

Wouldham **571728 163098** **8 February 2007** **TM/07/00436/RD**
Burham Eccles
Wouldham

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

1. Description:

1.1 Members will recall that this application was deferred from the July Area 3 Planning Committee for further investigations on the proposed cycleway, footpath and bridleway strategy submitted pursuant to condition 26 of outline planning permission TM/05/00989/OAEA.

1.2 Further investigations into the following matters were sought:

- Provision of a footway along Court Road between the development site and Burham;
- Extension of the riverside footpath between MR10 and MR5;
- Clarification of what can reasonably be required pursuant to condition 26, in the context of other provisions within the outline planning permission and section 106 agreement;
- Details of timing of works;
- The provision of clearer maps, including analysis of alternative routes suggested by other parties;
- Consideration of how Members may be provided with maps to help understanding of these issues prior to the Committee meeting.

1.3 The applicant has submitted a further set of revised plans which incorporates the provision of a segregated footway/cycleway along the Court Road, between the Burham Old Church and Bell Lane, Burham. These additional works fall just outside the application site area of the outline planning permission

TM/05/00989/OAEA and will need to be subject of a further detailed planning application in due course. It is also proposed to reintroduce the permissive footpath link between Knowle Road and Peters Village public open spaces.

- 1.4 In the July supplementary papers, the applicant submitted information in relation to potential access to the SSSI, which I have reproduced as follows: *"I refer to the footpath/cycleway/bridleway strategy and in particular the issue of access to the SSSI/Special Area of Conservation. Trenport have always been advised that general public access into this area could have an adverse impact on the important habitat for Great Crested Newts and other flora and fauna. The original planning application, was subject, as you know, to an environmental impact assessment and I refer you to para. 11.5.5 in particular. This states that access to the SAC area is "intended to be one of informal management. Free access from the development areas would be prevented by the interface...but Kent Wildlife Trust is likely to supervise informal access rather than operate a wholly restrictive access policy." Consequently, the establishment of permissive or statutory rights of way through the SAC would not be compatible with its status. However, the details of managed access will be considered through the on-going Management Plan and discussed further with KWT and Natural England"*.

2. Consultees (including those bought forward from the July supplementary papers):

- 2.1 Wouldham PC: The Parish Council are strongly of the opinion that there should be appropriate equestrian access over the proposed new bridge. There are many livery stables in the area with the consequence of many horse riders and, in the Parish Council's view, it is vital that there is proper provision for such riders to cross the bridge safely.
- 2.1.1 The Parish Council still believes there could be further extensions to footpaths in the area in integration and joining of paths so as to create a better, structured footpath network for the area.
- 2.2 Private Reps: Two additional letters of objection received raising no new issues other than an objection to the revised greenway surrounding 113 Hall Road.
- 2.3 British Horse Society: Details of surfacing need to accommodate horses. I still object to the proposal as it does not do enough to mitigate the impact of the village on horse riders, cyclists and walkers. Not providing safe routes beside roads that will become significantly busier negates the Borough Council's and Trenport's stated aim of "encouraging sustainable transport".
- 2.4 Natural England & Kent Wildlife Trust: The only concerns I have are that access should be by permissive routes rather than statutory rights of way. It makes controlling any problems that develop far easier than if they are PROWs.

Secondly, there would be a considerable cost involved in ensuring that any pathways would be safe and suitable for public access. The Trust would not be able to cover these costs without additional funding.

- 2.5 KCC Countryside Access Improvement Officer: The amendments made to condition 26 of the plan will clearly improve the sustainable access options within the development, and enhance the quality of life for its new residents. The re-designed riverside path and greenway are completely satisfactory.
- 2.5.1 Clarification of the surfacing standards for the new public rights of way will still need to be agreed with KCC's Area Officer. This standard procedure will be required before the authority takes on the responsibility of the routes on-going maintenance.
- 2.5.2 The only remaining issue is the lack of pedestrian access between Peters Village and Burham. The alternative suggestion that people would walk along MR29, via Old Church Road and the new section of MR10, is not viable. As there appears to be no footway provision along the new road would it be feasible to request a link of footpath to be dedicated between the southern end of Margetts Lane and MR28? This is assuming that Margetts Lane itself will be pedestrian friendly.
- 2.6 KCC (Highways): In general the details shown on drawing number JNY4903/GEN/06 Rev E are acceptable. KHS supports the proposed pedestrian/cycleway strategy as now submitted following discussions. The details of the pedestrian/cycleway facilities along the proposed local distributor road will be subject to the ongoing safety audit process under the Section 278 agreement. I assume the objection to the provision of a footway alongside the distributor road relates to lighting and urbanisation as much as cost. The suggested route by KCC Countryside Access Officer seems to be a reasonable compromise subject to the downgrading of Margetts Lane when the pit is closed.
- 2.7 Any additional comments received will be reported in the supplementary papers.

