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**Public Protection**

PROW & Access Service  
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7<sup>th</sup> May 2020

Dear Mark

**Location – Land between Woodchurch Road and Appledore Road, Tenterden**

**Proposal – Outline application for the development of up to 145 residential dwellings (50% affordable) including the creation of access points from Appledore Road (1 x all modes and 1 x emergency, pedestrian and cycle only), and Woodchurch Road (pedestrian and cycle only), and creation of a network of roads, footways, and cycleways through the site. Provision of open space including children's play areas, community orchards, sustainable urban drainage systems, landscape buffers and green links all on 12.35 ha of the site. (Save for access, matters of appearance, landscaping, layout & scale reserved for consideration')**  
**b) Full planning permission for the change of land use from agricultural land to land to be used as a country park (8.66 ha), and land to be used as formal sports pitches (3.33 ha), together with pavilion to serve the proposal and the surrounding area. Including accesses, ancillary parking, pathways, sustainable urban drainage systems and associated landscaping.**

Thank you for the consultation letter regarding the above application **21/07890/AS**. Public Footpath AB12 would be directly affected by the proposed development. The location of the path is indicated on the attached extract of the Network Map. The Network Map is a working copy of the Definitive Map. The existence of the Public Right of Way (PROW) is a material consideration.

KCC PROW have no objection to this consultation of the amended application with reduced housing as there is no change to our previous responses and engagement with the applicant regarding the incorporation of Public Footpath AB12. We recognise that the views and visual impact to the East of AB12 northern end would now be improved by the proposed Country Park. East of AB12 southern end at the pavilion and sports pitches again reflects our previous responses.

However, we must draw the applicant's attention to the recent claim of a new Public Footpath circulating the site and that an Order to record a Footpath has been made. As an objection was received, the Order has been submitted to the Secretary of State for determination and if the Order is confirmed, this will have a major impact on the proposed development. We estimate that it would be at least a year before the necessary public inquiry would take place as The Planning inspectorate have a significant backlog of cases. Please see attached documents for reference. If determined, this route must be incorporated into the development both through the Country Park to the East and the housing to the West. The eastern route of new Public Footpath AB70 would appear to run the route of the proposed paths which would easily align with the Order route with minimal amendment. The route of AB70 through the housing on the western side would require diversion under The Town and Country Planning Act if the Order is confirmed. **We therefore advise engagement with KCC PROW as a matter of urgency** to resolve this route alignment and specification.

### **General Comments:**

#### *Transport Assessment:*

4.5.3 – KCC PROW support as per previous engagement and agreed design

4.5.7 – amend the use of “upgraded” to “improved” – there is no upgrade to Public Footpath AB12 as this implies a change of recorded status. AB12 remains a Public Footpath but improved and re-instated to the correct width as requested, to the specification agreed and approved by KCC PROW in our previous responses and engagement.

4.5.8 – it is extremely disappointing to see the recurrence of the phrase “discourage use” of AB12 at the Woodchurch Road end despite previous responses and discussion of this exact point with the applicant. We also required removal of the statement that it is “likely that the use of the PROW will be minimal although it will be retained”; existing and new users are in fact probably more likely to use this route, given the claimed route of Public Footpath AB70 as above. We strongly object to the tone of this paragraph which appears to have taken a few steps backwards from our ongoing engagement.

4.8.2 – agreed crossing details as per previous response

#### *Travel Plan Statement:*

2.5.3 – as agreed in our previous responses regarding crossing, surface, width

2.5.7 & 2.5.8 – see comments above *Transport Assessment 4.5.8*. We have requested and agreed with the applicant in previous engagement that the route will remain on current alignment at the Woodchurch Road end, width reinstated correctly with natural surface.

3.2 – KCC PROW support the Travel Plan Objectives

6.2 Promotion of Walking and Cycling – It is disappointing that there is no mention of the immediate PROW network to reflect the extent to which the PROW network meets likely future public need in contributing towards more sustainable development and travel.

6.5 Travel Information Packs - KCC PROW would request that the promotion and communication Travel Information Packs include information regarding the opportunities provided by the wider PROW network connectivity for sustainable travel as well as exercise, leisure and open-air recreation for all community user groups. Engagement with KCC PROW can only advance the expectation “to ensure that the objectives set out in Section 3 of this TP are met” in order to “encourage the use of sustainable transport modes”. PROW and Access Service will ensure information and resources are supplied to meet these aims. Replacing private vehicle journeys with active travel across the area should help to address low carbon targets, air quality issues, and improve public health.

**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**

Rights of Way Improvement Plan Officer  
Public Rights of Way and Access Service