



Ms C Shearing
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Public Rights of Way and Access Service
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Ask for: Thomas Kennedy
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Date: 23 July 2020

Your Ref: 19/05000/HYB
Our Ref: 92553

By Email:

Dear Ms Shearing

Reference: 19/05000/HYB – ****AMENDED CONSULTATION****

Site: DSTL Fort Halstead Crow Drive Halstead Sevenoaks KENT TN14 7BU

Development: Hybrid application comprising, in outline: development of business space (use classes B1a/b/c) of up to 27,773 sqm GEA; works within the X enclave relating to energetic testing operations, including fencing, access, car parking; development of up to 635 residential dwellings; development of a mixed use village centre (use classes A1/A3/A4/A5/B1a/D1/D2); land safeguarded for a primary school; change of use of Fort Area and bunkers to Historic Interpretation Centre (use class D1) with workshop space and; associated landscaping, works and infrastructure. In detail: demolition of existing buildings; change of use and works including extension and associated alterations to buildings Q13 and Q14 including landscaping and public realm, and primary and secondary accesses to the site.

Thank you for the opportunity to comment on the above mentioned application. Further to our previous response (Letter dated: 13 November 2019, Reference: 92553), the applicant has engaged with the Kent County Council (KCC) Public Rights of Way (PRoW) and Access Service. While this engagement was welcomed, the amended plans have not resolved the issues previously raised. With reference to the enclosed georeferenced map, we have outstanding concerns that need to be addressed. The existence of the PRoW is a material consideration.

Impact on Public Footpath SR172

With reference to paragraph 3.23 of the 'Planning Statement Addendum', the applicant has stated that a 'new permissive cycle way adjacent to footpath SR172' will be established, providing 'a shared route for both pedestrians and cyclists to Knockholt'. We have concerns with this proposal as it is not clear how cyclists would be segregated from the existing Public Footpath. It is likely that cyclists would ride along the Public Footpath and cause a nuisance for pedestrians. Further, the promotion of a permissive cycle route along the public right of way would create ambiguity with respect to the future maintenance of the route and potential liability issues.

While the creation of new off-road cycle access is strongly supported by the County Council, the approach to delivering cycle access along Public Footpath SR172 needs to be reconsidered. With reference to our previous response, the footpath could be converted to a cycle track, but we would request that the route is upgraded to a Public Bridleway, so that it can be used by cyclists and equestrians. This could be achieved through a Creation Order (Highways Act 1980 Section 25), whereby the applicant dedicates higher access rights along Public Footpath SR172.

Disappointingly, the applicant has not considered the onward connectivity of this cycle route beyond the site boundary. The plans show that cyclists would be forced to cycle along the Old London Road, sharing the carriageway with vehicles. It is requested that the applicant considers off site improvements that would improve accessibility for cyclists and encourage active travel towards Knockholt Pound.

Impact on Public Footpath SR97

This right of way could provide significant opportunities for outdoor leisure and recreation, but there are long-term issues preventing public use along this footpath, with fallen trees and overgrown vegetation obstructing the definitive alignment of the route. Considering this right of way passes along land within the ownership of the applicant, steps should be taken to address these obstruction issues and improve the character of the route, so that its access potential can be maximised. It is requested that the path is reinstated along its recorded alignment and the surface is improved to provide good accessibility for the public. Improvements to the off-site sections of the path could be delivered by the County Council using a S106 financial contribution.

Impact on Public Footpath SR722

It is requested that new rights of access are dedicated along this route by the applicant. Upgrading the status of the path to a Public Bridleway would enable equestrians and cyclists to use the route. This would improve outdoor recreation opportunities for residents and enhance wider connectivity for Non-Motorised Users.

Impact on Public Footpath SR11

The previous plans included a new cycle route along this right of way, connecting the development site with Otford Lane. While we did not object to this proposal, we did request clarification on the process for delivering this cycle access, as the route is currently recorded as a public footpath and has stiles that restrict access.

Reading the latest plans, it is not clear if the applicant still intends to create this new cycle route. To address this matter, it is requested that the applicant clarifies their intentions for this right of way. While the creation of new cycle access is generally supported, the legal status of the route will need to be upgraded to facilitate cycling.

Wider Impacts on the PRow network

It is understood that the proposed number of dwellings for this development has been reduced, but the provision of 635 residential dwellings will still have a significant impact on the PRow network surrounding the site. Public use of these paths is expected to increase following the development, so it is imperative that these PRow are improved to a degree that they have a suitable surface and are clearly signed.

Significant improvements should be made to the existing PRoW network, as these paths will increasingly serve as sustainable transport links and provide opportunities for outdoor recreation. It should be expected that the PRoW within the development site boundary will be surfaced by the developer to an agreed specification of KCC's PROW and Access Service. Further, a developer contribution should be provided for KCC to deliver off-site improvements to PRoW, in preparation for their predicted increase in use.

From a sustainable transport perspective, the site location is likely to result in an increase in vehicular traffic movement, as the poor walking and cycling connections to the local village facilities are very challenging. Before the planning authority determines to approve this site, an agreeable resolution to the encouragement of sustainable access to schools and facilities must be found. The recommendation for the purposes of PRoW network is that no less than an amount of £150,000 is provided to improve walking and cycling routes between the site and Knockholt, Halstead and Otford. The PRoW and Access Service requests further discussion with the applicant to identify clarify specific path improvements.

North Downs Way

Concerns remain with the potential impacts of the development on a section of the NDW that currently passes along the B2211. Levels of vehicular traffic are likely to increase along this road following the development, which could introduce safety concerns and deter public use of the trail.

It is requested that the applicant explores the potential for re-aligning the North Downs Way along an alternative off-road path in the area, as mitigation for this predicted impact. A Section 106 developer contribution could be provided for the County Council to delivery off-site works that address this issue, including the creation of a new path and the provision of new road crossing infrastructure. The KCC PRoW and Access Service would welcome discussions with the applicant to consider this matter further.

Open Access Land

Disappointingly, the applicant still has not highlighted an area of Open Access Land on their plans, as prescribed by the Countryside Rights of Way act 2000. On a positive note, the Illustrative Masterplan suggest that a linear path link may be provided along the northern perimeter of this Chalk grassland area, connected footpath SR722 with SR97.

It is requested that the applicant clarifies the status of this new path link. This new route should be secured with a long-term permissive agreement or ideally be dedicated as a Pubic Footpath, as this would secure the long-term sustainability and protection of the route.

Village Green

The plans still refer to the creation of a village green at the centre of the site. The applicant should confirm if they intend to formally dedicate this area as a Village Green or if this terminology has simply been used to highlight an area of open space. If the area is not going to be dedicated as a village green, the wording should be revised to avoid confusion.

Summary

While I am confident that the issues raised in this letter can be resolved, until plans have been put forward to consider these matters, I have no option than to place a **holding objection** at this time. The KCC PRoW and Access Service would welcome further engagement with the applicant to consider the matters highlighted in this response.

Finally, I should be grateful if you could bring the following to the applicant's attention:

- No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
- There must be no disturbance of the surface of the Public Rights of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
- No hedging or shrubs should be planted within 1 metre of the edge of the Public Rights of Way.
- Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Rights of Way at any time without the express permission of the Highway Authority.
- No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, I would need six weeks notice to process this.

Comments are made in reference to the following planning policy;

- **National Planning Policy Framework, Paragraph 98**
States that 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.
- **Sevenoaks District Council Policies: LO7, LO8, SP2, SP9, SP10**
- **Kent Design Guide**

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

Thomas Kennedy

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