

**Proposal:** Public Rights of Way Improvements

**Applicant(s):** Kent County Council Public Rights of Way

**Ward(s):** Tranche 1: Otford & Shoreham and Kemsing  
Tranche 2: Swanley Christchurch & Swanley Village, Swanley White Oak, Fawkham & West Kingsdown and Halstead, Knockholt & Badgers Mount  
Tranche 3: Sevenoaks Northern and Edenbridge South & West

**RECOMMENDATION:** That the **£209,000** applied for, as set out in the report, for the scheme “Public Rights of Way Improvements” be approved on the following grounds:

Principal criteria met:

- Strong social, economic and environmental benefits to the community;
- Strong link between new development and the scheme;
- Significant public benefit;
- Clear evidence to show that the scheme will be delivered;
- Strong local support;
- The scheme does not already benefit from CIL funding;
- The scheme contributes towards the Council’s commitment to tackling climate change.

## Introduction

- 1 An application for CIL funding has been submitted for the improvement of nine public rights of ways across the District. This has been submitted by the Kent County Council Public Rights of Way team (KCC PRow).
- 2 The application was received before the application deadline closed on 15<sup>th</sup> September 2023. This proposal has not been previously considered by the CIL Spending Board.

## Description of Proposal

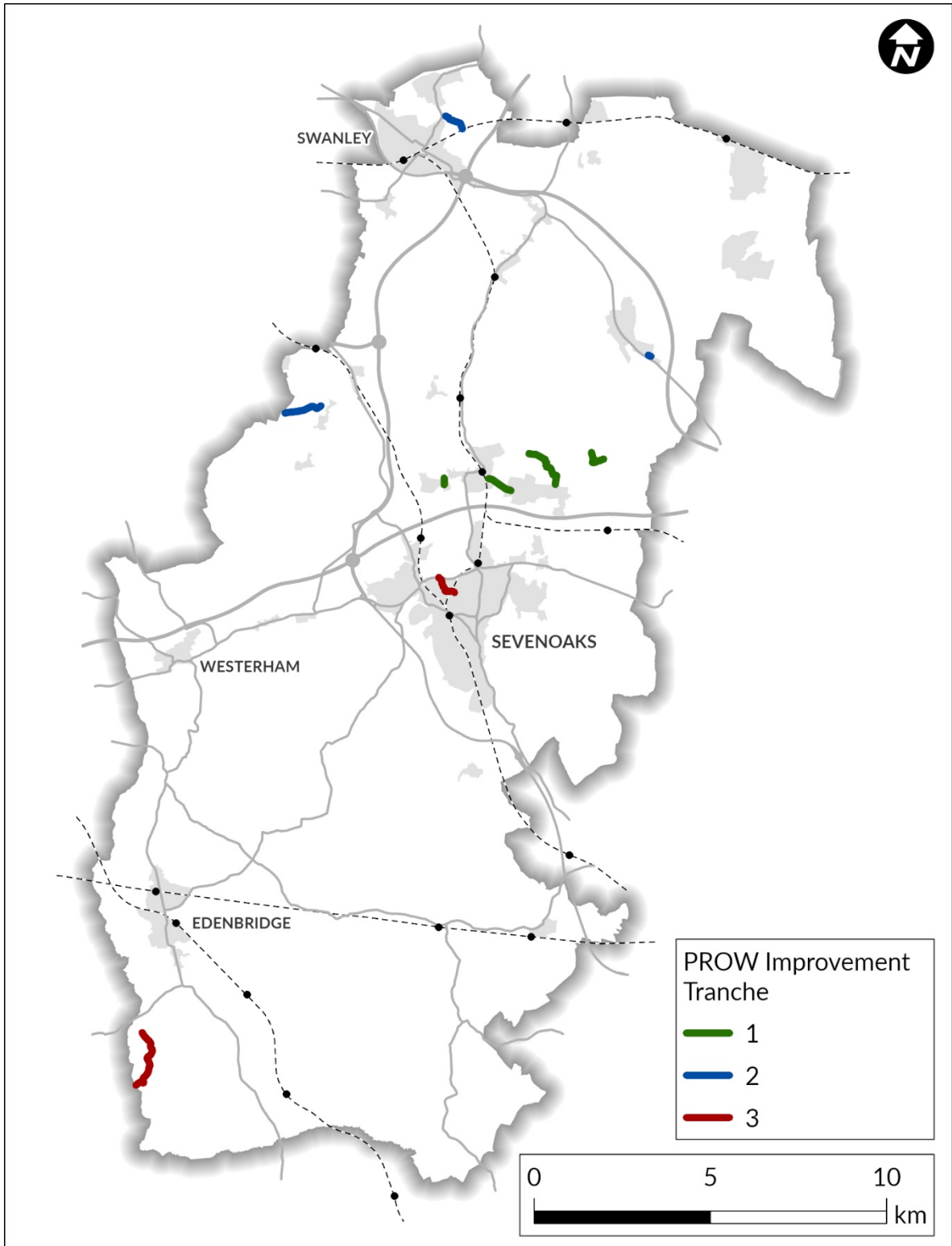
- 3 The proposal is to improve nine public rights of ways across the District which are used for accessing daily facilities, for example, schools and shops, and for leisure.
- 4 The improvements include the provision of all-weather surfaces allowing all year use and for all user groups, new signage and works to improve the general

