large combine harvester movements would typically be limited to harvest time and a relatively low frequency across a year. I note that there is an alternative route available to a large combine harvester >3.5m which is from the Albion Road / Plain Road junction using Plain Road and then the B2079 into the village centre and areas to the north of Marden – see **Image MCG6.1** below

**Image MCG6.1 Alternative Route Vehicles >3.5m Width**



- 6.6.8 Given the low frequency of trips across a year for a large combine harvester >3.5m wide, I would suggest that this alternative route is acceptable.

## 6.7 **Visibility at the access junction will be impaired by foliage / hedgerows**

- 6.7.1 The plan showing the existing highway maintainable at the public expense along this section of Albion Road is provided at **Appendix MCG8**.
- 6.7.2 The topographical survey which the site access drawings are based on shows the vegetation, hedges and trees along Albion Road north of the site.
- 6.7.3 As set out earlier in my proof, the Albion Road access and footway scheme does require the removal of trees TG3007, 3027 and 3028 (which fall within either the site boundary or highway boundary) to address safety audit comments.
- 6.7.4 The Proposed Albion Road All Purpose Access and Footway – Visibility Drawings - Drawing ITB15098-GA-074 and Drawing ITB15098-GA-063 Rev D show the amount of vegetation and hedges that require removing along the site frontage and north of the site to achieve the visibility splays. The vegetation and hedge fall within either the site boundary or highway boundary and as such its removable is deliverable.
- 6.7.5 The Local Highway Authority's suggested conditions include one relating to visibility splays - Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.05 metres above carriageway level within the splays, or 0.6 metres where a footway crosses the access, prior to the use of the site commencing.
- 6.7.6 This therefore addresses the point regarding foliage and hedges in visibility splays.
- 6.7.7 I have also read comments that the hedge / foliage along Albion Road will have seasonal growth and reduce the effective width of the Albion Road footway. Of course, I acknowledge in the summer months that foliage / hedges do grow. However, I also note that one of the requirements of the Highways Act 1980 is that a public highway should be kept clear of obstructions. Specifically, section 154 of the Act gives the highway authority powers to require the removal or cutting back of trees, shrubs and hedges that obstruct or endanger highway users. As such, it is reasonable to expect the full width of the footway and the public footpath to be available for pedestrian movement.

## 6.8 **Insufficient vehicle swept path analysis at private accesses along Albion Road**

- 6.8.1 The comments note that the swept path analysis of a car and fire appliance that has been undertaken at Jewel House but suggest that additional swept path analysis should be undertaken.

6.8.2 Additional swept path analysis is provided at **Appendix MCG9**. These show that the following vehicles can access the property satisfactorily:

- 3.5T 5.35m courier van; and
- 4.6T 6m van;

6.8.3 A larger 8m long van (occasional vehicle) can also access the property satisfactorily with minimum body over run of the verge / footway which is considered acceptable given its infrequent nature.

6.8.4 Through its no objection, the Local Highway Authority is also satisfied with access to private properties including Jewell House.

## 6.9 **The Albion Road / Thorn Road / Plain Road junction is missing from the access drawings and is a dangerous junction**

6.9.1 The Albion Road / Thorn Road / Plain Road junction is located approximately 80m to the south of the proposed access junction (centre line to centre line).

6.9.2 I acknowledge that the general arrangement drawing of the site access ITB15098-GA-060 Rev E does not show the Albion Road / Thorn Road / Plain Road junction – this was because it was showing the detail of the access junction itself and the footway / priority working to the north.

6.9.3 However, visibility drawing ITB15098-GA-063 Rev D which is included in the Transport Assessment Addendum does show both the site access junction and the Albion Road / Thorn Road / Plain Road junction.

