



Sandyhurst Lane Residents Association



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PROPOSED EXTINGUISHMENT OF FOOTPATH AU1 REPORT OF SITE MEETING, 21 FEBRUARY 2017

Present: William Barfoot, Definitive Map Team, PROW & Access, KCC
Faye Faiers, East Kent Area Officer, PROW & Access, KCC
Bill Wilson, 158 Sandyhurst Lane (the Applicant)
David Porter, Secretary, Sandyhurst Lane Residents' Association

Background

For at least 20 years, the SLRA has been involved in discussions and negotiations on footpath AU1, re extinguishing this path under Section 118 of the 1980 Highways Act. It has not been used since 146 Sandyhurst Lane was built across it in 1934. There are 12 properties through which it runs (140 – 164 Sandyhurst Lane plus the derelict Grosvenor Bungalow).

The most recent meeting was in 2009, at which Howard Preston and Faye Faiers were present. Others included Peter Whiston(?) of the Ramblers, who supported the extinguishment.

Whilst some residents have in the past bought and sold affected properties without problems, more recently others have found that the presence of the footpath has led to problems (eg refusal of mortgage). Whilst property searches have hitherto included Public Rights of Way (PROWs) as an optional question, this is shortly to be made compulsory, so future property transactions may become more difficult if AU1 remains.

In the last few years, one resident has, on his own, made an application for AU1 to be extinguished and this has now come to 'the top of the pile' and is being dealt with by KCC.

Meeting

The site meeting was held in the vicinity of AU1 as it appears on the map; there is no physical sign of its existence. The KCC officers viewed the site and took numerous photographs.

There was some discussion about possible re-routing rather than extinguishment. It was agreed that re-routing could be very difficult and undesirable if it involves the green maintenance strip behind the properties. This has security implications and would also require opening on to the track leading to Grosvenor Bungalow. It was unlikely that the land owner (Trinity) would agree.

The KCC officers were in agreement that extinguishment was the best option, but they need to be prepared for any re-routing proposals which arise from the next stages of the process.

Next stages

1. Informal consultation

KCC will issue an informal consultation document later this week or early next week, proposing the extinguishment of AU1. A letter will explain that access which would be available if AU1 existed is already provided by AU2 and Sandyhurst Lane.

Consultees will include:

- The applicant
- Residents in all affected properties
- Land owner of Grosvenor Bungalow
- SLRA
- Ashford Borough Council
- Ashford Borough Council ward member (Luke Powell)
- KCC Division member (Jim Wedgbury)
- Utilities
- User Groups, including
 - Ramblers
 - Open Spaces Society
 - British Horse Society

The consultation will run for 28 days. It is hoped that the Ramblers will maintain the view they expressed in 2009 (the representative is still the same), but there is no guarantee.

Following the consultation, William Barfoot will write a report. If there have been objections or counter-proposals, he will try to resolve these with the parties concerned. If there are no objections, or the objections are resolved, the report will conclude that an Order should be made to extinguish AU1.

2. Formal consultation

If an Order can be made, it will require a formal consultation period of 28 days (with the same consultees as the previous informal consultation). Notices will also appear in the local press and on site.

If there are objections, the Order cannot be confirmed unless those objections are withdrawn. In this event, it is sent to the Planning Inspectorate (at further cost to the Applicant) for a public enquiry.

If the Order is confirmed, there follows a further 42 day period for legal challenge before it is final.