



AGENDA

Kent County Council

REGULATION COMMITTEE MEMBER PANEL

Tuesday, 13th December, 2011, at 11.00 am Ask for: **Andrew Tait**
Kingsnorth Recreation Centre, Field View, Telephone **01622 694342**
Kingsnorth, Ashford TN23 3NZ

Tea/Coffee will be available 15 minutes before the meeting

Membership

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

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

1. Membership and Substitutes
2. Declarations of Interest for items on the agenda
3. Proposed Public Bridleway creation by agreement at Park Farm, Ashford (Pages 1 - 10)
4. Other items which the Chairman decides are Urgent

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services
(01622) 694002

Monday, 5 December 2011

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**PROPOSED PUBLIC BRIDLEWAY CREATION BY AGREEMENT. PARK FARM,
ASHFORD.**

A report by the Head of Countryside Access Service to the Kent County Council Regulation Committee Panel Meeting on **13th December 2011**.

Recommendation: I recommend that members agree to the making of the proposed Public Bridleway Creation Agreement.

Local Member:	Mr M Angel	Unrestricted item
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Summary: To seek authority to enter into a Public Bridleway Creation with Ashford Borough Council and provide a Deed of Dedication over KCC land between Reed Crescent and existing bridleway AW325, Kingsnorth, Ashford.

FOR DECISION

Introduction

- 1) The County Council is the Surveying Authority for Kent and is responsible for producing a Definitive Map and Statement of Public Rights of Way. The current Definitive Map and Statement were published on 1st April 1987. Under the Wildlife and Countryside Act 1981, the County Council is under an obligation to keep the Map and Statement under continuous review.

Policy

- 2) The Countryside Access Objectives and Policy document (dated July 2005) sets out the County Council's priorities for keeping the Definitive Map and Statement up to date. The main priorities are:
 - a) The County Council has powers to accept dedications of new rights. A policy is required to set out the priority that will normally be applied by the County Council to individual cases and hence the order in which applications will be dealt with.
 - b) Dedications and Creation Agreements will normally only be processed in the following circumstances:

Where a dedication would satisfy one or more of the key principles set out in paragraph 11.1 of the Countryside Access Policy

Where the requirement to make a dedication forms part of an obligation in a section 106 Agreement.

Legal Tests

- 3) Under Section 25 of the Highways Act 1980, a local authority may enter into an agreement with any person having the necessary power in that behalf for the dedication by that person of a footpath, bridleway or restricted byway in their area.

Growth without Gridlock

- 4) The route proposed runs through the southern perimeter of the Ashford growth area and would create a direct sustainable transport link between primary schools and the surrounding residential area. The route would also provide a direct pedestrian/cycling route from the Cheesemans Green residential area currently in construction and potentially establish sustainable transport choice to the nearby school. The route will link with an existing surfaced path, providing the final link to create a circular surfaced route through the Park Farm fields, ideal for users of all abilities, as well as a route out to the wider countryside.

The Case:

Creation Agreement – Creation of a Public Bridleway between Reed Crescent and existing Bridleway AW325, Kingsnorth, Ashford.

Description of Route

- 5) The route is shown on the attached plan (Appendix A). It commences on the southern side of Reed Crescent (point A), at the connection point of existing public footpath AW295 and runs in a generally easterly direction to a connection with existing public bridleway AW325, adjacent to Poppy Mead (Point F).

The surfaced path will have a width of 2.5 metres, to comfortably allow for shared use. There will be one bridle gate situated at point D, adjacent to the entrance of Furley Park School and two bollards; one situated at point B and the other situated at point F, at the connection with existing bridleway AW325. The infrastructure provided is strategically sited to restrict the speed of users and provide safety at junctions, whilst allowing for legitimate use from users of all abilities.

Landowners

- 6) Ashford Borough Council and the Kent County Council have confirmed that they own all of the land affected. Ashford Borough Council's agreement as landowner is subject to approval.

East Kent Area PROW Manager

- 7) The East Kent Area Public Rights of Way Manager is content the County Council should enter into the agreement and feels that the new route will be a useful addition to the network.

Consultations

- 8) Ashford Borough Councillor, Mr Jim Wedgbury and County Member Mr Mike Angell were consulted. The County Council has received an email indicating full support from the County Member.
- 9) An objection from the Borough Councillor has been received citing crime and local resident objection. Independent advice demonstrates that similar routes actually reduce conflict and cannot be attributed to increased crime. Where possible, access routes within developments are designed to be overlooked to protect both users and adjacent property owners. Kent Police have also confirmed that whilst routes can provide avenues for crime in practice, as this route is already openly available, it is unlikely that crime would increase as a result of the work and upgrades proposed.
- 10) Ashford Borough Council Officers had initially approached the County Council to provide a multi-user route along this alignment and fully support the proposal.
- 11) Project details have been presented to Kingsnorth Parish Council and have been developed through consultation with them. The Parish Council have offered their full support for the proposal.
- 12) Both Furley Park Primary and Kingsnorth Primary School's have been consulted and offer their full support. Furley Park in particular has indicated a desire to increase walking and cycling through their "School Travel Plan" having voiced increasing concerns with vehicle parking in adjacent streets which is a locally known issue.