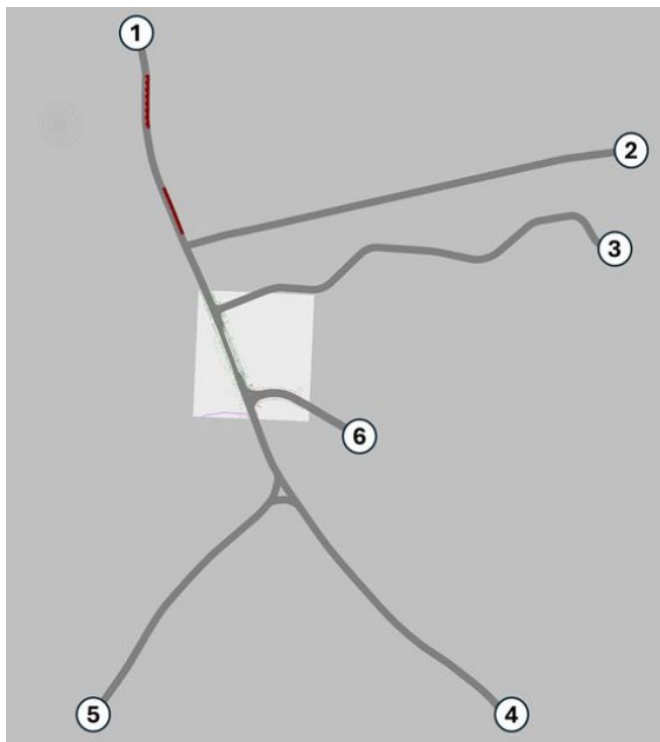
6.9.4 For the avoidance of doubt, I, the design team, the safety audit team and the Local Highway Authority are aware of the proximity of the site access junction and the Albion Road / Thorn Road / Plain Road junction.

6.9.5 Third parties suggest that the Albion Road / Thorn Road / Plain Road junction is a dangerous junction. I note that the personal injury accident (PIA) data obtained from KCC for the five-year period (between 01-04-2019 and 31-03-2024) does not show any recorded injury accidents at the junction or along Albion Road in the vicinity of the site for that matter.

## 6.10 The proposed development (development traffic and priority working for the footway) will cause major congestion on Albion Road and side roads

- 6.10.1 I note that third parties are concerned that the Albion Road site access and footway solution (introducing a priority working build out to accommodate the footway (priority to northbound traffic) between the site access and the Seymour Drive junction) combined with additional traffic generated by the development and the existing on-street parking will lead to unacceptable queuing congestion and delay to traffic using Albion Road and side roads.
- 6.10.2 To address this matter (and notwithstanding the Local Highway Authority's satisfaction that the development will not led to unacceptable traffic impacts), I have commissioned a microsimulation traffic model of the Albion Road corridor.
- 6.10.3 Microsimulation models simulate the behaviour of each individual vehicle. This approach allows a detailed representation of the network inclusive of features such as individual lanes, junctions, pedestrian crossings, bus stop, on-street parking, priority workings and all other on street parameters.
- 6.10.4 Microsimulation is an appropriate tool for this project as the model will be able to accurately represent the on-street parking that occurs and forecast give-way behaviours at the proposed new priority working section of Albion Road and provide a number of numerical outputs, including effects on delays and journey times across the corridor, and queue lengths from each end of the proposed section, which in turn will be able to present risks of any blocking back to adjacent junctions and associated impacts on the minor arms included within the model extent.
- 6.10.5 The Albion Road microsimulation traffic model report is provided at **Appendix MCG10**.
- 6.10.6 The study area covers approximately 500 meters of Albion Road, including the Albion Road and Stanley Road junction, as well as the Albion Road and Seymour Drive junction and Albion Road and Plain Road junction as well as the proposed access / priority working section – see **Image MCG6.2** below.

**Image MCG6.2 Model Extent / Study Area**



Note: The with development model also includes the site access and Albion Road priority working