3. Determining Issues:

- 3.1 The main purpose of the deferral was to clarify the extent of works that can be reasonably required on the back of the Peters Village development.
- 3.2 Outline planning permission (TM/05/00989/OAEA) has been granted for the development of Peters Pit and Peters Works sites. The supporting information with the outline planning application includes a Transport Statement and an Access Strategy plan, which briefly sets out the new works and improvements to

footpaths and cycleways, such as the greenway. Outline planning permission TM/05/00989/OAEA was granted subject to the imposition of condition 26 which deals with provision for cyclists, pedestrians and horse riders:

- *No development shall take place until a strategy for the provision of the cycleways, bridleways and footpaths, including links to the Medway Crossing, existing Public Rights of Way, the greenway and the riverside path have been submitted to and approved by the Local Planning Authority. Subsequent submissions to condition 1 shall be accompanied by the full details of this provision, including surfacing and construction details, for each phase of the development. Any such work shall be carried out in strict accordance with those details.*

Reason: In the interests of the accessibility of the site and its connections with existing Public Rights of Way networks.

- 3.3 There are no additional or further obligations within the Section 106 Unilateral Undertaking relating to cycling, walking or horse riding provision. However, a sum of £10K is available to assist KCC if they wish to pursue a Traffic Regulation Order to prohibit vehicular access from Scarborough Lane to Court Road. It should also be noted that the current submission is not an opportunity to renegotiate the Section 106 Agreement or request the applicant to carry out works beyond the requirements of the planning permissions.
- 3.4 Condition 26 was based upon the policy requirements of the [now] saved policy P2/6 of the TMBLP 1998, which seeks:
- a new crossing of the River Medway for vehicular, cycle and pedestrian use;
 - network of green cycleways, pedestrian and equestrian links within and between the development site and adjacent villages;
 - provision of a riverside footpath.
- 3.5 This application relates solely to the strategy for setting out the routes for the cycleways, footpaths and bridleways in and around the main development area. All of the works included within the strategy lie within the original planning application (TM/05/00989/OAEA & TM/05/00990/FLEA) site areas, apart of the recent inclusion of a segregated footpath and cycleway from Burham Old Church to Burham as detailed in paragraph 1.3 above. The purpose of the strategy is to ensure that there is an overall plan and cohesive scheme both within the development site and extending to the nearby villages. The strategy does not extend to full details of the routes, such as the widths of paths, surfacing or design of the crossings. Indeed, the applicant has already submitted three Reserved Matters applications covering the full details of the greenway (TM/07/03042/RM), southern access road (TM/07/03045/RM) and development platforms, public open

spaces, riverside footpath and internal roads (TM/07/02143/RM). All of these applications are currently being held in abeyance until this strategy application has determined.

3.6 In order to clarify the extent of works proposed under the strategy, I have listed them below:

- River Medway Crossing: Provision of segregated footpath and cycleway across the River Medway. Links to existing and proposed footpaths and cycleways on both sides of the river.
- Greenway: Provision of a segregated footpath and cycleway from the southern end of Wouldham to the roundabout leading to the Medway Crossing and the development site.
- Possible permissive footpath from Knowle Road to the west of MR9 and in front of Ravens Knowle cottages down into the development site's public open spaces. This will be provided if it is considered advantageous by the local community.
- Internal footpaths running through the spine of the development site, including up to the upper development platforms.
- Realignment of the northern section of bridleway MR10 to become a riverside footpath, cycleway and bridleway.
- Northern extension of MR10 bridleway as a riverside footpath, cycleway and bridleway linking up the greenway.
- Provision of the remaining section of bridleway MR10 as a segregated bridleway, cycleway and footpath to Burham Old Church.
- Creation of a segregated footpath and cycleway from Burham Old Church, up to Court Road and then along to the junction of Court Road and Bell Lane.
- Provision of a dedicated footpath and cycleway along the 'old' section of Court Road in Burham.
- Provision of possible on-carriageway cycle route with partial cycle facilities from the junction of Margetts Lane/Court Road to the junction of Bell Lane/Court Road and along Bull Lane through Eccles.
- Provision of a new footpath from Court Road, around Alex Hill to the junction of Pilgrims Way and Bull Lane.

