

Annex 4: Highways England Comments

From: [Bowie, David](#)
To: [Planning Applications](#)
Cc: [Planning SE](#); [Bradley, Alistair](#); [Bown, Kevin](#)
Subject: TM/19/01814/OA - Development Site Land West Of Winterfield Lane East Malling West Malling Kent
Date: 11 September 2019 16:56:03

For attention of:	Robin Gilbert
Site:	Development Site Land West Of Winterfield Lane East Malling West Malling Kent
Proposal:	Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular accesses onto London Road and Winterfield Lane creating a new link road and associated parking and landscaping.
Your Reference:	TM/19/01814/OA
Highways England's Reference:	85625 / #8401

Dear Robin

Thank you for your letter of 21 August 2019, regarding the above application and requesting a response by 11 September.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly the M20 Junction 4.

Having reviewed the Planning Statement and Transport Assessment we have the following comments:

It is noted that para. 1.3.2 states that *"This TA addresses matters of design; however further modelling will follow in a TA Addendum and para. 6.3.2 that "Comments from KCC in June 2019 requested additional operational assessments of the following junctions which will be set out in a TA Addendum:*

- A20 London Road / New Hythe Lane junction (signals);
- A20 London Road / New Road junction (signals); and
- M20 Junction 4 (signals)).

Currently the Transport Assessment does not assess the development impact at M20 Junction 4 and the TA Addendum is not on the Planning Portal.

By way of background we have assessed a number of recent applications in this locality that fall outside of the Local Plan; for each we the 2031 forecast year Local Plan Development Strategy model and reviewed spare capacity and the ability of the M20 Junction 4 to accommodate this additional growth including:

- **18/02093/OA** – (80 houses) – Highways England responded that *“On this occasion the level of trips generated by this development, at the size proposed, can be accommodated despite being additional to Local Plan Development Strategy. However any intensification or further developments will need to be further assessed for their impacts on the SRN”*.
- **18/01013** – (120 houses) - Highways England responded that *“On this occasion the level of trips generated by this development, at the size proposed, can be accommodated despite being additional to Local Plan Development Strategy. However any intensification or further developments will need to be further assessed for their impacts on the SRN”*.
- **TM/18/03030; TM/18/03031; TM/18/03032; TM/18/03033; and TM/18/03034** – (total 475 houses but tested 500) - Highways England responded that it had *“satisfied ourselves that the level of impact likely to result from the proposals, as outlined in the TN (i.e. 107 AM peak hour trips and 89 PM peak hour trips) can be accommodated on the SRN without resulting in a ‘severe’ impact on the SRN. Highways England also clarified that “once these and other recent developments that have been assessed and approved in the vicinity have been constructed and occupied, then the available spare capacity at the M20 Junction 4 is likely to be minimal and accordingly further additional trips are likely to severely affect the safety, reliability and / or operation of the junction to the extent that substantial mitigation will be required. It is therefore unlikely that Highways England will accept any further development that will impact M20 Junction 4 without accompanying improvements to the junction”*.

Accordingly the Transport Addendum should consider the ability of the M20 Junction 4 to accommodate the proposals on top of the above applications for which Highways England have given no objection.

Trip generation

The Planning Statement 18/01013 intimates comparability between this site and 18/01013; *“the site is therefore considered to have similar characteristics to the application site”*. It is noted that 18/01013 used Hermitage Lane Trip rates (17/01595) in its TA which provide slightly higher peak hour trip rates. (0.52 AM peak and 0.51 PM peak).

Trip distribution

The trip distribution analysis should be extended to include M20 Junction 4 and

any supporting rationale over route choice should be fully explained and evidenced.

Summary

In order to determine whether the application will have an impact on the SRN, we will require the Transport Addendum and the above information to demonstrate that the proposals will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 para's 9 & 10 and MHCLG NPPF para 109) in this location and its vicinity.

Please note that this email does not constitute a formal recommendation from Highways England. We will provide a formal recommendation when we can be confident that the application is in its final form. In the meantime, we would ask that the authority does not determine the application (other than a refusal), ahead of us responding to the required / requested information. In the event that the authority wishes to permit the application before this point, we would ask the authority to inform us so that we can provide substantive response based on the position at that known time.

Should there be any queries regarding this response, please contact the team at planningse@highwaysengland.co.uk.

Kind Regards

David

David Bowie

Area 4 Spatial Planning Manager (Acting)

Tel: +44 (0) 7900 056130

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From: [Bowie, David](#)
To: [Planning Applications](#)
Cc: [Planning SE](#); [Bown, Kevin](#); [Bradley, Alistair](#); [growthandplanning](#)
Subject: TM/19/01814/OA - Development Site Land West Of Winterfield Lane East Malling West Malling Kent FAO Robin Gilbert
Date: 11 October 2019 16:48:22
Attachments: [HEPR 20191110 M 19 01814 OA - Development Site Land West Of Winterfield Lane East Malling West Malling Kent.pdf](#)

For attention of:	Robin Gilbert
Site:	Development Site Land West Of Winterfield Lane East Malling West Malling Kent
Proposal:	Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular accesses onto London Road and Winterfield Lane creating a new link road and associated parking and landscaping.
Your Reference:	TM/19/01814/OA
Highways England's Reference:	85625 / #8401, #8637 & 8641

Dear Robin,

Thank you for your letter of 20 September 2019, regarding the above application and requesting a response by 4 October. We responded on 4 October indicating that we would respond within 21 days.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly the M20 Junction 4.