#### 6.10.7 In summary:

- A 2024 base model has been produced. Results of the validation and calibration process (using the 2024 traffic survey data) show that the model achieves a pass rate of 100% for manual classified turn count calibration for both scenarios; morning and evening, and journey times demonstrate a very close correlation to the observed which exceeds the requisite industry standards for calibration and validation as defined in WebTAG. Hence, this suggests that the model accurately reflects observed data and observed on-street traffic behaviour, making it a reliable and robust baseline for development impact testing;
- The following scenarios have been assessed:
  - 2024 Base;
  - 2029 Reference (5 years after the appeal date but without the Development); and
  - 2029 with Development;
- The 2029 base / reference case has been compared with the 2029 with development scenario – key results are summarised below:
- Journey Times
  - During the morning peak hour, the expected impact on journey times along Albion Road show a 13 second increase southbound and 3 second increase northbound (primarily as a result of the priority working arrangement);
  - During the evening peak hour, the expected impact on journey times along Albion Road show a 11 second increase southbound and 5 second increase northbound (primarily as a result of the priority working arrangement);
- Level of Service (LOS)
  - For all junctions in both 2029 and 2029 with development the predicted LOS across all junctions, including the new junction at the proposed site access, remains at LOS A – free flow operation. This suggests that the junctions will operate acceptably and the proposed site access, the inclusion of the development traffic flow, and the one-lane partial removal on Albion Road are not expected to affect the junctions' performance during both morning and evening peak hours;

- During the morning peak hour, the largest changes occur on the southbound approach to the Albion Road /Seymour Drive junction, where approach delays are expected to rise slightly, from 0.24 seconds to 4.47 seconds; and
  - During the evening peak hour, approach delays also increase on the south bound approach to the Albion Road/Seymour Drive junction, with delays expected to rise from 0.3 seconds to 3.66 seconds.
- Maximum Queues
    - During the morning peak hour, results indicate that no material queueing is expected at any stop line at the junctions. However, some queueing is anticipated at the proposed priority working section on Albion Road, with average queue lengths of 1 vehicle southbound and 0 vehicles northbound (and a maximum queue length of 5 vehicles for the southbound direction and 3 vehicles for the northbound direction);
    - Similarly, in the evening peak hour, some queueing is anticipated at the proposed priority working section on Albion Road, with average queue lengths of 1 vehicle southbound and 0 vehicles northbound (and a maximum queue length of 6 vehicles and 2 vehicles for the southbound and northbound direction respectively; and
    - Queues are not forecast to build up on the Seymour Drive exit to Albion Road.

**6.10.8** Overall, the assessment indicates that the inclusion of development flows, the new site access, and priority working on Albion Road would not materially affect highway network performance along Albion Road and side roads or overall journey times.

**6.10.9** I conclude that the impact of development (development generated traffic and the site access / priority working) will not have a significant impact on the operation of Albion Road. Traffic will flow acceptable without material queueing / delay and any impacts fall short of the severe test.

**6.10.10** With the Local Highway Authority no objection to the development, this is a position that KCC Highways agrees with.

## SECTION 7 Other Transport Issues Raised

7.1.1 The other transport issues raised by third parties are discussed below.

### Footpath KM281 has insufficient width

7.1.2 I discuss this earlier in my evidence.

7.1.3 Public footpath KM281 is a highway / public right of way for walking. I have walked footpath KM281 on a number of occasions in winter and summer months and I confirm it is an available route providing an alternative route between the site and the amenities in Marden for many future residents at the Appeal site. Surface improvements and cutting back of the adjacent hedge to highway limits are proposed to the section of Footpath KM281 between Albion Road and Blossom Way to encourage year round use. When the foliage / hedges are cut back to the highway limits it has a width of 1.2m – 1.5m which is wide enough for two pedestrians to walk side by side. Of course, I acknowledge in the summer months that hedges do grow. However, I also note that one of the requirements of the Highways Act 1980 is that a public highway should be kept clear of obstructions. Specifically, section 154 of the Act gives the highway authority powers to require the removal or cutting back of trees, shrubs and hedges that obstruct or endanger highway users. As such, it is reasonable to expect the full width of the public footpath to be available for pedestrian movement.

### A pedestrian / cycle access into the Seymour Drive development is needed from the north east corner of the site.

7.1.4 I have seen comments suggesting that a pedestrian cycle access into the Seymour Drive development is needed from the north east corner of the site. In my opinion, this is not necessary because:

- Marden's amenities and employment is largely situated to the north west / west of the site thus putting the proposed Albion Road footway and public footpath KM281 on the desire line for these movements;
- There is a reasonable walk distance between the proposed properties and the properties on Seymoure Drive via Albion Road; and
- A footway / cycleway connection is not deliverable by the appellant in this location due to third party land.

