

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

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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.

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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

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#### 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 1<sup>st</sup> 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 9<sup>th</sup> 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
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### **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)