



Attn : Matthew Broome
 Development Planning
 Tonbridge & Malling Borough Council
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By Email:

Public Rights of Way and Access Service
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Phone: 03000 413331
 Ask for: Kate Beswick
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Date: 24th January 2022

Your Ref: 21/02866

Dear Matthew

Reference: 21/02866

Development: Construction of five buildings to provide six units for industrial processes (Use Class E(g)(iii)); industrial (Use Class B2); and/or storage and distribution (Use Class B8)) purposes, with ancillary offices and associated landscaping, car parking, servicing and access arrangements

Location: Land East of Little Preston Yard And North Of M20 Coldharbour Lane Aylesford Kent

Thank you for the opportunity to comment on the above consultation. 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 the applicant to achieve the aims contained within the 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.

KCC PROW and Access Service place a holding objection on the application, as there has been no engagement from the applicant and there are several PROW issues regarding public safety that need addressing. Once these issues are resolved I would expect to be able to lift the objection.

Impact on Public Footpath MR479

Public Footpath MR479 runs through the development site and therefore is directly affected by the application proposals, as correctly identified with the Application documents, specifically the Transport Assessment. KCC PROW support the intention with the Transport Assessment (4.12) to enhance MR479 through means of improved surfacing, however we require confirmation of width details, alignment at

Eastern boundary (the route shown on the Plan included here conflicts with the Site Plan), surface specification, all to be agreed and approved by KCC PROW prior to the commencement of any development.

The Transport Assessment also refers to diverting MR479 (4.11) to enable the road crossing to fit the layout of the site. Any diversion of a PROW will require a formal diversion application to be submitted to KCC PROW, showing that it fits the criteria of the Town and Country Planning Act “to enable development”. This must be done to fit the development phasing and timescale of a Diversion process in order that the development proceeds legally.

Figure 4.4 shows MR479 through the western section of the site, and it should be noted there is an incorrect link shown as the route heads North, linking West on to what appears to be a new road. This link is not part of recorded MR479.

Details of the route exiting the site on the Western boundary are also required. See below re S106 developer contributions for the continuation of MR479 to Coldharbour Lane.

Impact on wider PROW network

The applicant should be aware that the PROW network provides valuable opportunities for active travel. With this in mind, it is expected that use of the PROW network in the vicinity of this site will increase as a result of the new development. In anticipation of this increased use and as mentioned above, we would ask for development contributions through the s106 process towards improving the section of MR479 from the western boundary to its junction with Coldharbour Lane. Cost tbc following engagement with applicant.

Restricted Byway MR479A – we would request s106 contributions to improve the route whole length from the north end of Coldharbour Lane, crossing the mainline railway and to its junction with Station Road to the West. This would create a valuable off-road link for walking and cycling to Aylesford Station, Village and via the wider network to Maidstone. It would therefore link with works to be carried out to MR474 as part of the Aylesford Newsprint development and the strategic, highly used Medway Towpath route, giving significant Active Travel connectivity in the area. This would fulfil the application’s intention that *“the proposed development provides opportunities to use modes other than the car and will provide staff with access to all alternative modes of travel. However, it is also acknowledged that such facilities can be further improved upon”*. I also attach an email from Tonbridge and Malling Planning Officer who oversees Walking and Cycling in the Borough. Estimated costs : £150,000 for improved surface, levelling and width clearance.

Rail Crossing - KCC PROW must stress the importance of the Applicant approaching Network Rail to discuss the mainline crossing here. At present it is an at-grade crossing and the predicted increase of use in light of the above would necessitate improvements for the reason of public safety. Without such a discussion and resolution, we would be unable to lift our holding objection.

Summary

KCC PROW and Access Service place a holding objection on the application, which we would be pleased to lift provided that our points above are taken into account and the Public Rights of Way network is not obstructed by the development.

Finally, I should be grateful if you could bring the following to the applicant's attention:

- No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
- There must be no disturbance of the surface of the Public Rights of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
- No hedging or shrubs should be planted within 1 metre of the edge of the Public Rights of Way.
- Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Rights of Way at any time without the express permission of the Highway Authority.
- No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, we would need six weeks' notice to process this.

Comments are made in reference to the following planning policy.

- **National Planning Policy Framework, Paragraph 98**
States that 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.
- **Kent Design Guide**
- **KCC ROWIP**

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