

## KENT COUNTY COUNCIL

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### REGULATION COMMITTEE MEMBER PANEL

MINUTES of a meeting of the Regulation Committee Member Panel held in the Julie Rose Stadium, Willesborough Road, Kennington, Ashford TN24 9QX on Monday, 6 October 2025.

PRESENT: Mrs M Fothergill, Mrs B Porter, Mr A Ricketts and Mr T L Shonk

IN ATTENDANCE: Mr G Rusling (Head of Public Rights of Way & Access), Ms M McLauchlan (Definition Officer) and Ms H Savage (Democratic Services Officer)

#### UNRESTRICTED ITEMS

The Panel agreed that Mrs Maxine Fothergill, Chair-elect of Regulation Committee, chair the meeting.

**1. Substitutes**

*(Item 1)*

Apologies had been received from Mr Mole. There were no substitutes.

**2. Declarations of interest for items on the agenda**

*(Item 2)*

There were no declarations of interest.

Mr Colin Sefton declared, for the avoidance of any doubt, that he was attending the meeting and speaking on behalf of Kent Ramblers, and not in his capacity as a KCC Member.

**3. Application to divert part of Public Footpaths AU22 and AU17 from the foot crossings known as Cradle Bridge (AU22) and Bolleaux (AU17), at Kennington in the Borough of Ashford**

*(Item 3)*

*Mr Chris Morley (Kennington Community Council), Mr Mark Saunders (Quinn Estates), Mr Simon Cole (Assistant Director of Planning and Development at Ashford Borough Council), Mr Nathan Whitington (Network Rail), and Mr Colin Sefton (Kent Ramblers) were in attendance.*

1. The Members of the Panel visited the site of the proposed diversions prior to the meeting. The site visit was also attended by Mr Brian Collins (Local Member). Mr Chris Morley and Mr Alan Cooper (Kennington Community Council), Mr Colin

Sefton (Kent Ramblers), Mr Nathan Whitington (Network Rail), Mr Graham Rusling (Head of Public Rights of Way and Access Service), Ms Maria McLauchlan (Definitive Map Officer) and Ms Hayley Savage (Democratic Services Officer). The Panel Members crossed the railway line foot crossing known as Cradle Bridge (AU22) and inspected the surrounding area. They were able to view the locality of the foot crossing known as Bolleaux (AU17) along with the proposed public footpath diversion. The purpose of the site visit was to familiarise Panel Members with the route and facts relating to the application.

2. Ms Maria McLauchlan (Definitive Map Officer) introduced the report which set out the applications the Council had received from Network Rail to divert parts of Public Footpaths AU22 and AU17 where they pass over the at grade rail crossings known as Cradle Bridge (AU22) and Bolleaux (AU17) at Kennington. The applications had been made by Network Rail in the interests of safety of members of the public and a risk assessment had most recently been carried out by Network Rail in 2022. Ms McLauchlan explained that the proposed residential development which comprised approximately 750 dwellings to the west and 300 to the east of the railway would significantly increase pedestrian demand across the line, thereby heightening the safety risks associated with the existing crossings.
3. Ms McLauchlan provided a summary of the consultation responses received, as detailed in the report. Overall, there was general agreement within the responses that increased usage of the crossings would present significant safety concerns, however, some respondents objected to the proposed stepped bridge as it would not be accessible for all members of the public.
4. As set out in the report, Ms McLauchlan explained the criteria of Section 119A of the Highways Act 1980 that must be considered when dealing with an application to divert a public right of way. The primary legal test was safety. All respondents to the consultation agreed the existing crossings would become unsafe as a result of the increased use expected due to the planned development.
5. The second legal test involved ensuring barriers and signs were erected and maintained. All crossings present similar risks, and full closure via extinguishment was not viable as both footpaths provide connectivity between Ashford and Wye, leading to the Kent Downs National Landscape (formerly Area of Outstanding Natural Beauty). Train warning systems like miniature stoplights were considered but dismissed due to inefficiency and cost. A footbridge on AU22 was deemed the best option, and constructing a new footbridge at AU17 was unnecessary due to cost and environmental impact.
6. The third legal test related to the termination points of the diverted paths. AU22's termination points remained unchanged. AU17 would connect to AU22 on the west side of the railway, maintaining overall connectivity. Ashford Borough Council (ABC) granted permission for a stepped and ramped bridge, supported by the local plan with a £4million developer contribution capped, in 2023.
7. The final test was whether the order should make provision requiring the operator of the railway to maintain the rights of way. The PROW service would be responsible for the on-going maintenance of the footpaths and the order would specify that Network Rail would maintain the bridge and bridge approaches.
8. Following a review, the ramped bridge was deemed undeliverable due to rising costs. Network Rail conducted a feasibility study and Diversity Impact Assessment (DIA) in 2024, concluding that a stepped bridge would be suitable. Although the

current access was not ideal for all users, the bridge would improve safety and ABC approved the stepped bridge despite objections.