7.1.5 I note that the Local Highway Authority has not requested such a link in their responses on the application.

## SECTION 8      Planning Conditions and Obligations

- 8.1.1 I anticipate that in advance of the Inquiry, MBC, KCC and the Appellant will have agreed a list of conditions which will be supplied to the Inspector.
- 8.1.2 In terms of highway works, the Appellant will deliver:
- The Albion Road all purpose access and new footway connection along Albion Road between the site and the existing footway at the Albion Road / Seymour Drive junction as shown in drawing ITB15098-GA-060 Rev E and the visibility splay drawings ITB15098-GA-074 and ITB15098-GA-063D; and
  - The Copper Lane – Pedestrian / Cycle / Emergency Access as shown in drawing ITB15098-GA-057 Rev B.
- 8.1.3 The appellant will provide a financial contribution of £7,500 for KCC to deliver the proposed surface improvements to public footpath KM281 as shown in drawing ITB15098-GA-051 Rev B – contribution to be secured in a Section 106 agreement.
- 8.1.4 The Appellant will also implement the approved Framework Travel Plan prior to first occupation of the development including a programme clearly setting out when the measures will be implemented (including those required prior to first occupation).
- 8.1.5 It is envisaged that the Section 106 agreement and CIL compliance statement will be submitted to the Inspector in advance of the Inquiry.

## SECTION 9 Summary and Conclusions

### 9.1 Summary

9.1.1 My name is Mark Christopher Gimingham. I have an Honours Degree (BA) in Town and Country Planning and I am also a Bachelor of Town Planning. I am a Chartered Member of the Institute of Logistics and Transport as well as a Member of the Chartered Institute of Highways and Transportation. I am a Partner of i-Transport LLP.

9.1.2 The application was refused on 22nd December 2023. The two transport / highway reasons for refusal are set out below for ease of reference:

***RfR 3 – “Due to the absence of safe pedestrian and cycle access on Albion Road to access the services within the village of Marden, the residents are likely to be reliant on the private motor vehicle to travel for access to day-to-day needs. This would be contrary to the aims of sustainable development as set out in Policies SS1, SP17, SP23 and DM1 of the Maidstone Borough Local Plan, policy In2 of the Marden Neighbourhood Plan, the National Planning Policy Framework and the objectives of Active Travel England to secure good walking, wheeling and cycling infrastructure”.***

***RfR 4 – “The proposed access arrangement shows that refuse freighters are not able to safely access or egress from the site without overrunning adjacent traffic lanes. The Transport Assessment is deficient in that is no Road Safety Audit, there is inadequate raw data for traffic survey, visibility splays need recalculation and trip generation data needs sensitivity testing. The development is contrary to the NPPF which requires safe and suitable access to be achieved for all users and to policies DM1 and DM21 of the Maidstone Borough Local Plan 2017 and policy In3 of the Marden Neighbourhood Plan”.***

9.1.3 Since the planning refusal, the Appellant has been discussing the two transport related reasons for refusal with the Local Highway Authority. A Transport Assessment Addendum (report reference ITB15098-106, dated 18 September 2023) was submitted for public consultation by B.Yond Homes in September 2024. The package of highway and transport improvements set out in the TAA is summarised below:

- The Albion Road all purpose access and new footway connection along Albion Road between the site and the existing footway at the Albion Road / Seymour Drive junction as shown in drawing ITB15098-GA-060 Rev E and the visibility splay drawings ITB15098-GA-074 and ITB15098-GA-063D;
- The Copper Lane – Pedestrian / Cycle / Emergency Access as shown in drawing ITB15098-GA-057 Rev B;
- Surface improvements (bitmac / tarmac surface) to public footpath KM281 between Albion Road and Blossom Way as shown in drawing ITB15098-GA-051 Rev B; and

- Framework Travel Plan.

9.1.4 The Local Highway Authority provided a further highway consultation response on the Transport Assessment Addendum dated 8 October 2024. This response confirms that the LHA is now satisfied on highway and transport matters and that KCC do not consider that either of the highway based reasons for refusal represent sustainable grounds for objection. KCC recommends “no-objection” to the proposed development subject to conditions and planning obligations to be secured in a Section 106 Agreement.

