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| <b>Wouldham</b><br>Burham Eccles<br>Wouldham | <b>571728 163098</b> | <b>8 February 2007</b> | <b>TM/07/00436/RD</b> |
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| Proposal:  | Details of footpath, cycleway and bridleway strategy submitted pursuant to condition 26 of planning permission TM/05/00989/OAEA: Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1; A3 and B1 use), community facilities and primary school and associated highways works |
| Location:  | Former Peters Pit And Peters Works Site Hall Road Wouldham Rochester Kent  |
| Applicant: | Trenport (Peters Village) Limited  |

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## **1. Description:**

1.1 These details relate to the footpath, cycleway and bridleway strategy submitted pursuant to planning condition 26 of outline planning permission TM/05/00989/OAEA. These details provide an overall strategy rather than dealing with the detailed submissions of the construction of such facilities.

1.2 The applicant is proposing to provide the following:

- A segregated greenway from Wouldham to the proposed north roundabout of the development. This will involve a separate carriageway between the road carriageway and a footpath and cycleway. Full details of the Greenway are required by Condition 27;
- The provision of a riverside path incorporating the partial diversion and extension of bridleway MR10. This will be for pedestrians and horse riders. Full details of the riverside footpath are required by condition 25;
- The provision of a permissive footpath link from Skeleton Hill in front of Ravens Knowle cottages, across the proposed open spaces through to the development site;
- Provision of internal footways within the development site;
- Provision of a segregated footway, cycleway and bridleway along the middle section of MR10 to the south of the development site, until the point where Court Road cuts across up the junction with Margetts Lane;
- Six dedicated pedestrian/cycle crossings;
- Provision of on carriageway cycle route with partial separate cycle lanes from the development site, along Court Road through to Eccles.

- 1.3 The applicant has submitted a number of explanatory notes in support of the footpath, cycleway and bridleway strategy.

**2. The Site:**

- 2.1 The Peters Village application site area lies on the eastern bank of the River Medway, to the south of Wouldham and the northwest of Burham. The site incorporates the former quarries of Peters Pit and Ravens Knowle, Peters Works and Peters Pit SSSI and Peters Pit candidate Special Conservation Area for great crested newts. The site also incorporates part of the Wouldham Marshes SNCI to the north of Peters Works, which also includes small parts of ALLIs and the Strategic Gap. The site includes Hall Road to the north and Court Road and Pilgrims Way to the south. Directly to the south of the main site lies Scarborough Lane, whilst to the east is Pilgrims Way and to the northeast lies Skeleton Hill. The land levels change considerable from west to east within the site.
- 2.2 The application site is a long standing allocation for housing development in the Development Plan and is subject to the following site specific TMBLP policies: P2/6, P2/7, P5/5, P5/13, P8/9, P7/8, P3/1 and P2/18.

**3. Planning History (Most relevant):**

TM/05/00989/OAEA Grant With Conditions 10 May 2006

Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1; A3 and B1 use), community facilities and primary school and associated highways works

TM/07/02143/RM Received 20 June 2007

Reserved matters of main on-site road network and landscaping submitted pursuant to condition 1 of planning permission TM/05/00989/OAEA: Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1, A3 and B1 use), community facilities and primary school and associated highways works

**4. Consultees:**

- 4.1 Wouldham PC: Object most strongly to this application on the basis that, although the proposals appear innocuous, the PC feel that they do not go far enough. Policy P7/14 of the TMBLP determines that, where possible, the BC in association with KCC will seek to provide new rights of way or the improvement and updating of existing ones. The PC feel that this application renders an ideal opportunity to carry out the provision of new or the improvement of existing PROW with the parish.

