



Mr M Mirams
Community and Planning Services
Council Offices
Argyle Road
Sevenoaks
Kent
TN13 1HG

Growth, Environment & Transport

Public Rights of Way & Access Service
West Kent PROW
8 Abbey Wood Road
Kings Hill
West Malling, ME19 4YT

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Phone: 03000 41 71 71
Ask for: Nicky Biddall
Email: nicky.biddall@kent.gov.uk
Your Ref: SE/21/00497/FUL
Our Ref: PROWAS/21/NJB/SU38/a02122
Date: 23rd March 2021

Dear Mr M Mirams

Subject: **PLANNING APPLICATION REF: SE/21/00497/FUL**
Site: West Heath School, Ashgrove Road, Sevenoaks, TN13 1SR
Development: Erection of missing boundary treatments to perimeter of site.

Thank you for your letter dated 23rd March 2021 regarding the above application.

Public Right of Way Footpath SU38 leaves Ashgrove Road at two points to merge and continue south- westwards towards Gracious Lane Bridge.

Whilst recognising the importance of securing the school site boundary I must **OBJECT** to this planning application as it will obstruct the public right of way in two places as shown on the attached geo-referenced network map.

Whilst the easternmost of the two arms may not have been recently walked it remains part of the legal route of the footpath. The proposed development affects the Public Right of Way. The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. The existence of the right of way is a material consideration.

Either the plan should be amended to take the legal line of the two arms of the public footpath into consideration to ensure there is no obstruction or, should consent be granted as the plan stands, then the development would necessitate the diversion of the right of way in order to go ahead. The proposed fence encroaches onto and blocks the public footpath. In order to undertake this development as shown the landowner will need to apply to divert the path under the Town and Country Planning Act. A path can, usually, only be diverted onto other land within the applicant's ownership.

Kent County Council undertake the processing of diversion applications under a licence agreement with Sevenoaks District Council. The successful making

and confirmation of an order should not be assumed. This kind of application is normally fast-tracked and, following recent legislative changes, the application can also now be submitted prior to the grant of planning permission (but there must be a planning application lodged with the planning authority).

I would request that if planning permission is granted on this present plan a condition is made that 'No development shall take place until such a time as a Diversion Order to divert the public right of way has been confirmed and the works to divert the public right of way have been completed'.

The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way.

Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs
- The duration of the closure is kept to a minimum
- Alternative routes will be provided for the duration of the closure.

A minimum of six weeks notice is required to process any applications for temporary closures

This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

Yours sincerely



Nicky Biddall (Mrs)
Public Rights of Way Officer
Public Rights of Way and Access Service

cc. dmp@dmp-llp.co.uk