9.1.5 Although there are two transport reasons for refusal based on the Local Highway Authority’s initial holding objection, these matters have now been agreed with the LHA. I would expect that in the absence of a Local Highway Authority objection that the Local Planning Authority (Maidstone Borough Council) would then drop these reasons for refusal. However, it is understood from correspondence received on 23 October 2024 that the Local Planning Authority considers that RfR 4 has been dealt with by the appeal amendment and RfR3 has been dealt with by the appeal amendments in regard to pedestrians but will be maintained in a modified form in regard of cyclists. It is unclear what modified form of RfR3 the LPA will take given that the Local Highway Authority is satisfied on all highway matters including cycling. My evidence addresses the transport related reasons for refusal and how the transport and highway matters have been addressed with reference to the final consultation response from the LHA, but I reserve my right to provide rebuttal evidence when I understand the position of the LPA more clearly.

9.1.6 Additionally, Marden Parish Council and third parties have raised a number of highway and transport issues with the Appeal scheme mainly around the transport impacts Along Albion Road. My evidence also addresses these issues.

#### **Reasons for Refusal 3 and 4**

##### **Inadequate raw data for traffic survey (from RfR 4)**

9.1.7 The requested raw traffic survey data is included in the Transport Assessment Addendum. The Local Highway Authority’s final highway consultation dated 8 October 2024 notes that:

***“Lastly, the appellant has now provided all the traffic survey data that underpinned the conclusions of the original Transport Assessment (TA). This has allowed KCC Highways to validate the findings of the TA, including in relation to the suitability of the visibility sight lines from the primary site access and impact on nearby junctions.*”**

9.1.8 I therefore consider that this aspect of the reason for refusal has been addressed.

**Absence of safe pedestrian and cycle access on Albion Road to access the services within the village of Marden (from RfR3), Visibility splays at the Albion Road site access need recalculation with bonnet length accounted for (from RfR4), The proposed access arrangement shows that refuse freighters are not able to safely access or egress from the site without overrunning adjacent traffic lanes (from RfR 4); The Transport Assessment is deficient in that there is no Road Safety Audit (from RfR 4)**

- 9.1.9 The highway scheme provides a proposed simple priority junction site access from the east side of Albion Road (suitable for a residential development), with a new footway on the east side of Albion Road providing a connection to the existing footway at the Albion Road / Seymour Drive junction to the north. The footway is achieved via a build out and priority working arrangement on Albion Road.
- 9.1.10 The Local Highway Authority's final highway consultation dated 8 October 2024 notes that although refuse freighters will still have to overrun adjacent traffic lanes to some degree, given their infrequent nature the design of the primary site access is acceptable.
- 9.1.11 Visibility splays with the necessary adjustment for bonnet length in accordance with Manual for Streets are shown at the Albion Road site access as follows:
- 2.4m x 52m to the north; and
  - 2.4m x 47m to the south.
- 9.1.12 The Local Highway Authority's final highway consultation dated 8 October 2024 notes that the visibility provision is acceptable and this will be secured in the approved drawings and conditions.
- 9.1.13 In terms of local context, this section of Albion Road currently has no footway and pedestrians walk on the carriageway. The proposed footway will therefore provide an improvement and benefit to these pedestrians.
- 9.1.14 The 3.5m carriageway through the priority working is provided to accommodate larger / agricultural vehicles and abnormal indivisible load vehicles, given local context. There is white lining on each side of the carriageway to reduce the visual running width to 2.75m-3m. As the LHA note in its final consultation response when discussing the priority working – *"Additionally, the applicant has demonstrated that adequate levels of visibility can be achieved on approach to and between the give way markings. This has significance as it ensures highway users, including cyclists, have suitable levels of visibility to any stationary or oncoming vehicles."*

