



Kent countryside access forum

KCAF Meeting

Meeting Date: Monday 5th December 2022

Meeting Time: 2pm to 4pm

Meeting Location: MS Teams

Attendees:

Jeremy Boxall	JBox	Chair
Anne Beecham	AB	(Vice Chair) Tourism Representative
Sarah Barker	SB	Parish Council Representative (Kent Association of Local Councils)
Robert Peel	RP	Walking User Representative
Steve Neville	SN	Cycling User Representative
Anne Rillie	AR	Equestrian User Representative
Charles Tassell	CT	Land Management Representative (CLA)
Theresa Trussell	TT	Multi-User Representative
Chris Jelly	CJ	Dog Walking Representative

Guests:

Genevieve Haisell	GH	Explore Kent
Victoria Carton	VC	Explore Kent
Oliver Dann	OD	KCC Active Travel

Advisor:

Graham Rusling	GR	KCC PROW
Hazel Walters	HW	KCC Highways
Andrew Hutchinson	AH	KCC PROW
Jenny Bowen	JBo	Natural England

Minutes

Serena Mitchell-Burns	SMB	KCC - PROW
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Apologies:

Richard Dickenson	RD	(Vice Chair) Vehicular User Representative
David Brazier	DB	KCC Elected member
Amanda Corp	AC	Land Management Representative

Meeting Minutes

1. Approval of Minutes from Previous Meeting

The Minutes of the 5 September 2022 meeting were approved.

2. Matters Arising Not on the Agenda

- 1) **AB** raised a question regarding a section in the September 2022 Minutes, Actions from a Previous Meeting on 6 June 2022, which advised that she would approach the CPRE network representative. **AB** asked for clarification as she believed the Forum did not want to approach CPRE in respect of membership of the KCAF. **JBox** confirmed and suggested that the approach was to have a discussion with them regarding their approach to rights of way and access.

- 2) **SB** raised the point of no longer having full access to One Network (Roadworks.org) and advised that Parish and Town Councils now have access to a different website which does provide the road status information.
SB will circulate details of the website to the Forum. **December 2022 ACTION 1**
SN advised that the issue with no longer having full access to the One Network (Roadworks.org) website was not just about the general publicly available information but the more specific NSG Road Status information regarding road ownership, etc.

HW advised that when you look further in to the Data Layers and Operational info on One Network you can find information such as the NSG Road Status, street reference number, etc. however **SN** advised that this is no longer the case for the general public viewing without a login, and that he was advised that the full information access was only given to members of authorised Authorities, organisations, etc.
AB asked if KCAF members could not be allowed access to the One Network on the same level as a parish council or other organisation.
GR advised that he will speak to Alison Hews, KCC, could advise whether the Kent Countryside Access Forum would have the standing as an organisation for members to be able to login and have the full permissions and access. **December 2022 ACTION 2.**

- 3) **GR** advised that he had spoken to the KCC Road Safety team about joining a future KCAF meeting, and they are very happy to attend but would like more information about what information the Forum would particularly like updated on so that they can provide the relevant information.

3. Actions from Previous Meeting on 5th September 2022

Sept 2022 Action 1. **GR** to locate and advise on contact details for Involve Kent who may be able to advise and assist regarding Disabled Access and Health & Wellbeing.

Lizzie Lowrey-Crouch - www.involvekent.org.uk

Sept 2022 Action 2. **GR** & **JBox** to look at KCAF length of tenure

Sept 2022 Action 3. **WB** to provide statistics by email to **SN** regarding incoming and outstanding DMMOs and backlog figures.

SN confirmed he had received these and thanked **PROW** as they were informative.

Sept 2022 Action 4. **GR** to speak to Alison Hews, KCC Compliance Officer regarding the licencing options KCC have to access the full range of options available on One Network (Roadworks.org).

Sept 2022 Action 5. **SB** to raise One Network (Roadworks.org) licencing issue at annual meeting between KALC and KCC Highways.

4. New Actions

December 2022 ACTION 1. **SB** to circulate details of the alternative website to One Network (Roadworks.org) to use for road status information.

December 2022 ACTION2. **GR** to speak to Alison Hews about whether KCAF would have standing as an organisation to have full access to One Network (Roadworks.org)

December 2022 ACTION 3. Request from Mark Lawrence to join KCAF as a member, **SMB** to send application form out.

December 2022 ACTION 4. **SMB** to sign up KCAF to the KCC Consultation portal 'Lets Talk' on the KCC Website, so that future alerts can be forwarded to KCAF members.

December 2022 ACTION 5. **JBox** to created communication to go to District Councils to remind them that KCAF are a consultative body and that they should be actively engaging with and consulting the Forum.

December 2022 ACTION 6. KCAF to create communication to be sent to Active Travel England to advise that in more rural areas equestrians should be considered in active travel schemes.

December 2022 ACTION 7. **CT** to send details to **AH** of concrete structures allowing tractor entry but not standard vehicles.

December 2022 ACTION 8. **GR** to look at location options for an in-person KCAF meeting in March 2023.

5. Membership (*standing item*)

JBox advised that there has been a request from Mark Lawrence, Wellbeing Walks Coordinator, Tunbridge Wells Borough Council to join as a KCAF member. **GR** advised that **SMB** would send out an application form. **December ACTION 3**

JBox advised that the Forum Chairman has to be voted in by the forum members each year and suggested this be done at the next meeting in March 2023 which will be an in-person meeting. **JBox** also advised that the Forum terms require KCC as the organising body to appoint and reappoint the members of the forum after a three-year period, and do this in the March 2023 meeting. **GR** confirmed that this would be best suited to the March 2023 meeting as this will also align with KCC's new financial year beginning.

