

The following answers respond to questions raised by residents of the parish during consultation.

Q1. Why is the Parish Council introducing traffic calming along Headcorn Road?

A. Initially the project was a response to a survey conducted by the council seeking suggestions to spend the £100K donation from Quinn Estates. Each suggestion was reviewed in terms of legality and feasibility. Traffic calming emerged as the strongest option based on this assessment, as well as the number of people requesting action. Subsequently, the plans announced by Maidstone Council to build a garden village at Lenham Heath caused the Parish Council to consider that a scheme was of greater urgency in advance of any developments at this site.

Q2. Why is the Parish Council paying for this scheme and not Kent county Council?

A. KCC has a set of criteria they use to assess whether a location meets the need for County Council investment. This includes average speed, traffic volumes and levels of road accidents (including personal injury). At the start of this process, we jointly assessed whether Grafty Green met these criteria, including conducting a traffic survey and reviewing road accident data. We fell short of the threshold for KCC to take action leaving Parish Council funding as the only option.

Q3. What did the traffic survey tell us?

A. The survey showed only a very small percentage of traffic exceeded the speed limit and average speed levels were within the KCC tolerance levels

Q4. How did the Parish Council develop their traffic calming scheme?

A. KCC initially told us that they could only provide advice and that we would need to employ contractors to design and implement a scheme. Following discussions and site visits with KCC in 2018, a broad outline of a scheme was developed which met KCC approval. MLM consultants were then engaged to examine the feasibility of this scheme and produce a design suitable for sign-off with KCC before consulting residents. Following consultation in 2019 on the MLM scheme, including public meetings, a revised scheme was developed and signed off with KCC in March 2020. There was further consultation with residents in the first half of 2020 on the revised scheme. This scheme received support from residents and KCC were asked to provide a quotation in summer 2020 as they were now able to implement the scheme for us. KCC gave an estimate with the assurance that final cost would not be much different. The council initially accepted the estimate on the understanding that this acceptance was not irrevocable. However, in response to concerns from the public about the high cost of the scheme, further consultation via Malherbe Monthly led the council to agree a modified scheme to reduce noise and the cost. This involves removing all the granite sett chicanes and replacing them with painted chicanes. KCC were asked to complete the design work and provide a revised cost in January 2021.

Q5. Why can't we have raised traffic calming features such as speed humps or kerbed build outs in our scheme.

A Because we do not have street lighting, such features are not permitted

Q6. Is there any evidence that schemes similar to the one being introduced in Grafty Green are effective or cost effective?

A. KCC Highways say there is no systematic evidence of the effectiveness of such schemes either way. A similar scheme in East Farleigh has led to small reductions in average speed - according to early evidence. KCC have stated that our scheme may only have limited impact on average speed because there are no physical changes to the height of the road or barriers which would require drivers to slow down.

Q7. Should there be a speed survey undertaken in vicinity of Stocks House where excessive speeds would be recorded which might have resulted in KCC funded action?

A. It has been pursued. KCC say whatever the result it would not cause them to act or fund anything because only an accident record of personal injury crashes would prompt action. There is no such accident record in Boughton Malherbe.

Q8. In addition to the initial cost of the project any future maintenance of the scheme would be the responsibility of the Parish Council. As this is an unknown figure how will the council fund this?

A. The Council has agreed to establish a "repairs fund" which will comprise an annual contribution from the budget. It could also include some of the remaining Quinn donation. KCC say the features should not require replacement or maintenance for 5-10 years.

Q9. Is the council certain that a decision to spend so much money now, and on future repairs, is financially sound and consistent with the council's risk management procedures?

A. Following legal advice the council asked the Independent Internal Auditor to review the decision to proceed with the scheme. The auditor advised that he was of the view that the decision is financially sound and consistent with the Council's risk management policy.

Q10. Does the PC believe that this scheme is value for money in the light that the PC does not know the exact cost of the scheme or of the ongoing maintenance and does it think it is prudent to approve a scheme where the true costs are unknown?

A. It is not possible to measure Value for Money, for example using Cost Benefit Analysis, when the benefits are not quantifiable (there is no numerical evidence available of the benefits of such schemes according to KCC). The true construction costs will be known before the final decision to proceed. Maintenance costs will not be known at this stage.

Q11. Some residents in Grafty Green have a perceived view that the speed of traffic passing through the village is too high. Accordingly, the Parish Council with Kent County Council undertook a survey. Did the results of this survey demonstrate that the traffic on occasions

was in excess of the speed limit but it did not warrant a speed reduction program that KCC would fund?

A. Agreed. At the time only a reduced speed limit was under consideration. It was later clarified that KCC would not consider funding a traffic calming scheme because regardless of the recorded speeds, there were no personal injury accidents recorded for the Parish. The only option for the PC was to consider funding a scheme that had to be approved by KCC.