- Provision of six dedicated pedestrian/cycle crossing facilities: Start of greenway/southern end of Wouldham; within the development site; joining of Old Court Road and New Court Road; junction of Court Road and MR454; junction of Bull Lane and Pilgrims Way; and junction of Pilgrims Way and MR446.
- It should also be noted, that the proposed works will also link up to the following existing Public Rights of Way: MR15, MR 16, MR17, MR28, MR29, MR454, MR 24, MR450, MR446.

3.7 These proposed works will allow you to either walk or cycle from Wouldham through Peters Village to Burham along a segregated footpath, cycleway or bridleway for the entire journey.

3.8 In terms of the meeting the aspirations of the saved policy P2/16 of the TMBLP, the strategy provides pedestrian and cycle access over the Medway Crossing, provides a riverside footpath through the development site, and provides green routes to the adjacent villages for pedestrians and cyclists, whilst enhancing and extending the bridleways within the development site and to Burham Old Church in the south. There is no requirement for the riverside footpath to be extended outside of the Peters Pit policy area or the corresponding application site area.

3.9 The proposed strategy meets the requirements of condition 26, as it makes the development site accessible for cyclists, pedestrians and horse riders, whilst also connecting to the existing Public of Rights of Way network. The proposal also enhances and extends the existing MR10 and provides new footpaths, as such as the greenway, the riverside footpath, a segregated footpath from the development site to Burham and a new footpath around Alex Hill between Burham and Bull Lane, Eccles. Therefore, I am satisfied that the strategy meets the requirements condition 26 and saved policy P2/6 of the TMBLP 1998.

3.10 The timing of the proposed works is partly controlled by conditions, i.e. bridge crossing by occupation of 150 dwellings, southern access road works to be completed prior to construction of any housing and the provision of the greenway by occupation of 500 dwellings. However, due to the delay in the determination of this application, the actual timing of the works has been delayed. The applicant now hopes to commence development, such as bridge and highway works in Spring 2008 subject to the determination of this application. Full details of the phasing of the development and a predicted timetable were approved under application TM/06/03315/RD. The applicant has indicated that the bridge works should take two years, whilst the southern access works will take approximately one year. The applicant is also considering bringing forward the greenway works, so that these infrastructure works are carried out up front, rather being carried out before occupation of the 500th dwelling as per condition 27.

- 3.11 The suggested extension of the riverside footpath, cycleway and bridleway from the bridge crossing to the north and up to PROW MR 5 (Ferry Lane, Wouldham) is considered to be beyond what could be reasonably requested as part of this application. This alternative scheme is outside the application site area, would involve the creation of a footpath through a Site of Nature Conservation Interest and, as I understand, not all the land along the route is in the control of the applicant. In addition, the proposed greenway provides a direct link between Wouldham and Peters Village, as well as providing a link to the riverside. The provision of a second footpath to Wouldham, albeit a more recreational footpath on land outside the application site, is beyond what could be reasonably requested under condition 26 or required by saved policy P2/6.
- 3.12 A number of other alternative proposals have also been suggested during the course of this application. They fall into two categories: those within the application site and those outside the application site area. In terms of the proposals within the application site, these principally relate to the creation of a footpath link from either MR179 or MR9 along Knowle Road into the development site. However, this is not technically possible as there are significant changes in ground levels between Knowle Road and the proposed development platforms, even taking account of the remodelling works. The applicant has sought to address the aspiration for provision of a footpath link from Knowle Road by suggesting a permissive footpath linking down into the development site's public open spaces.
- 3.13 It was also suggested that a circular route around the SSSI be provided. The applicant has not completely ruled this out, but is willing to consider a possible permissive footpath when preparing the management plan for the SSSI, which can be pursued separately as a requirement of a Section 106 Unilateral Undertaking. I have attached an informative to highlight this matter.
- 3.14 The KCC PROW Office had suggested a footpath link should be provided between development site and Burham via MR15. However, the applicant is now proposing a segregated footpath link from the development site along MR10, up from Old Church Road, along Court Road up to Bell Lane. The applicant's revision provides an acceptable alternative solution. The applicant has provided this segregated footpath and cycleway on land just outside the original application site in order to demonstrate that a pedestrian and cycleway route can be achieved to an adjacent village, i.e., Burham.
- 3.15 It has also been suggested that the bridleway network to the south of the development site be enhanced, by converting existing PROW footpaths to PROW bridleways; converting public roads to bridleways; and the extension of MR17 along the riverside. The conversion of PROW MR15 and MR17 from public footpaths to public bridleways is a matter for KCC as the Public Rights of Way