- 9.1.15 A Stage 1 Road Safety Audit with Designer's Response has been undertaken of the Albion Road site access and footway arrangement and there are no residual safety concerns with the access as proposed. The Local Highway Authority's final highway consultation dated 8 October 2024 notes that the auditor's recommendations have been accepted and incorporated into the final design proposal.
- 9.1.16 In terms of street lighting, the footway and build out works are proposed to have street lighting with the details to be set out at detailed design stage.
- 9.1.17 In my opinion, the Albion Road access and footway (build out / priority working) provide for safe and suitable access to the site for all modes. The Local Highway Authority's final highway consultation response dated 8 October 2024 confirms its agreement to this.
- 9.1.18 Surface improvements (tarmac / bitmac surface) and cutting back of the adjacent foliage / hedge to highway limits are proposed to the section of Footpath KM281 between Albion Road and Blossom Way to provide a 1.2m -1.5m footpath (wide enough for two pedestrians to walk side by side) and to enable all weather use - as shown in drawing ITB15098-GA-051 Rev B.

**Visibility Splays at the Copper Lane – Pedestrian / Cycle / Emergency Access**

- 9.1.19 A pedestrian / cycle / emergency access from Copper Lane is proposed in the broad position of the existing field gate access. Visibility splays with the necessary adjustment for bonnet length in accordance with Manual for Streets are shown at the Copper Lane pedestrian / cycle / emergency access as follows:
- 2.4m x 51m to the east; and
  - 2.4m x 48m to the west.
- 9.1.20 The Local Highway Authority's final highway consultation dated 8 October 2024 notes that the visibility provision is acceptable and this will be secured in the approved drawings and conditions.
- 9.1.21 A Stage 1 Road Safety Audit with Designer's Response has been undertaken of the Copper Lane pedestrian / cycle / emergency access and there are no residual safety concerns with the access as proposed.
- 9.1.22 In my opinion, the Copper Lane pedestrian / cycle / emergency access provides for safe and suitable access to the site for these modes. The Local Highway Authority's final highway consultation dated 8 October 2024 confirms its agreement to the Copper Lane pedestrian / cycle / emergency access.

**Trip generation data needs sensitivity testing (from RfR 4)**

9.1.23 The Transport Assessment Addendum includes a sensitivity test. I note that there is only a slight difference in the number of total person trips and no difference in vehicle trips between the proposed and sensitivity trip calculations. Consequently, the sensitivity test has a negligible impact on the trip generation of the site, therefore, the proposed trip rates and subsequent trip generation in the Transport Assessment is representative of the proposed development site and thus suitable to be used in the traffic impact analysis.

9.1.24 To reflect the delay in the scheme, the Transport Assessment assessed a design year of 2029 (5 years after the Appeal date). I agree with the conclusions of the Transport Assessment Addendum that the development (development generated traffic and site access arrangements) will not have a significant impact on the operation of the local highway network (in terms of capacity, congestion and highway safety) and there is no need for the development to provide capacity improvements (as originally concluded in the Transport Assessment). The local highway network will operate acceptably in the future.

9.1.25 The Local Highway Authority's final highway consultation dated 8 October 2024 confirms its agreement with this:

***"To reflect the fact that construction of the development may be delayed the appellant has also provided revised capacity assessments for a future year of 2029. The results of these assessments support the conclusions of the TA."***

9.1.26 In summary, I consider that all aspects of Reasons for Refusal 3 and 4 and the Local Highway Authority's initial holding objection have been addressed and overcome. This accords with the Local Highway Authority's final consultation response dated 8 October 2024:

***"Having reviewed the TAA the appellant has addressed this authority's previous concerns in a satisfactory manner. Therefore, KCC Highways do not consider that either of the highway based reasons for refusal represent sustainable grounds for objection."***

9.1.27 The LHA is satisfied that the TAA addresses the pedestrian and cycle aspects of RfR3.

**Opportunities to Promote Sustainable Transport Modes**

9.1.28 The Maidstone Local Plan review 2021-2038 states that outside of Maidstone town centre and urban area, Rural Service Centres are considered to be highly sustainable settlements in Maidstone's settlement hierarchy. Marden is identified as a Rural Service Centre.

