



Marion Geary
Planning Case Officer
Maidstone Borough Council

By email

Public Protection

PROW & Access Service
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7th November 2023

Dear Marion

Location – Land At Moat Road Headcorn Maidstone TN27 9NT

Proposal – Outline application (with all matters reserved except access) for the development of up to 120no. dwellings (Use Class C3) including demolition of existing buildings, new means of access into the site from Moat Road (not internal roads), associated highway works, provision of public open space, emergency/pedestrian access to Millbank, and associated infrastructure including surface water drainage (with related off site s278 highway works to Moat Road).

Thank you for the consultation letter regarding the above application **23/504417/OUT**. Public Footpaths KH590 is directly affected by the application with Public Footpath KH591 in immediate vicinity and multiple PROW in the wider area. The location of the paths are 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.

As a general statement, the KCC PROW and Access Service are keen to ensure that their interests are represented with respect to our statutory duty to protect and improve PROW in the County. The team is committed to achieve the aims contained within the KCC Rights of Way Improvement Plan (ROWIP). This aims to provide a high-quality PROW network, which will support the Kent economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent a great place to live, work and visit.

KCC PROW place a **holding objection** on the application as we require further detail and clarification regarding the proposed Public Footpath KH590 diversion and how it is reflected within the application (details below). There are also omissions and incorrect information regarding the PROW network within the application documents, again, see below.

However, we would be happy to lift this objection with engagement and resolution of the issues.

A PROW Management Scheme is requested as a condition of any future permission, covering both construction and operational phases to be approved and agreed by KCC PROW and Access as the Highway Authority for Public Rights of Way. We would advise a minimum of 2m width for KH590, incorporated within a wide, green open corridor, an all-weather surface, and with details of all roads/access routes crossing points.

We would also request a s106 developer contribution as mitigation for the impact on the PROW network from the development in terms of Landscape and Visual amenity and increase of use. Details of costings will be provided at a later stage in the planning process with the aim to improve these routes in terms of stile replacement, clearance, new signage. We would estimate a sum of £5,000 would be requested.

Comments :

Proposed footway and Highway Scheme – this should show the PORW junction onto Moat Road for clarity and context and details of any development route crossing the PROW.

Framework Plan – Public Footpath KH590 appears not to be shown through the development. This is an omission which requires amendment for clarity and context.

Sketch Layout Masterplan – this appears to show a diversion route for KH590 which requires further detail and discussion with ourselves, particularly regarding the routing onto the side of the main access road.

Transport Assessment – 3.6 Walking and Cycling provision – the PROW network should be included within this assessment. The drawings should again show the PROW junction with Moat Road to ensure safe connectivity. Appendix A – we have concerns regarding the proposed diversion of KH590 and require engagement with the applicant.

Landscape and Visual Impact Assessment – S6 refers to the “greatest level of anticipated changes is likely for PROW users” – hence our request for developer contributions as above as mitigation for this impact.

2.17 – this section appears to refer to a site in Essex and is therefore incorrect within this application. We require full amendment and detail as necessary and relevant to this site.

3.11 – refers to Section 2 which is the above incorrect section.

4.28 – again shows the impact on PROW use and the visual changes which would occur as a result of the development.

7.32 Predicted effect on PROW users – 7.33 states that the route of KH590 will “change slightly”, however the drawings show a proposed diversion that would be significant, again engagement with the applicant is therefore required.

7.34 states that this “will alter the experience of the route entirely” see our request for mitigation; construction management would be agreed and approved as part of the above PROW Management Scheme; overall we consider the impact on PROW users to be significant both within site and across the wider Network.

We would also have concern regarding the impact of increased vehicular traffic on surrounding rural lanes, with regard to potential conflict with NMU users using the Highways for Active Travel and to connect across the PROW network.

Summary

KCC PROW and Access place a **holding objection** on the application for the above reasons, however, would be happy to lift this if the issues outlined are resolved. A request would be made via s106 contributions for the impact on the Public Rights of Way network as above and a detailed costing can be provided as necessary at a later stage of the planning process.

Comments are made in reference to the following planning policy.

National Planning Policy Framework 2019.

- **National Policy Framework paragraph 100**, states that planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

National Policy Framework paragraph 104, states that Planning policies should provide for high quality walking and cycling networks

National Planning Policy Framework paragraph 107, local planning authorities must have regard to planning policy guidance about coastal access. Efforts to improve public access and enjoyment of the coast should be encouraged where possible.

Kent County Council Rights of Way Improvement Plan

Maidstone Local Plan Policy SP7 (4 i) / SP23

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 and Access Service

