

SAVE CAPEL

And

CAPEL PARISH COUNCIL

Herein referred to collectively as
(“ SCPC ”)

HEARING STATEMENT

MATTER 7 – HIGHWAYS INFRASTRUCTURE

INTRODUCTION

1. As per paragraph 11 of the “Examination Guidance Note for Stage 3”, Save Capel has been in discussion with Capel Parish Council and we have agreed to submit jointly prepared statements, given the commonality in the points both bodies wish to raise with the Inspector. We hope this will assist the Inspector with the timetable for representations and hearing arrangements.
2. In response to the Inspector’s questions, we have sought to avoid wholesale repetition of previously submitted evidence to the examination. This statement provides a summary of our points and expands on these where relevant to the specific MIQs ahead of the examination hearing scheduled for 17th July 2024.
3. At the time of writing SCPC have not had the benefit of sight of the Council’s responses to the MIQs and will seek to make further representations in the light of these at the hearing, where appropriate.



CAPEL PARISH COUNCIL



SAVECAPEL

ISSUE 1 – STRATEGIC AND LOCAL ROAD NETWORKS

Q1. Without the proposed bypass, what effect will the suggested changes to the Plan have on the B0217 through Five Oak Green? What mitigation measures will be necessary in this location and how will they be achieved?

4. The Council has not produced evidence to demonstrate what changes in traffic volumes along the B2017 through Five Oak Green will arise from the suggested changes to the Plan in the absence of the Five Oak Green (“FOG”) bypass.
5. In short the Council has again failed to identify the purpose of the FOG bypass and necessarily has failed to identify whether it is required in the absence of Tudeley Village. In the submission Plan the FOG bypass serves multiple functions including:
 - i. Environmental relief to Five Oak Green
 - ii. Integral element of the Plan’s cycle network
 - iii. Contributing towards delivering a “new” B2017 route that is capable of safely accommodating vehicles greater than 7.5 tonnes (which includes buses)
6. None of the above are related to the metric “V/C” which appears from the Council’s evidence to be the only metric that has been considered.
7. Failure to even acknowledge the functions that the FOG bypass would serve means that the Council has failed to reasonably demonstrate the need or otherwise of the scheme.
8. Moreover, it is not evidenced what benefit the FOG bypass would deliver to the B2017 corridor between Paddock Wood and Tonbridge. For the reasons set out in these representations and other assessment work, the B2017 corridor is wholly unsuitable to intensification of use by motor vehicles, especially larger vehicles. The FOG bypass as currently proposed would require traffic from Paddock Wood to firstly travel south before heading northwest to eventually travel west. This is counter intuitive, and it is suggested that most drivers would simply travel west along the B2017.
9. The B2017 remains a severe constraint to development across Tudeley, East Capel, and Paddock Wood which the Council has utterly failed to recognise and utterly failed to resolve in this Plan.
10. With regard to the Council’s reference at the hearing of Matter 3 to circular 01/2022 entitled ‘Strategic road network and the delivery of sustainable development’ (“01/2022”) we would

refer the Inspector to our responses to Matter 4. In short, if the Council is relying on a “monitor and manage” approach to mitigating road traffic impacts on the B2017 then it is important to be clear at this plan making stage that infrastructure interventions to mitigate impacts can be delivered in the event that the monitoring demonstrates that these are necessary. If this is not the Council’s proposed approach then our comment above regarding the paucity of mitigation measures remains.

Q2. What effect will the suggested changes to the Plan have at Kippings Cross (A21/B2160)? Do the conclusions and recommendations in the Kippings Cross Junction – Local Plan Mitigation Option Analysis remain relevant?

11. Two mitigation options have been identified for Kippings Cross. Both require third party land to enable delivery. The options differ significantly in terms of the land required and construction cost. It is therefore impossible at this stage to understand, even at a high level, whether either or both can be viably provided. Moreover:
 - i. There is no policy requirement for any works to be delivered at this location;
 - ii. There is no funding mechanism for securing the delivery of these works;
 - iii. There is no indication of when the works are required;
 - iv. There is no delivery mechanism identified.
12. Either option will incur significant lead-in times (4-6 years) for infrastructure interventions such as this to be delivered, including the need to obtain planning permission followed by a CPO inquiry (unless the necessary land can be obtained through negotiation).
13. In short, in the absence of a clear mechanism for funding and delivering the improvements at Kippings Cross, or even a clear policy requirement for improvements at Kippings Cross to be delivered during the plan period, or any certainty that it will be delivered at all, it would be rational – and essential - to assess the robustness of the Plan in the absence of this infrastructure. In this context, and by the Council’s own evidence, impacts will be severe. It is difficult to see how the Plan can be found sound under these circumstances.
14. If the Plan is to have any chance of being found to be sound, the proposed policy wording must be revised in order to ensure early delivery of improvements at Kippings Cross, both in terms of a development threshold and delivery mechanism.

Q3. What effect will the proposed changes to the Plan and distribution of growth have on the remaining “hotspots” identified in the evidence base? Will there be any unacceptable impacts on highway safety or will the residual cumulative impacts on the road network be severe as a result of the Plan?