- 4.1.1 Whilst the present proposals might make provision for the day to day commuting fraternity, there is now an opportunity to update and improve the existing facilities to such a standard that the recreational needs of the population of the 3 villages, not forgetting, of course, the benefits to be enjoyed by the greater community, can be greatly improved.
- 4.1.2 Associated with this is the fact that the present proposals make no provision for disabled access. Consequently, people with disabilities are currently unable to enjoy the benefits of these facilities and the PC feel this situation needs to be addressed.
- 4.1.3 The PC are of the opinion that there are numerous opportunities to improve matters, particularly relating to footpaths/prow, bridleways and cycle ways and strongly urge the BC to refer the application back to the applicants so that they can re-think some the proposals and have an opportunity to liaise with the PC's of Burham, Wouldham and Aylesford in regard to their views on benefits that could be achieved.
- 4.1.4 The PC are in the process of determining, in greater detail, the improvements and benefits that might be realised in this matter. If the BC refer the matter back, the PC will be able to formulate their more detailed views, which as you will appreciate, takes a greater time to produce rational, effective, beneficial proposals than allowed for within the timescale set out for response to the application. The PC would appreciate the opportunity to develop the reasoning for their objections to this application, to a greater extent if facts subsequently emerge that warrant further comment by the PC.
- 4.1.5 It is appreciated that since writing these comments, the application has been referred back to Trenport but the new/revised application does not significantly alter the basis of the proposals. The PC are still firmly of the opinion that, bearing in mind the stated policy in the TMLP, they should be taking this opportunity to seek to get the applicant to undertake major improvements in the footpath, cycleway and equestrian network within the Parish. To achieve this, obviously KCC and the Borough need to work together to obtain the improvements that are certainly possible and to make the required demands of Trenport to carry out improvements, before issuing the discharge of condition 26.
- 4.2 Burham PC: Scarborough Lane and Margetts Lane not be closed under any circumstances, under any time frames. The proposed on carriageway cycle route with partial facilities down Bull Lane to the residential area is not suitable for this application and should be considered elsewhere.
- 4.3 Snodland TC: It is the view of STC that the undertakings of the landowners at various times during the planning process to deal with the question of riverside access on the west bank on the Medway have not been kept and we strongly

believe they should have been. The various landowners concerned should take a holistic approach and this was not done when the dual carriageway A228 was widened.

4.4 Aylesford PC: The footpath, cycleway and bridleway strategy fails at this stage to properly address linkage with existing public rights of way due to inaccuracies and omissions of the accompanying plan. We urge that the applicant revisits their submission. A strategy would mean a coherent and high level set of challenging objectives and a programme of actions to meet those objectives. Whereas the Trenport document does not put forward a coherent strategy but amounts to a series of linked but essentially individual proposals.

4.4.1 Aylesford PC suggests the following as a strategy:

- Provision of a safe, off-road, dedicated cycleway from Borstal to the Lower Bell and to Aylesford Village.
- Provision of safe, off-road pedestrian rights of way from Borstal to the Lower Bell and to Aylesford Village along the Rochester Road/Pilgrims Way alignment.
- Provision of a safe riverside footpath from Wouldham to Eccles.
- Provision of circular walks throughout the East Bank villages, with links between circular walks.

4.4.2 Aylesford PC has noted the Trenport position that Condition 26 is required “in the interests of the accessibility of the (Peters Village) site and its connections with the existing Public Rights of Way networks”. Aylesford PC also notes the Trenport position that the “objective is to address the needs of the development itself.” Aylesford PC agrees with both statements but with the proviso that the needs of the Peters Village development and its accessibility can only be addressed by considering the East Bank as a whole, as the whole East Bank provides the setting for Peters Village. By providing Peters Village with accessibility and with links to the existing network, it is an unavoidable consequence that the East Bank villages would also benefit.

4.4.3 Aylesford PC recognises that there will be timing constraints, for example to negotiate land purchases, in completing all the individual measures required to meet the requirements of a proper strategy. It therefore suggests that Trenport provide sufficient funds to set up and endow a charitable trust to take forward completion of the strategy once Peters Village has been completed.

4.5 Private Reps: 239/OX/0S/22R: Twenty nine letters and one petition with 160 signatures of received objecting on the following grounds:

- Provision of cycleway from Wouldham to Aylesford Friary;

- Contribution towards a cycleway along the river front from Rochester to Maidstone;
- A circular path around the insider perimeter of Peters Pit that avoids roads and makes use of the SSSI and connects to Ravens Knowle and Scarborough Terrace;
- Very little provision of horse riders and carriage drivers;
- Increase in traffic movements;
- Proposed diversion of MR10 is not considered to be safe;
- No safe links to other bridleways in the area;
- Very little improvement to existing PROWs;
- Proposals do not go far enough;
- Should meet policies P2/7 (e), P7/14, P7/15 of the TMBLP in relation to footpath provision;
- Footpath should be created along the top of the quarry wall to enable panoramic views of the valley and river;
- Without improved cycleway and footpaths the developer will fail to meet condition 37 relating to the mode of movements;
- Provision of footpath from Wouldham Church to Rochester Esplanade;
- Object to the provision of a footpath in front of Ravens Knowle cottages;
- Scheme should allow access into the SSSI;
- Alex Hill is a dangerous bend;
- The PROW strategy does not address the safety of equestrians travelling between the new development and the surrounding villages;
- Riverside footpath/bridleway should be suitably surfaced;
- The greenway should be fenced off from road;

4.6 British Horse Society: Object: Insufficient provision for the safety of non motorised road users, i.e., walkers, cyclists, horse riders and drivers of horse drawn vehicles. Fails to provide continuous safe cycle or walking routes, and makes no significant contribution to the needs of equestrians, despite the undisputed increase of motor traffic expected on all surrounding roads.