Kent Police Consultation

- 13) Kent Police were consulted on the proposal and responded to Ashford Borough Council) as follows;
Kent Police have no objection to the proposed cycle routes as per the plan. It is understood that for legal reasons only, a section will have to be classed as a bridle-way to allow cyclists access but in reality, horse riders will not use it. The scheme will see an improvement in surfaces and improve the network of paths in the area.
There may be an argument that improved access is a haven for criminals to access properties that are adjacent to the paths but in reality the paths are already there and currently they do not cause concern.

KCC Consultation

- 14) In recognition of a degree of local opposition, over 100 letters have been distributed to residents of the neighbouring streets. The consultation letter is attached as Appendix C. The closing date for this consultation is set for the 9th of December, the results of which will be made available to members before the panel meets.

Section 106 Agreement (Developer contribution for improvements to highways)

15)The Countryside Access Service are making arrangements for £50,000 to be transferred to them from Ashford Borough Council. The money has been acquired through a penalty for non completion of works required by the developer through the Section 106 agreement attached to the Park Farm East development.

Section 29 Highways Act 1980

16)The creation of the Public Bridleway will have no adverse affect to the needs of agriculture, forestry or nature conservation.

RECOMMENDATION

17)I therefore recommend that members agree to the making of the proposed Public Bridleway Creation Agreement.

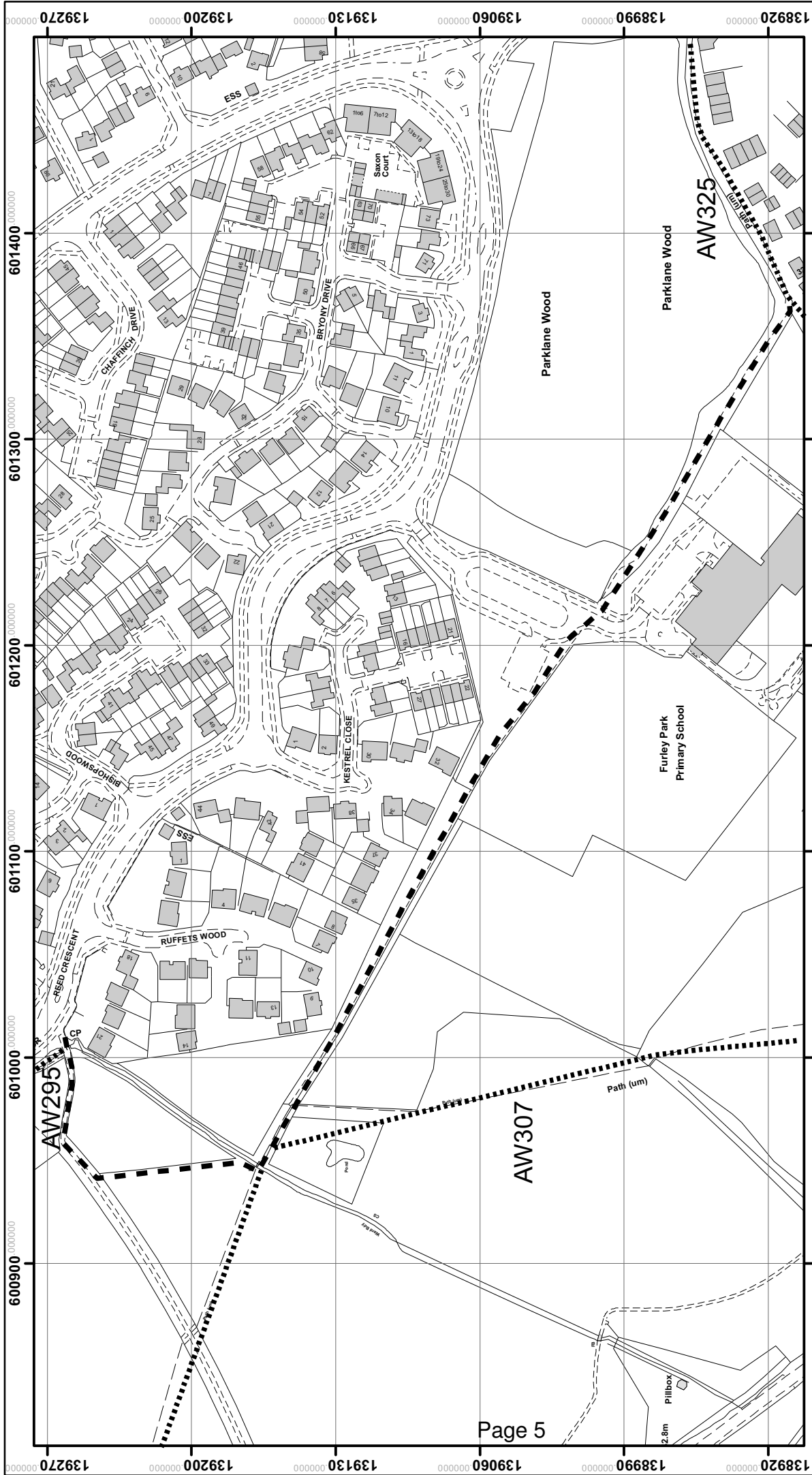
Accountable Officer: Mike Overbeke – Head of Countryside Access Service – 01622 221513

