



Alex Stafford
Planning Department
Ashford Borough Council

By email

Public Protection

PROW & Access Service
Invicta House, MAIDSTONE
ME14 1XX

Phone: 03000 413331
Ask for: Kate Beswick
Email: kate.beswick@kent.gov.uk

18th May 2022

Dear Alex

Location – Land north of Possingham Farmhouse, Ashford Road, Great Chart TN26 1JR

Proposal – Outline application for the development of up to 655 residential dwellings (including 30% affordable dwellings) to consider access, layout and scale with all other matters reserved.

Thank you for the opportunity to comment on the above application. Public Byways AW292, AW245 are directly affected by the site and Public Footpaths AW239, AW237 and AW220 either abut or are in close proximity to the proposed development. The locations of these paths are indicated on the attached extract of the Network Map. The Network Map is a working copy of the Definitive Map. The existence of the Public Right of Way (PROW) is a material consideration.

As a general statement, KCC's Public Rights of Way and Access Service is keen to ensure that their interests are represented with respect to our statutory duty to protect and improve Public Rights of Way (PROW) in the County, with reference to the Rights of Way Improvement Plan. Specifically, these relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

KCC PROW have no objection to the application but **request by condition** that a PROW scheme of management is submitted and approved by ourselves prior to the commencement of any work, and that all PROW works are completed and approved by ourselves prior to first occupation. This would go some way to alleviate our concerns regarding the management of the scheme, given the developers management of the Chilmington Green site with regard to PROW to date.

The PROW Management scheme must include each Public Right of Way affected, to cover pre-construction, construction and completion over the phasing schedule. All details to be approved by KCC PROW and Access Service prior to commencement of any works if permission is granted.

KCC PROW require that the applicant takes a holistic approach to the development, considering the PROW network together with the Highways strategy proposals to ensure connectivity.

Section 106 funding - KCC PROW and Access Service would also advise that a financial contribution, in the form of Section 106 Agreement funding should be allocated to mitigate the loss of amenity, increased use and subsequent improvements that will be required in the wider network as the area is developed and to ensure connectivity to the main Chilmington Green development, schools, facilities etc. The increase in investment and policy from both central and local government towards a modal shift away from short car journeys should focus this project to provide a sustainable development for the future. The PROW network should not be seen as providing only leisure routes, but routes that with investment can provide high-quality Active Travel routes for employment and school commuting. (Ref. the works to the PROW routes within Chilmington, in partnership with Ashford Borough Council to ensure pedestrian and cycling connections). The routes for s106 funding would include Public Footpaths AW239, AW220, AW237. Costings for improvements to be provided.

Byway Open to all Traffic AW292

This runs from its junction with Ashford Road to connect with BOAT AW245, with user rights for pedestrians, equestrians, cyclist and motorised vehicles. The proposed crossing of the Byway by the main access road therefore needs to be appropriate (controlled) to ensure public safety, given the access road will serve cars and bus services. Proposed surfacing, width (5m minimum) details of entry and exit from site, the junction with AW245, and signage to be detailed in the above-mentioned PROW Scheme of Management. The route must be within a wide, open green corridor with natural surveillance and good visibility at all junctions.

Byway Open to all Traffic AW245

This runs from Bethersden Road in the south to Chilmington Green Road, on the eastern boundary of the development site and within the site according to the various plans provided. The alignment should therefore be confirmed. The Byway carries user rights for pedestrians, equestrians, cyclist, and motorised vehicles and will be crossed by the new Access Road to Chilmington Green; a crossing as detailed above will therefore be necessary, to be approved by KCC PROW and Access. The link on to AW292 must be definite not “potential” as described on the Access Parameter Plan / Design Parameters. The route should be improved on the whole length with an all-weather surface suitable for all vehicle use; as above proposed surfacing, width (5m minimum) details of entry and exit from site, the

junction with AW245, the junction with Chilmington Green Road / Bethersden Road and signage to be detailed in the above-mentioned PROW Scheme of Management.

Public Footpaths AW220 / AW237

The above pedestrian routes will see increase of use and again provide connectivity across the wider network. As mentioned above, s106 funding will be requested for improvements to the routes as mitigation. We would also advise consideration is given to the viability of upgrading these PROW, as a means of providing Active Travel walking and cycling between residential dwellings to the west of the site to education facilities, employment hubs and local amenities in the east as part of the greater expansion of the area.

Implementation and Delivery – Active Travel access is essential from the outset of any work commencing to enable both new and existing users to access amenities both within and off site (schools and community facilities). There can be no disruption or potential danger to public use of the network; any delay to the upgrading and/or construction of Rights of Way, cycle routes and other related works to the public right of way networks, would only increase the already significant impact on new and existing residents. All of these require commitment to Active Travel, connectivity of developments, sustainable transport, and the protection of and enhancement of the local area rural character. This point must be ensured through **condition**, to avoid potential conflict and repeat of difficulties experienced during the Chilmington Green build out.

Comments are made in reference to the following planning policy.

- **National Planning Policy Framework (February 2019) Section 91**
Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which:
 - a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high-quality public space, which encourage the active and continual use of public areas; and
 - c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

- **National Planning Policy Framework (February 2019) Section 98**

Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

- **National Planning Policy Framework (February 2019) Section 104**

Planning policies should:

d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans)

- **National Planning Policy Framework (February 2019) Section 110**

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.

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.

And

- **Kent County Council Rights of Way Improvement Plan 2018 – 2028**
- **Ashford Borough Council Local Plan Policies : TRA5 / TRA6 / TRA8 / ENV5 / IMP1**

This response is made on behalf of Kent County Council Public Rights of Way and Access Service. The views expressed should be considered only as the response of the County Council in respect of Public Rights of Way and Countryside Access matters relating to the application.

Yours sincerely

Kate Beswick

Rights of Way and Countryside Access Improvement Plan Officer
Public Rights of Way and Access Service