



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: 13 November 2019

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

By Email:

Dear Ms Shearing

Reference: 19/05000/HYB

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 27,659 sq m GEA; works within the X enclave relating to energetic testing operations, including fencing, access, car parking; development of up to 750 residential dwellings; development of a mixed use village centre (use classes A1/A3/A4/A5/B1a/D1/D2); 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. The Kent County Council (KCC) Public Rights of Way (PRoW) and Access Service would like to bring to the attention of the applicant the existence of Public Footpaths SR172, SR97, SR722 and SR11, which pass directly through (or adjacent to), the boundary of the proposed development site. The location of these paths can be found on the attached georeferenced map. The existence of the PRoW is a material consideration.

The KCC PRoW and Access Service is keen to ensure that their interests are represented with respect to our statutory duty to protect and improve PRoW in the County. The team is committed to working in partnership with Sevenoaks District Council to achieve the aims contained within the KCC Rights of Way Improvement Plan (ROWIP). This aims to provide a high quality PRoW network, which will support the Kent economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent a great place to live, work and visit.

Pedestrian / Cycle access within the site

New path links are proposed across the site that would be a valuable addition to the PRoW network, but the ongoing maintenance of these new paths will require consideration. It will be

expected that these will not become the responsibility of the County Council's PRow and Access Service.

Paths within the development area should be designed so that they are safe, secure and inviting to use. Both national policy and Kent Design guidelines clearly state that pedestrian and cycle routes should be overlooked within open and welcoming environments, to prevent fear and intimidation. Planting should also be kept to an absolute minimum, to ensure there are clear lines of view from properties and publicly accessible open spaces.

As a general comment, the applicant has referred to existing Public Footpaths as 'footways'. To avoid confusion, the correct terminology should be used when referring to the PRow.

Village Green

The plans 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.

Impact on Public Footpath SR172

The plans indicate this right of way will be upgraded to a 'strategic shared footway/cycleway'. While the creation of new off-road cycling access is supported, consideration will need to be given to the legal status of this Public Footpath to enable cycling. The path 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.

The applicant should be aware that there are numerous equestrian facilities in the local area, with a network of PRow to the east of the site, which have higher access rights for horse riding. However, opportunities for off-road equestrian activities remain limited, with rural lanes frequently used by horse riders. Considering the proposed development is likely to increase vehicular traffic along these rural lanes, appropriate mitigation should be provided by the applicant to alleviate the issue. For example, new equestrian access should be provided within the development, along with off-site network improvements.

The process of upgrading the status of a public footpath may involve public consultation and is not guaranteed to be successful. To minimise the risk of the proposed path upgrade being unsuccessful, the applicant should engage with the KCC PRow and Access Service to consider the best method of upgrading the status of the footpath.

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.

Impact on Public Footpath SR722

Consideration should be given to dedicating higher access rights along this route and upgrading the status of the path to a bridleway. This would enable equestrians and cyclists to use the route, improving wider connectivity for Non-Motorised Users.

Impact on Public Footpath SR11

With reference to page 148 of the Design and Access Statement, the applicant has indicated a cycling route along the alignment of this right of way that would connect the development site with Otford Lane. While the creation of new off-road cycling access is supported, it is not clear how this proposal will be delivered, as the existing route is recorded as a public footpath and has a number of stiles that restrict access.

The status of the route will need to be upgraded to facilitate cycling, though considering the majority of this path appears to be located on land beyond the control of the applicant, it is not clear how this proposal will be achieved. It is therefore requested that the applicant engages with the KCC PRow and Access Service to clarify the details of their proposal.

Impacts on the wider PRow network surrounding the site

The applicant has proposed new connections with existing footpaths that surround the boundary of the development site. While the creation of such links will improve connectivity with the wider PRow network, including direct access to the North Downs Way (NDW), consideration must be given to the impact on these existing PRow.

Opportunities should be taken to make significant improvements to these existing PRow, as they will increasingly serve as sustainable transport links and provide opportunities for outdoor recreation. 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 are clearly signed and have a suitable surface. It should therefore be expected that a developer contribution will be provided, enabling KCC to deliver off-site improvements to these routes, in preparation for their predicted increase in use.

North Downs Way

The applicant has acknowledged the existence of the NDW National Trail and noted that this route provides a good 'connection to the countryside' (Design & Access Statement - Page 51). However, concerns are raised 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 therefore 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 has not highlighted an area of Open Access Land on their plans, as prescribed by the Countryside Rights of Way act 2000. A new linear path should be created along the northern perimeter of this Chalk grassland area, to connect footpath SR722 with SR97, as this would provide multiple benefits. This route would;

- Guide the public along a linear route that avoids the sensitive grassland habitat
- Provide a circular route around the development site
- Provide a more accessible route for residents that avoids the steep gradient
- Provide a recreational walk with extensive views

This proposed route should be secured with a long-term permissive agreement or ideally be dedicated as a Public Footpath, as this would secure the long-term sustainability and protection of the route.

Summary

The applicant has acknowledged the existence of PRow surrounding the development site and proposed new access opportunities for walking and cycling. However, it is not clear how these improvements will be delivered.

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 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