9. Ms McLauchlan explained that the main concern was that a stepped bridge would disadvantage some users and negatively impact accessibility. Both Network Rail and the PROW service conducted equality impact assessments, which acknowledged the challenges posed by the existing approach and aimed to improve accessibility. Although a stepped bridge may deny access to a limited number of users, it must be balanced against the safety benefits. A ramped bridge would be ideal but was not feasible due to cost.
10. The diversion affected land served by the existing path, but the impact was acceptable to landowners. Although the new route may require a longer walk, the overall rights of way network remained functional. The proposed diversion was considered safer than the current level crossings. The new route for AU22 included a bridge with safety features like landing stages and handrails included in the design.
11. Ms McLauchlan concluded by saying that KCC must consider the legal requirement of safety. The diversion of AU17 and the footbridge at AU22 would reduce public exposure to danger, satisfying the legal test. While the ramped bridge was not possible, and some users may face longer routes, the existing crossings were expected to become too unsafe to remain open. If they did, Network Rail would apply for a temporary traffic regulation order to close them. If both crossings were closed for safety reasons, it would cause inconvenience for all users.
12. Ms McLauchlan explained that under the Highways Act 1980, if a diversion order is made, it must be advertised for 28 days, during which objections could be submitted. If objections were received, KCC may refer the matter to the Secretary of State, who could appoint a public inquiry.
13. Taking all factors into account Ms McLauchlan recommended to the Panel that the applicant be informed that the diversions of Public Footpaths AU22 and AU17 from the foot crossings known as Cradle Bridge (AU22) and Bolleaux (AU17), at Kennington in the Borough of Ashford, be made on the grounds that it was expedient to do so for safety reasons.
14. The Applicant, Mr Nathan Whitington on behalf of Network Rail, addressed the Panel. He explained that an algorithmic model had been developed to assess health and safety risks at crossings resulting in a risk score for each individual site. The model used was well-established and helped guide decisions on mitigation measures. The aim was not to spend excessively but to meet legal obligations by reducing risks to a tolerable level. Mitigation options included features like stop lights and gates with magnetic locks, though these would not be sufficient on their own and therefore the construction of a bridge was considered.
15. Mr Whitington explained that the Public Sector Equality Duty required consideration of how the decision would affect people with protected characteristics and the risks had been addressed in the Diversity Impact Assessment (DPIA). He said decisions must be evidence-based and proportionate to the level of risk. The most compliant solution was a fully ramped bridge meeting minimum technical standards which was estimated to cost £6.3 million (as of Q1 2025). However, the solution must be proportionate to the risk and available

funding. The proposed flow bridge design would allow for ramps to be added in the future if needed.

16. Panel Members asked for clarification regarding the cost and funding source of the proposed flow bridge being made into a ramped bridge in the future. Mr Whitington explained that detailed information was not currently available and would need to be developed along with the completion of a design process.
17. Mr Chris Morley, on behalf of Kennington Community Council, had sent a written representation (attached to these minutes) in objection to the application which was circulated to the Panel prior to the meeting. He also addressed the Panel. He explained there was rapid development occurring in Kennington in line with the local plan, which would significantly increase the population. He said whilst there was support for a bridge, it was essential that it be step-free to ensure accessibility for all. He considered the Diversity Impact Assessment (DPIA) to be highly flawed, as it failed to acknowledge that these developments were already underway and did not reference the Ashford Borough Council (ABC) Local Plan. The DPIA referred to surrounding fields, giving the misleading impression that the area was underutilised. The assessment should instead be based on approved developments, which included a primary school with limited parking and a bowls club located west of the railway.
18. Mr Morley said the Section 106 development contribution, which was indexed, had risen to £5million as of 6 September 2023 and was expected to continue increasing. The bridge was estimated to cost £1.3million, meaning at least £3million of Section 106 funds should be available. However, no cost estimates had been submitted for a ramped version of the bridge. He noted that the submitted design was fixed and could not be modified to include ramps later, which was disappointing. Mr Morley strongly urged the Panel to refuse the current application based on the applicant not providing a fully step-free solution.
19. Panel Members questioned the clarity of the information that had been provided by Network Rail in relation to the various bridge options. Mr Whitington provided, verbally, approximate costings for four baseline options including a stepped footbridge, a flow footbridge, a ramped footbridge and a Quinn design footbridge. Mr Whitington explained there was a risk allowance of £1million. Members questioned the disparity between the figures that had been provided verbally by Network Rail and the figures that were included in the report. It was felt by Members that insufficient information had been provided.
20. Mr Colin Sefton, on behalf of Kent Ramblers, addressed the Panel. He said the proposal to use a stepped footbridge was unfortunate, as access for everyone was preferable and Ramblers favoured a ramped footbridge. He said Ramblers understood the difficulties involved, and if a decision was made to proceed with a stepped footbridge, they would not pursue the matter further. He said it was also unfortunate that the diversion appeared quite long however they accepted the importance of public safety. Ramblers hoped that sufficient signage would be in place to guide users appropriately.
21. Mr Simon Cole, Assistant Director for Planning Development at Ashford Borough Council, addressed the Panel. He explained that ABC had been involved in discussions from the outset in addressing the various PROW issues. In December 2017, the site was included in the Local Plan including the provision of a pedestrian and cycle bridge crossing over the railway line. In February 2019, the Local Plan was formally adopted with this requirement included. At the same time, a planning

