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By Email:

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Date: 11th April 2024

Dear Robin

Application : Outline planning application with all matters reserved (except for access) for development of land to west of Hermitage Lane and East of Kiln Barn Road comprised of: a residential-led development including affordable housing; a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure. Application supported by an Environmental Statement

Location : Development Site Land East Of Kiln Barn Road And West Of Hermitage Lane Aylesford Kent

Thank you for the opportunity to comment on the above consultation, 24/00372/PA. As a general statement, KCC's Public Rights of Way and Access Service are keen to ensure that their interests are represented with respect to our statutory duty to protect and improve Public Rights of Way (PROW) in the County. The team is committed to working in partnership with all parties to achieve the aims contained within the KCC Rights of Way Improvement Plan (ROWIP) and Strategic Statement for Kent. Specifically, these relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

PROW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. The value of the PROW network is in providing the means for residents and visitors to access and appreciate landscapes for personal health and wellbeing, enhancing community connectivity and cohesion, reducing local traffic congestion for economic benefit and improvement in air quality, and much more. The existence of the Rights of Way are a material consideration.

Public Footpaths MR102, MR481, MR485, MR486 and Public Bridleway MR484 would be directly affected by the development, with the wider network significantly impacted in the ways mentioned above and below.

The substantial size of this development will have an **adverse/high impact** on the PROW network, both on and off site through increased use, loss of amenity and future generation of traffic.

KCC PROW and Access request the following is **provided by condition** if permission is granted :

PROW Management Scheme to cover both construction and operation, provided and agreed by KCC PROW and Access as the Highway Authority for Public Rights of Way, at any future Reserved Matters stage of the application. This should detail widths, surfaces and path management during the development process, to ensure a timely and legal build out and reduce the negative impact on the PROW use.

We would advise the applicant of the following in relation to the PROW affected by the development and in terms of the wider area connectivity:

1. A full multiuser route should be provided initially beside what looks like the new access road at the East Malling end, which also incorporates some of the western end of MR102, then an upgrade of the eastern half of MR102/MR486 to link with bridleway MR484 to provide an east/west bridleway/cycle link. This upgrade can be achieved through a Creation Agreement with landowner consent. . The creation of new paths and upgrading of existing routes should be considered as positive outcomes of the scheme and we advise the applicant to engage with ourselves to ensure the correct legal process is followed.
2. Routes within the site should either be maintained on their current alignments, segregated from the road network in order to keep them traffic free, or diverted to appropriate new routes, also traffic free and surfaced to all weather standards. Any diversion proposal must be agreed by ourselves and follow the due legal mechanism of either TCPA or Highways Act legislation.
3. As mitigation for increased use of the Network in the area, as well as the impact on the amenity of the use (Landscape/visual), the loss of recreational walks in the countryside, we would seek S.106 funding for offsite improvements to MR484 north and east of the development to complete the links detailed above and improve off road connectivity for the wider area. We refer the applicant to the KCC Rights of Way Improvement Plan which outlines our objectives for improvement opportunities across the PROW Network.
4. We would seek S.106 funding for improvements to MR100 to link to the development to the north
5. We would seek S.106 funding for improvements to MR481 between the proposed development and Finch Close to improve pedestrian links.
6. The above will provide recreational, health and well-being benefits as well as connectivity and encourage modal shift.
7. In consideration of Kent Design standards and Police guidance, any forthcoming master plan should keep PROW within overlooked areas of Open Space, to facilitate a safer environment for path users. Path extinguishments and long-term severance of routes should also be avoided, to prevent fragmentation of the PROW network.
8. We advise engagement with the British Horse Society due to the level of equestrian use of the area network.

Comments are made in reference to the following planning policy.

- **NPPF (December 2023) para. 96:** 'to achieve healthy, inclusive and safe places', which specifically encourage social interaction, minimise crime and disorder and the fear of such, and enable and support healthy lifestyles.
- **NPPF (December 2023) para. 97:** to 'plan positively for the provision and use of shared spaces... support the delivery of local strategies to improve health, social and cultural well-being...guard against the unnecessary loss of valued facilities and services...and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services'.
- **NPPF (December 2023) para. 102:** to be 'based on robust and up-to-date assessments of the need for open space, sport and recreation facilities ... and opportunities for new provision.'
- **NPPF (December 2023) para. 104:** 'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.'
- **NPPF (December 2023) para. 108:** 'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
...
c) opportunities to promote walking, cycling and public transport use are identified and pursued
...'
- **NPPF (December 2023) para. 110:** 'Planning policies should:
...
c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;
d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);
...'
- **NPPF (December 2023) para. 116:** '... applications for development should:
a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

...'

KCC Rights of Way Improvement Plan 2018-28

This response is made on behalf of Kent County Council Public Rights of Way and Access Service. The views expressed should be considered only as the response of the County Council in respect of public rights of way and countryside access matters relating to the application.

Yours sincerely

Kate Beswick
Countryside Access Improvement Plan Officer
Public Rights of Way & Access Service