15. The methodology for identifying hotspots applied by the Council is set out under heading 3.3 of TWLP_123 Appendix 1 (“A1”) and comprises:
 - i. Initial sifting - any junction arm that has a volume over capacity (V/C) over 95% (approaching maximum capacity) is identified as a “hotspot”.
 - ii. Of the arms over 95% V/C, when they occur within a junction that sees at least 50 additional vehicles pass through in total between the Local Plan scenario and Reference Case they are categorised as being a “Minor” LP Hotspot.
 - iii. Of the “minor” hotspots, should any of the arm’s V/C in the LP scenario be 5% or greater than its Reference Case equivalent, they are upgraded to be a “Major” LP Hotspot.
16. NPPF paragraph 115 states that development can be prevented or refused if it would result in “Severe residual cumulative impacts on the road network”.
17. In considering the severity of impacts the key word in the NPPF is “cumulative”. In contrast to considering the cumulative impacts, the Council’s methodology only seems to consider development impact irrespective of existing conditions. This is because the methodology will sift out junctions that have a V/C value of approaching 100% or above because, by definition, a junction approach or link that is already this congested cannot theoretically accommodate increases in traffic volumes of 50 or more.
18. The model will assume that all drivers have perfect knowledge of the highway network and highway conditions and will route traffic in the model accordingly. This is not the case in real life in which unfortunately, drivers are neither perfect nor all local. The consequence is that the Council’s sifting regime is likely to have missed junctions at which development traffic will cause severe, cumulative residual impacts.
19. As illustrated in Figure 4 of A1, the Council’s methodology concludes that ALL junctions throughout Tonbridge operate satisfactorily.
20. Turning to highway safety, the methodology for identifying hotspots applied by the Council is set out under heading 5.13 of A1 and comprises:

- i. Observed accidents of 3 or more in total across a 3-year period, and
 - ii. Increase of 50 or more vehicles in either the AM or PM peak with the Local Plan development
21. By “observed accidents” it is assumed that the Council means “recorded collisions” because “observed” would suggest the inclusion of damage-only collisions which do not lead to personal injury and hence are not recorded.
22. In the first instance, the definition of “3 or more in total across a 3-year period” is challenged. This metric considers volume but not magnitude of the collision. For example, its application could conclude that a location at which two separate collisions have resulted in the deaths of two road users is less concerning than a location at which 3 collisions have resulted in slight injuries to 3 road users.
23. As just one example, we would refer the Inspector to our response to Matter 4 [Issue 4 Q2] and in particular the publicly available road collision records issued by the DfT that are included. These identify that on the stretch of the A228 through Colts Hill that the Colts Hill bypass would redirect traffic from, over a 5-year period:
 - i. 1 person was killed
 - ii. 2 people were seriously injured
 - iii. 8 people were slightly injured
24. Despite the death and serious injuries, the Council does not recognise this section of the A228 as a “hotspot”. This must mean that the Council has concluded that the allocation of over 2,500 homes at East Capel / Paddock Wood will result in fewer than 50 vehicles in either the a.m. or p.m. peak hence their second sifting criteria has prevented them from recognising the death and serious injuries as forming a hotspot and hence are not a matter for concern.
25. This cannot possibly be the case, indicating that the Council needs to revisit their identification of recorded road collision hotspots as well as their criteria for defining a hotspot.

26. As identified above, the Plan, as currently presented, cannot be found sound as the Council has failed to identify locations at which severe residual cumulative road impacts or unacceptable highway safety impacts could arise.
27. It is further noted that the work undertaken and presented to date is based on traffic model outputs that rely on modal shift assumptions that the Council has yet to evidence. Any conclusions made by the Council that rely on the outputs of traffic modelling must be taken with caution until that modal shift evidence has been provided. SCPC reserve our position to provide further written and oral representations once this information is provided.

Q4. Where mitigation is required, can any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety, be cost effectively mitigated to an acceptable degree?

28. For the reasons set out above and below and also as set out in our responses to Matters 3 and 4, the Council has yet to correctly identify where significant impacts on the transport network and highway safety will occur. The necessary mitigation has therefore not been adequately identified, hence the response to this question must be that the Council has yet to demonstrate that mitigation to an acceptable degree can be cost effectively provided.
29. We note that in addition to the above, the Council has yet to demonstrate that the public transport provision will be adequate for the forecast demand, if it exists following assumed modal shift behaviours which themselves are yet to be evidenced.

ISSUE 2 – POLICY REQUIREMENTS

Q1. Where mitigation is required, is the Plan sufficiently clear what is required, where and when? Is the Plan effective in this regard?

30. No, the Plan is not sufficiently clear on its requirements.
31. For reasons set out above and below and as set out in our responses to matters 3 and 4, the Plan fails to identify:
- i. What mitigation is required;
 - ii. That mitigation is capable of being delivered in principle;
 - iii. Who is responsible for delivering the mitigation; and
 - iv. When the mitigation is needed.
32. The Colts Hill bypass is just one example of this inadequacy in the current Plan.

Q2. Have the costs associated with the necessary highways infrastructure been tested and will it be viable?

33. The Council is yet to provide cost breakdowns. Importantly, the Council is also yet to identify the timing of mitigation delivery which affects cash flow and hence viability. SCPC reserve our position to provide further written and oral representations once this information is provided.

JOINT HEARING STATEMENT

MATTER 7

28 JUNE 2024



CAPEL PARISH COUNCIL



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