- 9.1.29 Marden has a number of employment opportunities as well as a wide range of local amenities and services including a primary school, shops, medical centre, library and rail station. The employment opportunities and amenities in Marden are within a reasonable walking and cycling distance of the site.
- 9.1.30 The new footway connection along the east side of Albion Road between the site and the existing footway network to the north at the Albion Road / Seymour Drive junction provides a safe and direct connection for pedestrians between the site and the amenities in Marden. Pedestrian / cycle / emergency access is proposed from Copper Lane. Surface improvements (tarmac / bitmac surface) and cutting back of the adjacent foliage / hedge to highway limits are proposed to the section of Footpath KM281 between Albion Road and Blossom Way to enable all weather use.
- 9.1.31 Both public footpath KM281 and the pedestrian / cycle / emergency access from Copper Lane provide good access from the site to the public right of way network, recreational walks and countryside around Marden
- 9.1.32 Cycling is generally on carriageway within Marden, which I consider to be safe and appropriate.
- 9.1.33 Marden is served by bus services 22, 23 and 27 which provide a service approximately every two hours between Marden and Maidstone Monday to Saturday. The bus service could be used by commuters, as well as for other journey purposes such as retail and leisure journeys. Bus service 527 also serves Marden and provides access to a number of educational establishments including: Oakwood Park Grammar School, Mid Kent College (Oakwood Park Campus), St Augustine Academy and Saint Simon Stock Catholic School. Marden rail station provides regular services to high order destinations such as London Tonbridge and Ashford.
- 9.1.34 The Framework Travel Plan accords with the Local Highway Authority's requirements.
- 9.1.35 In summary, in my opinion the site benefits from good levels of accessibility and there are appropriate opportunities to promote sustainable transport modes at the Appeal site.

#### **Marden Parish Council and Third Party Comments**

- 9.1.36 My response to the objections provided by Marden Parish Council and third parties is provided below:
- New traffic data from 2024 is broadly similar to the 2022 flows used in the Transport Assessment / Transport Assessment Addendum. Any differences will not be material or change the conclusions of the traffic analysis in these documents;

- The on-street car parking surveys (2021 and 2024) shows that there is some on-street parking along Albion Road north of the site (notably in front of Albion Cottages) the level of which varies through the day but is at its greatest when residents are not at work (ie evenings, overnight and early in the morning). However Albion Road is relatively lightly trafficked and operates acceptably, safely and well within capacity and without material delays;
- The proposed footway is safe and suitable with sufficient width for users to pass along it providing appropriate access to the site. With reference to the Local Highway Authority's final highway consultation response dated 8 October 2024 the Local Highway Authority agrees with this *"on this basis KCC Highways now consider that safe pedestrian access can be achieved."*;
- A controlled pedestrian crossing of Albion Road is not necessary having regard to the analysis relating to the gaps in traffic flows as set out in Traffic Signs Manual, Chapter 6, Section 13;
- I have read comments that large combine harvesters wider than 3.5m also route along this section of Albion Road to get to areas to the north of Marden. The regular on-street parking that occurs along Albion Road to the north of the site already reduces the effective width of the carriageway to a level that may prevent vehicles wider than 3.5m from passing in any event. I note that there is an alternative route available to a large combine harvester >3.5m which is from the Albion Road / Plain Road junction using Plain Road and then the B2079 into the village centre and areas to the north of Marden. Large combine harvester movements would typically be limited to harvest time and a relatively low frequency across a year and as such this route is acceptable;
- Visibility at the access junction will be impaired by foliage / hedgerows - the Proposed Albion Road All Purpose Access and Footway – Visibility Drawings - Drawing ITB15098-GA-074 and Drawing ITB15098-GA-063 Rev D show the amount of vegetation and hedges that require removing along the site frontage and north of the site to achieve the visibility splays. The vegetation and hedge fall within either the site boundary or highway boundary and as such its removable is deliverable. The Local Highway Authority's suggested conditions include one relating to visibility splays - Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.05 metres above carriageway level within the splays, or 0.6 metres where a footway crosses the access, prior to the use of the site commencing;