application was submitted for 725 homes and in January 2022, planning permission was granted subject to a Section 106 agreement. The relevant schedule dealing with improvements set out the requirement for the bridge and necessary consents, subject to a maximum indexed sum of £4million. In July 2022, a planning application for a ramped pedestrian and cycle bridge was submitted and subsequently granted planning permission in September 2023. However, by October 2024, the provisional cost of the consented bridge had increased significantly. Interested parties collaborated on an alternative which led to the development of the stepped flow bridge option. In April of this year a stepped flow bridge application was submitted and granted in July. Before commencement, a wheeling ramp must be provided unless evidence is submitted to the Local Planning Authority (LPA) demonstrating that such provision is not feasible for the developer.

22. Mr Cole explained that extensive discussions had taken place between parties regarding the Section 106 agreement and cost estimates for the stepped flow bridge had suggested there may be opportunities to use remaining funds to improve cycling infrastructure. Mr Cole concluded that it was recognised early on that the existing crossing was not acceptable and although all parties aspired to deliver a ramped bridge, it had not proved viable. The stepped flow bridge would close an unsafe crossing and may allow for further improvements to at grade linkages through the use of remaining funds.
23. Panel Members asked Mr Cole for his understanding of the cost of a ramped bridge. Mr Cole said a ramped bridge would cost over £10million and would be a large bridge which required the correct height, deviant, and long zig-zag ramps. Mr Cole said, in light of the rising costs, extensive discussions between the developers and Network Rail about what could realistically be delivered had taken place and it was agreed that having a bridge—even a limited one—was better than having no bridge at all. The desire to secure a safe crossing was seen as fundamentally important, especially given the plans to build housing and a school on one side of the railway. His understanding was that the concept of a ramped flow bridge was relatively new and not something that had been designed or implemented elsewhere. It was an emerging solution, which may explain the lack of clarity around its final cost. In contrast, the step bridge option could be delivered within the cost envelope provided by the Section 106 agreement. While the final cost could vary, it was understood that over £1million remained in the pot, which could be used to improve at grade linkages. Factors relating to how much land was needed and civil engineering works were still being explored in detail and may be contributing to uncertainty around the final cost.
24. Mr Ricketts asked about provision for cyclists. Mr Cole explained that Network Rail were required to provide a wheeling ramp unless it was not technically or financially feasible. In terms of improvements to surface routes, there was an intention to work alongside Public Rights of Way (PROW) colleagues to explore how existing routes could be surfaced or enhanced using sensible design lines. As the estate develops, there was a desire to ensure that shorter-range accessibility routes were considered without losing sight of the strategic PROW network.
25. The Chair asked about the capped cost of £4million and Mr Cole explained that the Section 106 agreement sets a capped cost for the bridge. If the bridge could not be delivered within that budget, the sum must be used on alternative highway measures. Specifically, the PROW (Public Rights of Way) part of the Section 106 agreement allowed for the money to be spent on improving accessibility. If the funds were not used for the bridge, they could be directed toward surface-level

improvements and enhancing connectivity. As with any Section 106 agreement, if money is not spent in accordance with its terms, it must be returned to the developer.

26. Mr Mark Saunders, on behalf of Quinn Estates, addressed the Panel. He said their aim was to deliver a bridge that was suitable for as many people as possible, with safety remaining the top priority. There was ongoing collaboration with Ashford Borough Council (ABC) and Network Rail (NR) to develop a solution that meets community needs. While more work was needed to refine the costings, the shared goal was to create something that genuinely benefits the community and ensures a safe crossing. The commitment remained to find a practical and inclusive solution that protects public safety and supports long-term connectivity.
27. The Chair proposed that the meeting be adjourned due to insufficient information being provided regarding the costings of the various bridge options. The Panel unanimously agreed to adjourn consideration of the application until such time as the necessary information was available to enable informed consideration and decision-making.
28. RESOLVED that the Regulation Committee Member Panel agrees to adjourn the consideration of the application to divert part of Public Footpaths AU22 and AU17 from the foot crossings known as Cradle Bridge (AU22) and Bolleaux (AU17), at Kennington in the Borough of Ashford to a future meeting, pending the provision of further information to support informed decision making.

**4. Other items which the Chairman decides are urgent  
(Item 4)**

There were no urgent items.