Q12. Should new speed checks be undertaken at each end of Headcorn Road before any decision is taken to implement proposals when it may be that they should after all be funded by Kent Highways?

A. Highways say that regardless of the results from speed checks where we know traffic is fastest, they would not undertake any calming features unless there is a record of personal injury crashes.

Q13. Should the PC not proceed with the scheme until there is a commitment to the maximum cost?

A. We will be paying up front when the final construction cost is given by KCC and payment requested. That will be the maximum cost to the PC. If that is not considered acceptable, we can decide not to proceed. Maintenance costs will not be known at this stage, however.

Q14. Should the estimate be a quotation and provide a breakdown of costs per sq. M or unit costs?

A. When asked for the money before proceeding the final cost requested becomes a quotation. We have received elements of cost and queried them which resulted in reduction of cost. See also Q13 above.

Q15. There is no commitment on construction costs in relation to the condition of the existing highway which is deteriorating rapidly after the wet Winter and Dry Summer. Will KCC charge the PC for reconstruction where the carriageway is subsiding?

A. The traffic calming scheme includes the cost of surface removal and replacement required as part of the works regardless of any deterioration, so any subsidence within the traffic calming features would be dealt with in that way. Anything necessary adjacent to the scheme features would be a KCC responsibility.

Q16. Who pays for reinstatement of road markings and red tarmac etc. disturbed by utilities such as water, electricity, telecoms? **A.** The utility company.

Q17 Who pays for reconstruction and/or resurfacing over a wider area that includes our traffic features?

A. We pay for the resurfacing etc only when necessary for our features only. The cost of refreshing the painting on our features such as white lining would be covered by KCC. All reconstruction and/or resurfacing to the road around our features is a KCC cost.

Q18. As currently proposed the scheme could bankrupt the Parish Council both in construction costs and future maintenance. Parish Councillors should protect the Parish, and indeed themselves from this possible outcome?

A. If the construction cost is unacceptably high compared to available funds we would not proceed. Future maintenance would be covered by a “repairs fund” with annual top-up that should not impact greatly on the precept.

Q19. Is it possible to put a limit on the width of any vehicle using this road? **A.**

No. There is no scheme acceptable to KCC that can do this.

Q20. The PC appears to be approving a scheme that KCC have stated will have no material effect on the speed of traffic?

A. KCC have not said this, they have said our scheme is likely to have limited effectiveness. How limited cannot be determined as there is no body of research evidence on the effectiveness of such schemes.

Q21. Will the scheme cause a bottleneck of traffic and make it difficult for the residents to get in and out of their drives?

A. KCC has not indicated this will be a problem.

Q22. There is no firm price for the cost of implementing the scheme? **A.**

There will be before we have to make a final decision.

Q23. Won't the village be liable for future maintenance costs? Will this result in much higher council tax bills?

A. The Parish Council will create a “repairs fund” from the existing budget, and possibly reserves. The purpose of this is to mitigate these maintenance costs and avoid much higher council tax bills.

Q24. This scheme will not benefit all of the residents of the Parish as some live outside Grafty Green.

A. Most residents use Headcorn Road. Any improvement resulting from calming traffic will benefit the majority in the long term.

Q25. Why was it originally stated that KCC told us we couldn't have village gates, red tarmac, 30mph roundels at the start of a 30 mph restriction - where it joins a national speed limit zone at the southern end of the village?

A. It was later discovered that the original advice was misunderstood by the Parish Council and this is, in fact, permitted. This now forms part of the scheme.

Q26. Why has the council abandoned the planned “granite sett chicanes”?

A. KCC advised against this option. They said it would create noise when cars run over the features, and this might be unacceptable to those living in the houses close to these

features. In addition, due to objections from residents to the high estimated cost of the scheme, it was decided to replace these features with cheaper painted chicanes.

Q27. Do the Parish Councillors have the competence / expertise to manage such a project and KCC should be looked to for expertise. Should properly qualified and experienced traffic consultants have looked at the perceptions, realities, consulted with residents, considered speed of traffic, volumes and at times of day, types of traffic considered available remedies / options within highways regulations and put forward a comprehensive report and recommendations - such a study would not have been cheap but it would have meant public money was of value and spent wisely. The consultants who were used early on, did not produce an actual report, why was this?