- 4.6.1 The existing north/south bridleway beside the river should be retained as traffic free suitably surfaced route. The greenway should include provision for horse riders.
- 4.6.2 The Pilgrims Way eastwards of Bull Lane is a very dangerous road with a high accident rate, yet the plan includes it, unaltered, in the cycle route to link the new village with National Cycle Route No.17 at Kits Coty. The applicant should be required to provide a safe off road track for non motorised users to compensate for the increased motor traffic and to encourage sustainable forms of travel. The junction of Pilgrims Way with Rochester Road north of Aylesford needs to be designed with consideration for the needs of all compensatory users. An on carriageway cycle route is proposed for Bull Lane. It is difficult to imagine how cycle routes (in both directions) could be fitted into this rather narrow road. An off carriageway path for walkers, cyclists and horse riders and horse drawn vehicle drivers is needed.
- 4.7 British Driving Society: Repeat of the British Horse Society comments.
- 4.8 KCC Highways: No response.
- 4.9 West Kent PROW Office: MR24a has been renamed as MR24 and is also a bridleway not a footpath. Improvements are made to the crossing of MR446 on Pilgrims Way. If vehicles are to be restricted on Margetts Lane and the section of Court Road between MR10 and Margetts Lane, will the roads be downgraded to Bridleway status. The proposed diversion route of MR10 could be improved, could be extended to run further along the river to avoid being beside the road.
- 4.10 KCC Countryside Access Improvement Plan Officer: A few points remain unclear from the response that should be clarified:
- It is understood that the improved road linking the new village and Burham should include a footway. This is not made clear from the mapped plan and needs confirming. This would then provide an alternative to the car for those making the short trip to Burham. It is also an essential link to the existing public rights of way network and between the new and old settlements;
  - Bridleway MR10 could be adjacent but must be kept separate from the new improved road heading south. In the interests of a coherent network, it will be required to link the new riverside bridleway.
  - We support the closure of Scarborough Lane to vehicles but request that it is formally transferred to bridleway status for the security of future access and maintenance;
  - We have concerns regarding the road crossing for footpath MR454 and would like to see clearer designs. Some kind of restrictive barrier should also be included at this point to reduce the accessibility for illegal motorbike use;

- Lack of ownership is not an adequate response to matters raised;
- The provisions should not relate solely to the Peters Pit site;
- A circular bridleway should be created between MR17, MR15, MR16, MR10, Margetts Lane, Scarborough Lane and along the riverside;
- We are disappointed that a recreational route could not be included within the development but understand the reasons that Trenport have given in their response to this suggestion.

4.11 Medway Council: No objection.

4.12 Medway Valley Countryside Partnership: No response.

4.13 Sustrans: Would like to see the development at Peters Village include a new shared use walking/cycling path from Wouldham past Burham Old Church and Southern Water to Aylesford Friary. We would also like to see a contribution made towards a quality shared use path alongside the river front from Rochester to Maidstone.

4.14 Ramblers Association: Suggest provision of a footpath at the top of the upper platform, through the SSSI and extend riverside footpath further to the north. This is a golden opportunity to improve PROW access.

## **5. Determining Issues:**

5.1 The original outline planning permission included an access strategy which broadly set out the access arrangements for motorists, cyclists, horse riders and pedestrians to serve the proposed development. Further details of the access strategy were required for cycleways, bridleways and footpaths under condition 26. Full details of the design, layout, crossings and surfaces are to be submitted at a later date. Full details of the riverside footpath and greenway are required to be submitted separately under conditions 25 and 27 respectively. The purpose of the condition is to ensure that there is an overall plan and cohesive scheme for cycleways, footpaths and bridleway running through the development site and along the southern access.

5.2 This proposal does not seek an opportunity for further Section 106 contributions or to require the applicant to provide works beyond the requirements of the planning permission. The scheme has been designed to enhance cycleway, footpath and bridleway provision through the development site and along the southern access route. A number of requests have been made for the Peters Village development to provide a new footpath or a cycleway between Rochester and Maidstone and a number of other points in between. Whilst the development is assisting in improving the network within this part of the east bank, it is unreasonable and way

beyond the requirements of the planning permission to provide such a cycleway/footpath, notwithstanding, the applicant does not own all the land between Rochester and Maidstone.