amenity of the routes, for example, measures to encourage biodiversity. It is anticipated the works would encourage more walking on all routes and also cycling for SR49A.

- 5 The improvements will be carried out across three tranches as indicated in the below table.

<b>Tranche</b>	<b>Location</b>	<b>Public Rights of Way Route(s)</b>
1	Otford	SR49A SR54
	Kemsing	SR80 SR44
2	Swanley	SD92
	West Kingsdown	SD289
	Knockholt	SR68
3	Sevenoaks	SU11
	Edenbridge	SR650a

- 6 Figure 1 displays the location of the routes in the district.




 <p>© Crown copyright and database rights 2023 Ordnance Survey AC0000822250</p>	Public Rights of Way Improvements Tranches 1, 2 & 3	
		Scale: 1:200,000 @ A5 Date: November 2023
	Produced by the GIS Team, Sevenoaks District Council	

Figure 1 - Public Rights of Way Improvements Tranches 1, 2 and 3

- 7 The first tranche is the most advanced and ready to be delivered should funding be granted. The second and third tranches would subsequently benefit from longer term project management.

### **Funding**

- 8 Kent County Council Public Rights of Way, the applicant, has estimated that the total cost of the project is £279,000.
- 9 The applicant will contribute £70,000 towards the project.
- 10 Therefore, to meet the funding gap for the full cost of the project, KCC PRoW has applied to the Board for £209,000 of CIL funding. This equates to 75% of the total project cost.

### **Representations and Support**

- 11 The information on the application form submitted indicates that the applicant is not working in partnership with any other organisation to deliver the scheme.
- 12 The application is supported by the following local representatives and organisations:
- Councillor Roy (Otford & Shoreham)
  - Councillor Reay (Kemsing)
  - Councillor Gough (Kent County Council - Sevenoaks North and Darent Valley)
  - Kemsing Parish Council
  - Otford Parish Council
  - North Downs Way Trail Partnership

### **Officer's Appraisal of Bid**

- 13 Assessment criteria met:
- Strong social, economic and environmental benefits to the community;
  - Strong link between new development and the scheme;
  - Significant public benefit;
  - Clear evidence to show that the scheme will be delivered;
  - Strong local support;
  - The scheme does not already benefit from CIL funding;
  - The scheme contributes towards the Council's commitment to tackling climate change.
- 14 Assessment criteria not met:
- Lack of partnership working;
  - The scheme is not identified in an adopted strategy or plan;
  - Funding not maximised from other sources.