- Vehicle swept path analysis at Jewell House show that courier vans and more infrequent larger vans can access the property satisfactorily;
- Third parties suggest that the Albion Road / Thorn Road / Plain Road junction is a dangerous junction. I note that the personal injury accident (PIA) data obtained from Kent County Council for the five-year period (between 01-04-2019 and 31-03-2024) does not show any recorded injury accidents at the junction or along Albion Road in the vicinity of the site for that matter;
- I note that third parties are concerned that the Albion Road site access and footway solution (introducing a priority working build out to accommodate the footway (priority to northbound traffic) between the site access and the Seymour Drive junction) combined with additional traffic generated by the development and the existing on-street parking will lead to unacceptable queuing congestion and delay to traffic using Albion Road and side roads. To address this matter, I have commissioned a microsimulation traffic model of the Albion Road corridor. Overall, the assessment indicates that:
  - The inclusion of development flows, the new site access, and priority working on Albion Road would not materially affect highway network performance along Albion Road and side roads or overall journey times;
  - The impact of development (development generated traffic and the site access / priority working\_) will not have a significant impact on the operation of Albion Road. Traffic will flow acceptable without material queuing / delay and the impacts fall short of the severe test; and
  - With the Local Highway Authority no objection to the development, this is a position that KCC Highways agrees with.
- A pedestrian cycle access into the Seymour Drive development from the north east corner of the site is not necessary because:
  - Marden's amenities and employment is largely situated to the north west / west of the site thus putting the proposed Albion Road footway and public footpath KM281 on the desire line for these movements;
  - There is a reasonable walk distance between the proposed properties and the properties on Seymoure Drive via Albion Road;

- A footway / cycleway connection is not deliverable by the appellant in this location due to third party land; and
- The Local Highway Authority has not requested such a link in their responses on the application.

### **Planning Conditions and Obligations**

9.1.37 I anticipate that in advance of the Inquiry, MBC, KCC and the Appellant will have agreed a list of conditions which will be supplied to the Inspector.

9.1.38 In terms of highway works, the Appellant will deliver:

- The Albion Road all purpose access and new footway connection along Albion Road between the site and the existing footway at the Albion Road / Seymour Drive junction as shown in drawing ITB15098-GA-060 Rev E and the visibility splay drawings ITB15098-GA-074 and ITB15098-GA-063D; and
- The Copper Lane – Pedestrian / Cycle / Emergency Access as shown in drawing ITB15098-GA-057 Rev B.

9.1.39 The appellant will provide a financial contribution of £7,500 for KCC to deliver the proposed surface improvements to public footpath KM281 as shown in drawing ITB15098-GA-051 Rev B – contribution to be secured in a Section 106 agreement.

9.1.40 The Appellant will also implement the approved Framework Travel Plan prior to first occupation of the development including a programme clearly setting out when the measures will be implemented (including those required prior to first occupation).

9.1.41 It is envisaged that the Section 106 agreement and CIL compliance statement will be submitted to the Inspector in advance of the Inquiry.

## **9.2 Conclusions**

9.2.1 My analysis demonstrates that:

- All aspects of Reasons for Refusal 3 and 4 and the Local Highway Authority's initial holding objection have been addressed and overcome;
- Safe and appropriate access to the site can be achieved for all modes;
- The site benefits from good levels of accessibility and there are appropriate opportunities to promote sustainable transport modes at the Appeal site; and

- The development (development generated traffic and site access arrangements) will not have a significant impact on the operation of the local highway network (in terms of capacity, congestion and highway safety) and there is no need to provide capacity improvements and the local highway network will operate acceptably in the future.

9.2.2 The site specific transport requirements of Policy LPRSA295 and wider local and national policy are met.

9.2.3 The Local Highway Authority provides its summary / recommendation as follows:

- “Having reviewed the TAA the appellant has addressed this authority’s previous concerns in a satisfactory manner. Therefore, KCC Highways do not consider that either of the highway based reasons for refusal represent sustainable grounds for objection.”

9.2.4 The Local Highway Authority is therefore satisfied that the TAA addresses the pedestrian and cycle aspects of RfR3 and all matters contained within RfR4.

9.2.5 The Local Highway Authority therefore agrees with the above conclusions by offering “no objection” to the Appel scheme subject to conditions and planning obligations to be secured in a Section 106 Agreement.

9.2.6 It is therefore my conclusion that there are no transport grounds for dismissing this Appeal. Indeed, in my view there are good sustainable transport / accessibility reasons and benefits for allowing the Appeal scheme.

