

Mr Simon Lake – Policy S55 Response

Subject: Attention of Lynette Duncan - Examination of Ashford Local Plan 2030 - Rural sites – 4
Charing with respect of S55

Dear Lynette,

Following our telephone call yesterday can you please read my email and forward with the attachment to the Examination Inspector.

I attended the meeting at Ashford Borough Council (ABC) Chambers on the 31st May and I would like to draw your attention to the following points:

In S55 I believe rights of pedestrian and cycle access to PoppyFields remain a condition of the plan. I stated at the meeting that automatic rights of access to PoppyFields (a private development) do not exist. A representative from Dean Lewis stated to the contrary. After reiterating my position a second time I was asked by the Inspector to clarify offline with Dean Lewis. After nearly 2 weeks of email dialogue I was sent the email below from Dean Lewis on the 12th June which I understand you have been made aware of:

Dear Mr Lake,

The position with regard to pedestrian and cycle access to Poppyfields is straightforward.

The Wheler Foundation and Gladman and Dean Lewis Estates control land that can enable access from S55 to the Poppyfields public open space.

The Poppyfields public open space is owned by Barratt David Wilson who we are in active dialogue with on this matter.

This is an ordinary development matter that will be resolved by the parties via private negotiation.

We have confirmed this position to both Ashford Borough Council and the Examination Inspector.

kind regards.

Tim Dean
Dean Lewis Estates"

Firstly, With respect to the **land that can enable access from S55 to the Poppyfields public open space**, I respectively propose you read the attached TR5 document which all residents received as part of our house purchases. Section 11.3 describes the Rights reserved for the benefit of other land access via a Ransom Strip. I'm not a Conveyancing expert, but I believe this TR5 describes the ownership of the Ransom Strip between PoppyFields and the land for development, but this **only allows for access to maintain the drainage ditches**. It does not state that there is an automatic access route for pedestrians and bikes.

Secondly, We have contacted a representative from Barratt David Wilson who responded with an email on Thursday, 14th June. The following is an extract from the email:

"Dean Lewis approached one of my land team for a meeting last week and are a company whom we know well and are in regular contact with about various land promotion opportunities throughout the County. There was no background information supplied in advance of the meeting last week and the reason for the meeting was not clear to us at that point. At the meeting it was suggested by Dean Lewis that it might be helpful to the promotion of their adjoining land to have the benefit of pedestrian and cycle access through the Poppy Fields development. So yes it is correct of them to say that we have been in dialogue but this dialogue only commenced last week, and at present, no formal proposal has been put to us for consideration. I am now aware of the correspondence that was sent to Ashford's planning team including a reference to this discussion. I can confirm this was sent without our knowledge or approval. Should any formal proposal be put to us, we will consider the merits of it at that point"

Therefore no negotiation has commenced and no conclusion arrived at.

Thirdly, The email from Dean Lewis refers to the 'Poppyfields public open space' We believe that this refers to green area space that ultimately will be owned by the PoppyFields's residents after handover from Barratt David Wilson. These said green areas to date have not been handed over to the residents due to residents refusing handover until the outstanding planning conditions for the sewers and surface water drainage are discharged and completed. For information handover should have taken place at the back end of 2017.

If Barratt David Wilson were now to agree to these rights of way while they are the owners of this land, we believe this would alter the contracts residents entered into (which included the green areas), when we all agreed to purchase these properties and all of the land on the development.

Finally, I hope you appreciate receiving my comments . All I am trying to do is to point out that having rights of pedestrian and cycle access into PoppyFields is far from straightforward. I, and many of my fellow residents, believe that not only do such rights not exist but conclude automatic rights of access are impossible to achieve. I believe this can not be concluded by a private negotiation. Therefore, we respectfully suggest that any reference to pedestrian and cycle access to PoppyFields be removed from S55 in the Local Plan