

## REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held in the Kingsnorth Recreation Centre, Field View, Kingsnorth, Ashford TN23 3NZ on Tuesday, 13 December 2011.

PRESENT: Mr M J Harrison (Chairman), Mr A D Crowther (Vice-Chairman), Mr H J Craske, Mr J A Davies and Mr S J G Koowaree

ALSO PRESENT: Mr M J Angell and Mr J N Wedgbury

IN ATTENDANCE: Mr C Finch (Senior Projects Officer) and Mr A Tait (Democratic Services Officer)

### UNRESTRICTED ITEMS

#### **20. Proposed Public Bridleway creation by agreement at Park Farm, Ashford (Item 3)**

(1) The Members of the Panel visited the site of the proposed bridleway before the meeting. This visit was attended by the Local Member, Mr M J Angell; Mr J N Wedgbury (in his capacity as the Local Borough Councillor); and Mr N Shorter (Chairman) and Mr M Ciccione from Kingsnorth Parish Council.

(2) The Panel meeting itself was attended by everyone who was present at the site visit as well as two members of the public.

(3) The Senior Projects Officer explained that the County Council's policy was that dedication and creation agreements for Bridleways was that it satisfied one of the key principles set out in the Countryside Access Improvement Plan.

(4) Section 25 of the Highways Act 1980 enabled the County Council to enter into an agreement with any person having the necessary power for the dedication by that person of as footpath, bridleway or restricted byway in their area. In this instance, the landowners were Kent County Council and Ashford Borough Council.

(5) The Senior Projects Officer said that the proposed creation agreement satisfied the principle of "a more sensible network" in the Countryside Access Improvement Plan and also conformed to the County Council's "Growth Without Gridlock" policy for transport delivery within the County. This was because the proposed route would run through the southern perimeter of the Ashford growth area and create a direct sustainable transport link between the two primary schools and the surrounding residential area. The route would link with an existing surface path, providing the final link in the creation of a circular surfaced route through the Park Farm fields. This would be ideal for users of all abilities, as well as a route out to the wider countryside. The effect of this route would be to disperse traffic congestion.

(6) The Senior Projects Officer then described the proposed route. Its starting point (A) was at the intersection between PROW AW295 and Reed Crescent. From

there, it would pass a new bollard at Point B. It would then meet PROW AW307 and turn south east at the new bridge at Point C. It would go through a new bridle gate at Point D, pass the entrance to Furley Park Primary School at Point E and then connect with the existing bridleway (AW325) at Point F. The new bridle gate and bollards would reduce speed by cyclists and improve children's safety.

(7) The Senior Projects Officer said that in response to consultation, the Local Member, Mr Angell had expressed his support for the proposal, whilst the Local Borough Councillor, Mr Wedgbury had objected. The County Council had received 15 letters of support and 15 in objection from members of the public.

(8) The Senior Projects Officer then said that Kent Police had not objected because (although they noted the view that the proposed scheme could lead to criminals accessing neighbouring properties) the paths that were due to be improved were already in existence and were currently not a cause for concern.

(9) In response to questions from Mr Crowther and Mr Davies, the Senior Projects Officer said that it was unlikely that there would be a high degree of equestrian use and that the surfacing of the paths had been undertaken by Ashford Borough Council in part through a Section 106 Agreement provided by Ashford BC. The Borough and County Councils had been under the impression that the proposal had a great deal of support at the time this work had taken place.

(10) Mr N Shorter (Kingsnorth PC) addressed the Panel. He explained that he was the Chairman of the Parish Council, a Governor at Kingsnorth Primary School and a Borough Councillor (but not from the Ward in question). He said that the scheme had been presented by Ashford BC to the Parish Council in 2010. The Parish Council had expressed some concerns at that time in respect of health and safety (both generally and in respect of the children at the two primary schools) and over the potential for criminals to use the paths as escape routes. These concerns had resulted in elements of the bridleway being removed and other minor changes to the scheme.

(11) Mr Shorter then said that the changes made to the scheme had then been re-presented to the Parish Council by Ashford BC Officer prior to formal re-submission. The Parish Council had been mindful that existing laws and civil powers enabled control of any inappropriate usage of the network. Concerns about potential miss-use by a minority should not prevent the provision of improved facilities for many parishioners. It had therefore given provisional agreement subject to the Head Teacher of Furley Park Primary School being agreeable to the provision of a bridleway across the front entrance of the school.

(12) Mr Shorter continued by saying that the Head Teacher of Kingsnorth CEP School had written a letter of support for the scheme. This was because of the high level of current usage of the existing facility and the benefit of an enhanced "safe route to school" that would be provided for pupils from Park Farm, which provided a significant area of the school intake.

