

## **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**

---

An addendum to the report by the Head of Public Rights of Way and Access Service considered by Kent County Council's Regulation Committee Member Panel on 6 October 2025.

**Recommendation:** The applicant to be informed that an Order 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, will be made.

---

Local Member: Brian Collins

Unrestricted item

---

### **Introduction**

1. This report is an addendum to the Kent County Council's Regulation Committee Member Panel report which was considered at a meeting on 6 October 2025 (see **Appendix A**). The recommendation was that the applicant be informed an Order should be made 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, as shown on the plan at **Appendix B** to this Addendum.
2. This addendum should be read in conjunction with the Regulation Committee Member Panel report at **Appendix A**, the contents of which remain relevant.
3. As a point of correction, where the Regulation Committee Member Panel report referred to Network Rail's *Disability* Impact Assessment, this should be amended to *Diversity* Impact Assessment, as correctly pointed out by Mr Morley at the meeting on 6 October.

### **Main point of contention**

4. There was broad agreement that the footpaths would become unsafe due to the expected increase in use of the at grade rail crossings once the development had been completed. The main point of contention related to the proposed diversion of part of Public Footpath AU22 over a stepped bridge. Connected to that, the Member Panel considered that there was insufficient information in relation to the costs of providing a stepped or ramped bridge, to be able to make a fully informed decision. Therefore, it was agreed to adjourn the meeting and reconvene once Network Rail had produced clear costings for the two types of bridge.

### **Costings**

5. Network Rail has produced a financial breakdown of costs relating to each type of bridge. These can be found at **Appendix C**.

## Conclusion

6. With reference to the conclusion in the Regulation Committee Member Panel report at **Appendix A**, the legal test that is required to be considered when making an Order to divert a Public Right of Way under section 119A of the Highways Act 1980, from where it crosses a railway, is that of safety of the public using, or likely to use, the crossings. With reference to paragraph 3 above, the Public Rights of Way and Access Service is still satisfied that this legal test is met.
7. Further, it is considered that the best way of removing the risk of the public coming into contact with the trains is by means of a bridge. Although there is a preference for this to be of a ramped construction, it is recognised that this is not possible in this particular case as the required funding for such a structure is not available.

## Recommendation

8. Therefore, it is recommended that the County Council exercises its discretion, under the powers conferred in Section 119A of the Highways Act 1980, and informs the applicant that an Order 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, as shown on the plan at **Appendix B** to this report, will be made on the grounds that it is expedient to divert the path on the grounds of safety of the public.

Accountable Officer:

Mr Graham Rusling (Head of Public Rights of Way and Access Service) – Tel: 03000 41 34 49 or Email: [graham.rusling@kent.gov.uk](mailto:graham.rusling@kent.gov.uk)

Case Officer:

Mrs Maria McLauchlan – Tel: 03000 41 34 20  
or Email: [maria.mclauchlan@kent.gov.uk](mailto:maria.mclauchlan@kent.gov.uk)

## List of appendices:

**APPENDIX A** – 6 October 2025 Regulation Committee Member Panel report

Annex A - Plan of proposals

Annex B - Extract from the network copy of the Definitive Map, sheet 127 (TR04SW)

Annex C - Network Rail's Diversity Impact Assessment

Annex D - Flow Bridge Feasibility Report

Annex E - Bridge Prior Approval Report

Annex F1 – AU22 EqIA

Annex F2 – AU17 EqIA

**APPENDIX B** – Plan of proposals

**APPENDIX C** – Financial breakdown of costs relating to each type of bridge

Case file references - **PROW/AU22/14/NR**  
**PROW/AU17/15/NR**