Authority to determine. It should also be noted that KCC has not requested any such change when commenting on this application or any of the parent applications

- 3.16 In terms of the conversion of the public roads, Scarborough Lane and Margetts Lane, into public bridleways, these are matters for Traffic Regulations Orders through KCC, and as such are subject to separate legislation. For example, changing Margetts Lane to a bridleway may be a long term objective which Trenport are not opposed to. However, they are unable to deliver this possible closure of the road, as it is not within their control. Ultimately, this is a matter for KCC to determine, once the filling operations at Margetts Pit are completed. Finally, as to the extension of MR17, this lies outside the application site area and is not required by condition 26 or saved policy P2/6
- 3.17 In terms of the presentation of the application and the maps, Area 3 Committee Members will each receive an A3 pamphlet showing the existing and proposed works around Wouldham and Burham and within Peters Village. This is the same pamphlet which accompanies the application.
- 3.18 A number of other outstanding matters regarding the application were also raised in the July supplementary papers, which I have reproduced in Section 2 above, for clarity. The bottom section of Scarborough Lane is the existing bridleway MR16, which technically should not be used by vehicular traffic, unless private access rights exist.
- 3.19 I note Wouldham PC's comments requesting that the new bridge over the River Medway should provide access for equestrians. However, the detailed planning permission TM/05/00990/FLEA is solely for a road for vehicular access and separate carriageways for pedestrians and cyclists in line with the TMBLP policy. KCC Highways has previously raised highway concerns over the use of the bridge by horse riders. This application is not an opportunity to reopen the debate on this scheme, as it is fixed and benefits from detailed planning permission. In any event, alterations to the bridge, i.e., widening or raising heights of guard rails would require the submission of a fresh planning application for the bridge accompanied by a new Environment Impact Assessment.
- 3.20 The proposed cycleway, footpath and bridleway strategy relates to the Peters Village development site and its immediate vicinity, not the wider east bank. The strategy forms one part of a number of projects affecting the east bank, which include the Valley of Vision, the Borough Council's emerging Cycling Strategy and other strategies being developed by KCC's Countryside Access Group. The proposed footpath, cycleway and bridleway strategy has been shared with these groups.

3.21 In light of the above considerations and those also discussed in my July report, I am satisfied that the proposed footpath, cycleway and bridleway strategy following the latest amendments is appropriate and will meet the requirements of condition 26, as it provides accessibility to the site and connects with existing Public Rights of Way networks.

4. Recommendation:

4.1 **Approve Details** in accordance with the following submitted details: Letter dated 08.02.2007, Other EXPLANATORY NOTE dated 08.02.2007, Letter dated 15.06.2007, Other EXPLANATORY NOTE REGARDING PROPO dated 15.06.2007, Letter dated 11.04.2007, Other RESPONSE TO CONSULTATIONS dated 12.04.2007, Letter dated 14.06.2007, Letter MF/4172 dated 26.09.2007, Plan GEN/10 dated 26.09.2007, Plan GEN/11 dated 26.09.2007, Plan GEN/12 dated 26.09.2007, Plan GEN/13 dated 26.09.2007, Plan GEN/14 dated 26.09.2007, Plan GEN/15 dated 26.09.2007, subject to:

Informative

1. The applicant is requested to consider the provision of controlled access to the Site of Special Scientific Interest in the preparation of the Management Plan for this nature conservation area in collaboration with Natural England and Kent Wildlife Trust.

Contact: Aaron Hill