## Appraisal of strongly performing criteria

### *Strong social, economic and environmental benefits to the community*

- 15 When considering an application for CIL funding from the Board, it must be demonstrated that there are clear economic, social and environmental benefits to the scheme proposed. This enhances the sustainability case as to whether the scheme should receive CIL funding.
- 16 Public Rights of Way are free and open to all the public to use and benefit from. The proposal would provide significant social benefit to the community by enhancing safe access to schools, daily services, and recreational walking. Local representatives for Otford note that the existing condition of the routes (SR44 and SR54) makes journeys challenging, and improvements are necessary to provide safe pedestrian access, in particular for vulnerable members of the community such as elderly people and young children. Routes SR80 and SR44 link to the North Downs Way National Trail, a popular attraction both locally and with tourists. The new signage would direct users facilitating their enjoyment of the public rights of way network.
- 17 The benefits of exercise in the natural environment are well documented, improving self-esteem and mood across all genders, ages, and health status. The proposal's improvements can improve the health and wellbeing of all users by providing high quality routes to encourage leisurely exercise and a suitable alternative to a car journey. It is therefore considered there are strong social benefits to the scheme.
- 18 The applicant notes the importance of public rights of ways in attracting visitors. In reference to tranche 1, Otford and Kemsing, the North Downs Way National Trail passes to the north of both villages and is a key attractor to the visitor economy. The improvement of key links to the route would be beneficial for both areas as a starting and end point or part of a trail.
- 19 The applicant has included a breakdown of socio-economic benefits for Tranche 1 routes (Otford and Kemsing). This uses the Outdoor Recreation Value tool, a robust tool developed and refined by the University of Exeter to predict the estimated welfare value of new recreational opportunities in England and Wales. The tool is well-regarded and endorsed by HM Treasury as an accurate predictive model. It is estimated that that the annual overall benefit for Tranche 1 routes would be £22,747. Route SR49A connects to a path network through Oxenhill Shaw and Meadow which is estimated to deliver £121,731 worth of welfare benefit annually. The economic benefits would be shared among different socio-economic groups.
- 20 Considering the longevity of the project and additional welfare benefits which would be calculated for the other two tranches, it is considered that the economic benefits of the project are evident and will exceed what the applicant

has stated in the application.

- 21 The applicant has used the Outdoor Recreation Value tool to understand the environmental benefits of the project. Whilst not applied to this project, the application of this tool to similar schemes have shown that improvements lead to reduced car journeys and significant increased use of the public rights of way network. Improved routes can encourage users to walk instead of drive for short journeys benefitting their health and the environment. Furthermore, the improvement works to the routes themselves would include measures to improve the routes' amenity and increase biodiversity and natural habitats. It is therefore evident there would be environmental benefits from the scheme.

#### *Strong link between new development and the scheme*

- 22 The applicant notes that new development will increase the pressure and use on the Public Rights of Way network. This has particularly increased since the Covid-19 pandemic. The applicant further notes that developer contributions are pursued when the opportunity arises in regard to a particular planning application but the overall impact on the route network cannot be mitigated in its entirety. The project tranches include areas identified as growth locations (Sevenoaks Town, Swanley and Edenbridge) in the Regulation 18 version of the emerging Local Plan. It is anticipated new development will increase use of public rights of ways for daily trips to facilities and leisurely walks. The improvement of the routes could help to promote active travel among existing and new residents as a feasible alternative to cars for short trips. It is therefore considered sufficient evidence has been provided to link the project to new development.

#### *Significant public benefit*

- 23 The applicant has set out the benefits for the community and the wider public. The main benefit would be improved and safe access along the routes thereby increasing active travel opportunities and assisting the local economy. The routes identified are well used by a range of people to get to schools, train stations, recreational, leisure sports and facilities of everyday life. The project would benefit a wide range of the public from locality, age, gender and socio-economic status.
- 24 Bradbourne Lakes, a well-visited local park with five ornamental lakes and a circular walking route around them, is situated on Route SU11. CIL funding for the improvement of the lakes, including upgrades to footpaths and park furniture to create safe accessible routes for all park users, was granted at the September 2022 CIL Spending Board. The additional improvements to the SU11 footpath leading to the park would provide a continuous accessible and improved route to enjoy the Lakes. Once the Lakes works have been completed, the combined improvement works of the Lakes' path and the public footpath would provide users an enhanced experience getting to, around and from the Lakes. Therefore, after careful consideration, there is

sufficient evidence to demonstrate that the project would provide significant public benefit.