Having reviewed the Planning Statement and Transport Assessment and responding on 11 September we made a number of comments. Subsequently you consulted us on a Transport Assessment Addendum dated 19 September 2019. Our response is structured using our original comments and issues, with references to the Addendum TA and our response:

It is noted that para. 1.3.2 states that *"This TA addresses matters of design; however further modelling will follow in a TA Addendum and para. 6.3.2 that "Comments from KCC in June 2019 requested additional operational assessments of the following junctions which will be set out in a TA Addendum:*

- A20 London Road / New Hythe Lane junction (signals);
- A20 London Road / New Road junction (signals); and
- M20 Junction 4 (signals)).

Currently the Transport Assessment does not assess the development impact at

M20 Junction 4 and the TA Addendum is not on the Planning Portal.

Trip generation

The Planning Statement 18/01013 intimates comparability between this site and 18/01013; *"the site is therefore considered to have similar characteristics to the application site"*. It is noted that 18/01013 used Hermitage Lane Trip rates (17/01595) in its TA which provide slightly higher peak hour trip rates. (0.52 AM peak and 0.51 PM peak).

Trip distribution

The trip distribution analysis should be extended to include M20 Junction 4 and any supporting rationale over route choice should be fully explained and evidenced.

It should be noted that we disagree with some aspects of the methodology; for example the trip distribution analysis seems to be inconsistent and no supporting evidence from the Google Maps journey planning software has been provided further to our request, for example Bexley trips have been allocated to the A228 north rather than the more likely route via the M20 West and it is not clear how 11.3% of Thanet trips are via the A229 South. Also it should be clarified that we have not reviewed the model so cannot verify the outputs.

Previously the council consulted Highways England on a number of residential planning applications which have been identified as impacting on M20 J4. In all of the recent cases we offered no objection as the modelling work undertaken demonstrated that there was spare capacity available at the junction. Most recently with regard to application no's **TM/18/03030; TM/18/03031; TM/18/03032; TM/18/03033; and TM/18/03034 (475 dwellings)** we advised that these could be accommodated at M20 J4 but that we were *'unlikely to accept any further development that will impact M20 Junction 4 without accompanying improvements to the junction'*. Those applications were subsequently refused consent by the council and therefore their impacts will not be realised on the junction.

Accordingly, this proposal TM/19/01814/OA can be considered in place of the refused applications. Therefore notwithstanding our comments on the adequacy of the supporting information it is our view that the development can be accommodated on the SRN and that the proposals will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 para's 9 & 10 and MHCLG NPPF para 109) in this location and its vicinity. Accordingly our no objection HEPR is attached.

However, we advise the council that in accepting the impacts of this particular application this may result in a change of position from Highways England in relation to the impacts of application no's **TM/18/03030; TM/18/03031; TM/18/03032; TM/18/03033; and TM/18/03034 (475 dwellings)** should these sites either be appealed or resubmitted. It is therefore essential that the council advise Highways England immediately the status of any of these sites change. I trust that the above is of assistance and should there be any queries regarding this response, please contact the team at planningse@highwaysengland.co.uk.

Kind Regards

David

David Bowie

Area 4 Spatial Planning Manager (Acting)

Tel: +44 (0) 7900 056130

Highways England | Bridge House | 1 Walnut Tree Close | Guildford | Surrey | GU1 4LZ

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Developments Affecting Trunk Roads and Special Roads

Highways England Planning Response (HEPR 16-01)

Formal Recommendation to an Application for Planning Permission

From: Nicola Bell (Regional Director, South East),
Operations Directorate
South East Region
Highways England.
PlanningSE@highwaysengland.co.uk

To: Tonbridge and Malling Borough Council (FAO Case Officer: Robin Gilbert)
planning.applications@tmbs.gov.uk

CC: growthandplanning@highwaysengland.co.uk

Council's Reference: TM/19/01814/OA

Location: Development Site Land West Off Winterfield Lane East Malling West
Malling Kent.

Proposal: Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular accesses onto London Road and Winterfield Lane creating a new link road and associated parking and landscaping.

Highways England Reference: #8637 & 8641

Referring to the planning application referenced above (validated 1 August 2019), in the vicinity of the M20 Junction 4 (which forms part of the Strategic Road Network), notice is hereby given that Highways England's formal recommendation is that we:

a) offer no objection*

**on the basis that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT C2/13 para's 9 & 10 and MHCLG NPPF para 109) in this location and its vicinity;*

~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);~~

- ~~c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);~~
- ~~d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

Highways Act Section 175B (covering new access to the SRN) is not relevant to this application.¹

HIGHWAYS ENGLAND (“we”) have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This represents Highways England’s formal recommendation (prepared by the Area 4 Spatial Planning Team) and is made available to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority disagree with any recommendation made under b), c) or d) above, the application must not be determined before they have:

- i) informed Highways England; and
- ii) consulted the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gsi.gov.uk.

Signature:		Date: 11 October 2019
Name: Kevin Bown		
Position: Spatial Planning Manager		
PlanningSE@highwaysengland.co.uk		
Highways England: Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ		

¹ Where relevant, further information will be provided within Annex A.