- 5.3 Policies P7/14 and P7/15 of the TMBLP 1998 seek to promote the maintenance and improvement of the existing network of public rights of way. They also suggests the policies that where opportunities exist and in association with the County Council, they will seek to provide new public rights of way. The proposed scheme is diverting the top section of MR10 alongside the riverside and extending its route further to the north. In addition, the middle section of MR10 is to be provided as a segregated carriageway from the improved Court Road, this change to the scheme is a significant enhancement. It is also providing a Greenway, which will act as a new public right of way between Wouldham and Peters Village.
- 5.4 The proposed strategy would enable a pedestrian to walk from Wouldham to Burham Old Church on a segregated footpath. This will be achieved by walking along the Greenway, then onto the riverside footpath, onto the enhanced segregated section of MR10 and back onto the original stretch of MR10 to Burham Old Church. This route also links to footpath MR17, bridleway MR16 and footpath MR15.
- 5.5 The enhancements would also divert and extend bridleway MR10 along the riverside and create a segregated arrangement to provide a virtually car free environment and route from Burham Old Church to the southern end of the greenway.
- 5.6 In terms of the possible closure of Margetts Lane and Scarborough Lane and the suggested conversion to these roads to bridleways, this is not a matter that TMBC can decide, but for KCC or the Secretary of State has the power to decide. This development does not require these roads to be closed. The applicant has acknowledged that there is a desire for the closure of these roads following the closure of Margetts Pit. However, the applicant has not included such suggestions within the strategy as neither they nor the LPA has control of these events. The Section 106 does however, provide for financial support to the County Council in seeking the closure of Scarborough Lane.
- 5.7 The scheme also includes a cycleway route from Wouldham through to Eccles, via sections of segregated carriageway, as well as on carriageway cycle lane. Such works will significantly enhance the cyclist safety along this existing route.
- 5.8 The proposal also helps to improve pedestrian access to Burham by creating a segregated section of bridleway MR10 from the southern end of the development site, then along the existing MR10 to Burham Old Church. Pedestrian can then continue to walk along Old Church Road to footpath MR29, which then leads up Church Street which takes you into Burham.



- 5.9 A large number of local residents have requested a circular footpath within Peters Pit and the SSSI. The provision of a footpath along the top of the quarry wood or even along a raised embankment above the houses on the upper platform raises a number of technical and safety issues with the applicant, which is accepted by KCC PROW. It also raises a whole series of issues relating to new footpaths and their accessible for all users, which would be very difficult to achieve given the steep inclines within the site. The applicant has sought to address the request for a circular path, by suggesting a permissive footpath link from Knowle Road, in front of Raven Knowle cottages and through the proposed open space and down to the proposed playing fields. This then links up to the internal footpaths within the development site, which can then lead to the riverside footpath and the greenway and back to Wouldham. Objections to the provision of this permissive footpath have been raised over harm to the amenity of the residents of Ravens Knowle. Clearly there is a balance to be struck on this particular matter.
- 5.10 The line of the greenway has been amended during the course of the application and curves around the two cottages on 111 -113 Hall Road and it is unclear whether the existing road will be bus route and segregated cycleway and footpath will be to the other side of the cottages, in effect surrounding it. Clarification has been sought from the applicant and an update will be provided in the supplementary report.
- 5.11 The provision of a public footpath and greater public access within the SSSI and Special Area of Conservation is not, in my view, desirable, particularly as access to this site of European significance is to be strictly controlled. I am seeking further thoughts from Natural England and will report these in a Supplementary Report.
- 5.12 In terms of the dedicated crossings for pedestrians and cyclists, six are to be provided between the Hall Road, Wouldham at the beginning of the Greenway and the crossing of MR446 and Pilgrims Way, which will improve public safety in these locations.
- 5.13 The long term strategies emerging from the Medway Valley Countryside Partnership when at a more detailed stage will need to be dovetailed with the local enhancements provided in this document. This document cannot, however, be held-up or substantially modified in the absence of the longer term strategy which may not be available for some time.
- 5.14 In light of the above considerations and subject to clarification of the Greenway, I find these acceptable.

**6. Recommendation:**

- 6.1 **Approve Details** in accordance with the following submitted details: Letter dated 08.02.2007, Other EXPLANATORY NOTE dated 08.02.2007, Plan JNY4903/GEN/06 E dated 15.06.2007, Letter dated 15.06.2007, Other EXPLANATORY NOTE REGARDING PROPOSED CHANGES dated 15.06.2007, Letter dated 11.04.2007, Other RESPONSE TO CONSULTATIONS dated 12.04.2007 subject to clarification of the alignment of the greenway by 111 & 113 Hall Road.

Contact: Aaron Hill