*Clear evidence to show that the scheme will be delivered*

- 25 The applicant has the legal right to carry out the scheme. The applicant states that planning permission is not required to proceed with the project. Some aspects of the project may require other consents such as ecological mitigation. The applicant has clearly set out the timings of each tranche and provided details of management and timescales of the project. Further to this, it is clearly set out when SDC would receive updates on the project's progress. Funds for ongoing maintenance have been identified and accounted for. Therefore, upon careful consideration, there is clear evidence that the scheme will be delivered.

*Strong local support*

- 26 The project has received written submissions of support which all highlight the range of the scheme's benefits. Ward councillors and parish councils for phase one have given their support for the project and expressed the positive impacts the improvements would have on the local community. Footpath SR44 runs through Kemsing Parish Council's Kemsing Downs Nature Reserve which is well used by reserve visitors and directly links to the North Downs Way. SR49a, linking Kemsing to Otford train Station, is identified as a priority for local residents.
- 27 Councillor Gough, Kent County Council, has similarly expressed his support for the project further also noting the potential for SR44 and SR80's link to North Downs Way to increase tourism and the local economy.
- 28 The North Downs Way Trail Partnership have also expressed their support for the scheme. They state that the scheme would improve access to the North Downs Way trail, provide a suitable sustainable transport mode to the car and support the rural economy. Therefore, it is considered that there is strong local support for the project.

*The scheme does not already benefit from CIL funding*

- 29 The scheme has not previously been considered at CIL Spending Board and so meets this criteria.

*The scheme contributes towards the Council's commitment to tackling climate change*

- 30 The predominant climate change benefit of the scheme would be the reduction of greenhouse gas emissions emitted from car travel. The environmental benefits regarding reduced car travel are detailed in the consideration of environmental benefit.

Other considerations

### *CIL exemptions*

- 31 The applicant has confirmed that they have not previously benefitted from a CIL exemption for the project. In accordance with the CIL Charging Schedule, CIL is chargeable on the following developments: residential, supermarkets and superstores and retail warehousing. The proposed works would not fall within these remits and as such would not be subject to a CIL charge.
- 32 Therefore, there is sufficient evidence to demonstrate the applicant has not previously and would not benefit from a CIL exemption for the proposal.

### Appraisal of weakly performing criteria

#### *Lack of partnership working*

- 33 The application form states that the applicant has engaged with the relevant parish councils, Otford and Kemsing, for tranche 1 as well as North Downs Way National Trail Partnership regarding SR44 and SR80. It is considered that with further engagement on the scheme, a request for the parish council's contribution would be explored. Whilst considered that these organisations are supportive of the scheme and there is potential for involvement in the future, based on the information submitted, there is not strong evidence of partnership working for the delivery of the project. However, due to the nature of the project, it is acknowledged opportunities for partnership working may be limited.

#### *The project is not identified in an adopted strategy or plan*

- 34 The application form refers to numerous plans and strategies which the project aligns with. It is considered that the project aims align with themes of plans and strategies but the project itself is not identified.
- 35 The need for the project has not been identified in the Council's Infrastructure Delivery Plan or Infrastructure Funding Statement. It should be noted that CIL funding can be allocated to projects outside of these plans. The project is not identified in an existing strategy or plan.

#### *Funding not maximised from other sources*

- 36 The majority of the project's funding would be from CIL (75%). The applicant will be contributing £70,000 towards the project. No other funding sources have been identified by the applicant. Whilst considered the nature of this project may be more difficult to find appropriate funding sources, the project performs weakly on this criteria.

### **Conclusion**

- 37 Kent County Council Public Rights of Way has submitted an application to the Board to consider funding route improvement works and new signage for nine public footpaths across the District.



- 38 There would be great social, economic and environmental benefits for the project improving safety and accessibility for the local community and wider public. The information submitted shows that the project would be deliverable and well managed. There is strong local support for the project, these particularly focus on the safety improvements for vulnerable users such as school children. The project has not benefitted from CIL previously.
- 39 After reviewing the application and subsequent supporting evidence, it is recommended by Officers that £209,000 of CIL funding be approved to support the delivery of the project. It is clearly demonstrated that the scheme provides significant public benefit.

**Appendices**

Applicant's original bid pro-forma and supporting information

**Background Papers**

None

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