18)Background Documents:

- (1) APPENDIX A – Plan showing the proposed route
- (2) APPENDIX B – Consultation letter
- (3) APPENDIX C – Original letter from ABC

19)Case Officer:

- (1) Colin Finch (01622 221568)



<p>Key</p> <ul style="list-style-type: none"> - - - Proposed line of route Unaffected Routes 		<p>Highways Act 1980 The Kent County Council Section 25 - Proposed Creation of a Public Bridleway by Agreement</p>		<p>Produced by the KCC Countryside Access Service © Crown Copyright and database right 2011. Ordnance Survey 100019238</p>	
<p>Countryside Access Service</p>		<p>Created by: CF Checked by: LW Reference: PROW/CA/AS/36</p>		<p>0 Kilometres 0.125 0.25 0 Miles 0.05 0.1</p>	
		<p>1:2,500</p>			

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To the Occupier.

Countryside Access Service
Customer Services
Customer and Communities
Invicta House
County Hall
Maidstone
Kent, ME14 1XX
Tel: (01622) 221568
Fax: (01622) 221696
Web site: www.kent.gov.uk
Minicom: 08458 247905

Email: colin.finch@kent.gov.uk
Ask for: Colin Finch
Your Ref:
Our Ref: CAS/CAIP/FurleyPark11.11
Date: 18th November 2011

Dear Resident,

Reference: Rights of Way Creation, Park Farm Ashford.

The County Council is in the process of delivering its Countryside Access Improvement Plan and recommendations for pedestrian and cycling improvements have been made by members of your local community.

Agreements are being sought with local landowners to upgrade the existing public footpath shown on the attached plan to that of public bridleway status. The existing public footpath runs through land owned by both the County Council and Ashford Borough Council.

The motivation behind the upgrade is to facilitate a traffic-free cycling route to Furley Park school, whilst also providing an all weather surface and bridge suitable for both pushchairs and wheelchairs. Funding has been secured from Sustrans the sustainable transport charity and would be delivered at no expense to either County or Borough Council's.

As you may already have noticed work has already commenced to provide the all weather, accessible surface along the route. A certain amount of vegetation has also been removed in order to create a spacious and safe environment. Attached to this letter is a plan demonstrating the proposed route and locations of where furniture to be installed, intended to reduce speeds and prevent illegal use.

This consultation is to ascertain whether residents are supportive of upgrading the legal status of the path to that of bridleway, so as it may be used as a traffic free cycle route to school.

We should like to hear your views as to whether as a local resident you are in support of the proposed upgrade by answering the following questions.



This is available in
larger print on request



1. Do you support the path upgrade as proposed?
2. Is there any thing else you think we should consider in relation to this proposed route?

Your response can be made in writing to the responsible officer, Colin Finch at the address above or made via the internet at;

http://consultations.kent.gov.uk/consult.ti/prow_kingsnorth/consultationHome

Comments should be made by **Friday 9th December** and details of any responses received will be made available via the above web address, following the consultation closure date.

Yours sincerely,



Colin Finch
Senior Projects Officer
Countryside Access Service



This is available in
larger print on request



**Head of Legal and Democratic Services and
Monitoring Officer - T W Mortimer LLB Solicitor**

Ask For: Debbie Jones
Email: debbie.jones@ashford.gov.uk
Direct Line: 01233 330561
Fax No: (01233) 330649
DX 151140 Ashford (Kent) 7

Kent County Council
DX 123693 - MAIDSTONE 6, Kent



ASHFORD
BOROUGH COUNCIL

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Tannery Lane
Ashford
Kent TN23 1PL
(01233) 331111
Typetalk (01233) 330744
www.ashford.gov.uk
DX 151140 Ashford (Kent) 7

Our Ref: DSJ/DS180-83
Your Ref: Colin Finch
Date: 07 September 2011

Dear Sirs

Bridleway at Tudor Farm

Further to previous correspondence in this matter I can confirm that the Council is happy with the proposed agreement.

I look forward to receiving the formal documentation from you in due course.

Yours faithfully

for Head of Legal and Democratic Services and
Monitoring Officer



**INVESTORS
IN PEOPLE**

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