(13) Mr Shorter went on to say that at the Parish meeting when Ashford BC had re-submitted the application, the Parish Council had agreed to support the scheme. Further meetings involving the Parish Council, Ashford BC, Kent County Council and

the contractor had led to agreement on all aspects of the implementation of the scheme.

(14) Mr Shorter concluded his presentation by saying that Kingsnorth Parish Council saw the scheme as a significant improvement to the footpath and cycleway facilities being provided for the residents of the Parish, the creation of a “safe route to School” and a cost effective use of the funding that was available to the community. It therefore supported the scheme.

(15) In response to a question from Mr Davies, Mr Shorter said that the proposed bridleway would be part of a general plan to provide continuous countryside access in the Ashford area from Mersham in the east to Great Chart in the west.

(16) Mr M Ciccione (Kingsnorth PC Footpath Officer) opened his presentation with a declaration of Personal Interest as a user of land next to the proposed bridleway.

(17) Mr Ciccione then said that the population of Kingsnorth Parish had grown in recent years to 10,000 people. The old footpath network could not cater for this number of people. It was important to both expand the network and to provide upgraded all-weather countryside access to people of all ages and abilities.

(18) Mr Ciccione then said that Kingsnorth Parish was divided in two by the main road. The Parish Council had persuaded the developer of Park Farm to put in a new bridleway to link the two halves. He did not expect that it would be used by horses, and said that its main purpose would be as a legal cycleway.

(19) Mr Ciccione went on to say that the creation of the bridleway would enable the Parish Council to fence off neighbouring grazing and woodland areas that were used by dog walkers whilst providing a managed process that would enable a community of 10,000 people to retain its rural character.

(20) Mr Ciccione concluded his remarks by saying that he did not consider that criminality would be a problem and that the proposed hedging arrangements should alleviate the concerns about overlooking that had been raised by the neighbouring residents along Kestrel Close (between Points C and D).

(21) Mr J N Wedgbury addressed the Panel in his capacity as the local Borough Councillor. He was a resident of the Park Farm Estate and a Governor at Furley Park Primary School. He took his daughter to this school every day.

(22) Mr Wedgbury said that he was objecting to the proposed bridleway because (apart from the section between points E and F) it was in the wrong place and ran the risk of encouraging criminality and other anti-social behaviours.

(23) Mr Wedgbury said that he knew from personal experience that all the pupils would not use the proposed bridleway to get to school as they would take a shorter route through the middle of the estate and Reed Crescent.

(24) Mr Wedgbury continued by saying that he was an employee of the Fire and Rescue Service, and that his father had worked for Kent Police. In the light of his experiences of the work of these two services, he believed that the proposed bridleway would be used by motor motorcyclists as well as for anti-social purposes.

(25) Mr Davies commented that the Police had not objected to the proposal on the grounds of potential crime. He asked whether Mr Wedgbury had discussed his concerns with them. He also noted Mr Wedgbury's observation that a route in Tenterden had been the subject of a gating order. He said that he believed that the circumstances had been different as the path in question that day had been narrow and enclosed and had also been the subject of a considerable degree of reported anti-social and criminal behaviour. The path under discussion at this Panel meeting was much broader and more open.

(26) The Panel asked the Senior Projects Officer to summarise the objections of a local resident from Kestrel Close who had indicated at one stage that he wished to speak to the Panel. These were that the route should not have been upgraded; that the all-weather surfacing would increase the risk an unacceptable level of intrusion into their privacy by users of the route overlooking.

(27) The Senior Projects Officer said that he believed that the residents of Kestrel Close were now, in part, satisfied that their concerns about overlooking had been mitigated by the proposal to provide hedging.

(28) Mr M J Angell (Local Member) said that neither Ashford Community Safety Partnership nor Kent Police had objected to the scheme. He supported the proposal for a number of reasons. These were that it linked with the National Cycleway; that it met a local demand for cycle access across Kingsnorth; that it gave increased countryside access to the community; and that it was an inclusive scheme for people of all ages and abilities. He congratulated Mr Wedgbury on ably representing local concerns in his capacity as a Borough Councillor and then said that his perspective as the local County Councillor had to be broader. He acknowledged that the scheme would cause some inconvenience to people whose properties bordered the route (although he was glad that something was being done to improve matters for them). Their concerns needed to be set against the general benefit to the community. He said that when the scheme was considered in this light, its approval by the Panel was very important.

(29) On being put to the vote, the recommendations of the Head of Countryside Access Service were agreed unanimously.

(30) RESOLVED that approval be given to the Head of Countryside Access Service to enter into a Public Bridleway Creation with Ashford Borough Council and to provide a Deed of Dedication over Kent County Council land between Reed Crescent and the existing Bridleway AW325 at Kingsnorth, Ashford.