A. The Parish Council has worked with KCC Highways from the outset of the project. At each stage we have been guided by KCC and their experts. The view of the Parish Council is that KCC are the best qualified people to guide this project and have been contractually engaged to complete the design of the scheme and the construction phase (if the price is acceptable). The first stage was to seek KCC advice on the options available and then conduct a traffic survey as advised by KCC. The feasibility of various options were then explored with KCC through site visits and planning meetings. Each stage was documented via the Highways Improvement Plan which is a document required by KCC to develop and monitor such schemes. This led to the development of an outline scheme which KCC developed with us. KCC then advised us to recruit consultants to conduct a feasibility study. KCC helped us to draft a specification for this work and identify potential contractors. The specification did not require a report to be produced. The requirement was to explore the feasibility of the outline scheme already developed, recommend a detailed design and produce plans for use in consultation and for sign-off by KCC. These plans were used for the first round of consultation, which was comprehensive. At no point has KCC advised that a report was required.

Q.28 Did the Parish Council use a crude and unprofessional method to evaluate consultation responses? Did the Council just add up the yes and no responses and come to the conclusion that the project should proceed?

A. All councillors had access to the public contributions in full to draw conclusions by whatever methodology each individually considered fitting. A summary showing the numbers indicating a stance for or against the scheme was merely supplemental to this consideration. The clerk reminded councillors that this should not be considered as a vote. Before discussing the public comments, the Council obtained legal advice to ensure that it conducted the process correctly.

Q.29 When will the Parish Council publish its final decision to go ahead so everyone in the village is informed about the final scheme?

A. All Parish Council decisions take place in public and are recorded and placed on the Council's website. In addition, the Parish Council will publish details of the final scheme in Malherbe Monthly and on the website

Q30. Only relatively recently we learned of a spend in the region of £70 - £80K plus further ongoing maintenance budget of £11K and possibility of precept money (Rates) on top. Aren't these figures too much to spend on this scheme?

A. These figures have not been used by the Parish Council. Or given by KCC. The total cost was previously estimated at £72K. This will now reduce as the scheme was revised on the 11th January. Maintenance costs are unknown. A repairs fund is proposed to mitigate the effect on the precept and there is an item in our budget for 2021/22 of £500 as a first contribution to the repairs fund for maintenance without increasing the precept. Having revised the scheme on the 17th January the council is awaiting a revised estimate which is expected to be considerably lower than these figures. See also answers to Q 8, 10, and 13.

Q31. The biggest potential area for speeding is between Woodcock Lane and the speed limit signs at the Southern end of the village. Why has there been no speed survey conducted along this stretch, calls for same have fallen on deaf ears? Why would we not spend £350 on a survey out of a projected total spend of tens of thousands?

A. Firstly, although the last survey cost BMPC £354, KCC had advised us to budget for £500. Secondly, the calls for a speed survey were discussed with KCC. We were advised that the cost would be wasted because it will not invoke action by KCC and it would be more useful to conduct surveys after the scheme is in place to assess its impact. At the time the focus of the traffic calming scheme was the centre of the village and KCC advised that the survey should take place by the village green. See also answers to Q7 and 11.

Q32. The internal Auditor queried whether councillors have knowledge and experience to handle this project, they should use KCC. Did KCC conclude that there is not a speed problem because the traffic survey was conducted at the wrong location?

A. The internal Auditor rightly pointed out lack of experience by councillors which is why KCC have been relied upon for advice at all times. The auditor concluded " In my view Boughton Malherbe Parish Council has acted reasonably in the circumstances." Whether or not the last speed survey was done in the wrong place has no relevance because wherever a speed survey is conducted it will not produce action by KCC. See also answers to questions 7, 9(ref auditor), 11, and 12.

Q33. The method the Parish Council used to evaluate consultation responses was crude and unprofessional. It just added up the yes and no responses and came to the conclusion that the project should proceed. Should the Council not use methods common in business where responses to a consultation would be weighted by the points raised for and against and totalled up resulting in a much more informed and accurate position?

A. The Council's approach was based on the advice of our legal adviser. In summary, this states that: Consultation on this matter is not statutory but good practice. There is therefore no specific requirement regarding methodology or process. The key aim is achieving common law standards around fairness, consistency, coherence (legal) and transparency. These together form the main test around reasonableness. This does not require a vote or score, but is more subtle in that due weight should be applied to both the quantitative response and the qualitative input to achieve an analysis that synthesises all the input. This may mean, for example, that where people are generally in favour but a significant problem is identified, this issue needs to be addressed. So, the best form of consultation is that which helps the Council to develop the project and has a strong element of constructive engagement. In addition, the Council should use as broad a capture as reasonably possible. Parish Councils are elected to make decisions, they do not operate as the creature of referendums let alone indicative

consultation. Provided the Council has acted reasonably it can make an informed decision.

The Council has conducted several rounds of consultation using a variety of methods – newsletter, website, Council Meetings, Public meetings, letter drops. Each round of consultation has significantly shaped the scheme.

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