GR raised the point of David Brazier as a KCAF member having been unable to attend several KCAF meetings due to his work availability and his very busy schedule as the Cabinet Member for Highways. **GR** suggested that he broach **DB** about his continuing membership.

6. KCC's Active Travel Update

Oliver Dann (**OD**) introduced the KCC Active Travel Group and gave a short presentation on the work of both KCC's and the District councils regarding active travel in the county.

OD presented a slide show to the forum on the new Road Safety and Active Travel Group within KCC. The Group was formed in May 2022 due to the increased Central Government focus on active travel within the country.

The purpose of the Active Travel Group is to:

- support the development of a strategic network across the county,
- secure funding,
- work with District Councils,
- deliver active travel improvements across Kent through a Design and Engineering team within Active Travel Group

OD advised that there are now greater funding opportunities than in the past. By restructuring to a larger team, they will be better placed to react to and access relevant funding for active travel within Kent.

There is a new Government Executive Agency, Active Travel England (ATE), who are a part of the Department for Transport and are dedicated to active travel across the country. ATE have recently requested that all Local Authorities complete a self-assessment to show what they are doing towards active travel in their area.

KCC was assessed at Level 1, with level 4 being the highest-level showing authorities which were doing the most possible for active travel opportunities in their area. This shows that although KCC is doing some things well there is a lot more they could be doing towards active travel and ensuring the community have the best access and opportunities possible.

Based on this assessment level ATE wants KCC to focus funding for Kent on infrastructure and capability building activities, which essentially means network designs, feasibility studies on what building structures are needed and where they would be best situated.

Given ATE have decided that these are the things KCC need to prioritise to move up from their Level 1 assessment there will be a slight reduction in the funding for behaviour change activities and more of a focus on the infrastructure improvements.

OD also talked about LCWIPs, the Local Cycling and Walking Infrastructure Plans, which are documents produced by District Councils to show the guidance and methodology of assessing the focus areas for walking and cycling infrastructure. Product of the plans is a list of routes ranked according to their deliverability so that when funding opportunities arrive there is already a document to refer to for projects that deliver the outcomes sought.

The LCWIP has a lot of information relevant to each project such as local demographic data on population, usage, etc. As such this has in the past meant more focus on routes nearer to densely populated urban areas which will have higher usage, and as such Active Travel have felt a lack of focus has been made on more rural routes and hope this will be addressed soon with the forthcoming release of more rural guidance by ATE to help with the creation of LCWIPs.

OD advised on where districts council are at in the preparation of their LCWIPs.

In addition to the LCWIPs KCC are also in the progress of compiling a KCWIP which is a county wide cycling and walking infrastructure plan for both rural and inter-urban areas. The intention is for this to be completed by winter 2023/2024.

KCC intend to build a more coherent picture of the county's walking and cycling infrastructure, identifying network gaps with a view to improving the inter-urban strategic connections across Kent.

OD advised that one of the main roles of ATE is to allocate funding form Central Government to the local authorities for active travel improvements.

There have so far been three tranches of funding, and KCC is currently working with the District Councils to collate a list of bids ready for the tranche 4 bidding window. The projects put forward will already enjoy stakeholder support.

OD completed his update by providing both a slide and the links in the meeting chat facility to –

KCC Highways Online Reporting tool - <https://www.kent.gov.uk/roads-and-travel/report-a-problem>

KCC PROW Online Reporting Tool - <https://www.kent.gov.uk/environment-waste-and-planning/public-rights-of-way/report-a-problem-on-a-right-of-way>

KCC Consultation Portal - <https://letstalk.kent.gov.uk/>

SN asked whether there are any plans to convert the old railway routes in Kent and East Sussex into active travel routes?

OD advised that although converting old railway routes such as Kent's Crab & Winkle Way can be very successful, they do require a lot of funding and time to set up mainly due to the multiple land ownership along the routes. Active Travel is focusing on deliverability and are identifying quick win routes that can be set up quickly and less expensively. There are long term plans to look at railway routes but cost and timescales are a large factor in their development.

AR asked a question as the equestrian representative regarding the national government policy which should include horse riders, and whether Active Travel will include horse riders.

OD confirmed that the policy does include horse riders however unfortunately the methodology for the LCWIP does not include horse riders, as the assessment looks at if a route is built how many people will use it as walkers and cyclists.

AR asked if there was a good reason that horse riders should not be included when creating walking and cycling paths if the need could be shown.

OD confirmed that he could certainly take this away and consider it for future route creations. creations.

GR raised the issue of the Government refocusing of resources into active travel. Many existing PROW already deliver the outcomes Active Travel are looking to provide. It is essential that in improving routes for cycling -particularly that there is no adverse impact on equestrian and pedestrian users.

GR confirmed that the challenge for routes such as the disused railways, where the land may be in multiple ownerships, means that these types of schemes can take several years and a lot of resource to get to a point at which they are deliverable. This is where the Capability and Ambition fund may prove beneficial as it provides the opportunity to begin developing a pipeline of future schemes.

TT asked in KCAF members could be on the KCC Consultation list to be automatically notified of Active Travel schemes rather than specifically go to KCC for consultation information.

OD confirmed that forum members individually or as a group public can sign up to the KCC consultation list on the 'Let's Talk' portal.

TT suggested that this may be best to come through the Forum.

GR advised that PROW could sign KCAF up for KCC consultation alerts and forward these to members. **December ACTION 4**

GR advised that it would be beneficial to remind District Councils that KCAF are a consultative body, and they should be actively engaging and consulting the Forum where relevant and particularly on LCWIPs. **GR** asked **JBox** if he could construct a communication to this effect to the district councils.

December ACTION 5

GR also asked that a communication be drafted and sent by the Forum to Active Travel England to highlight that in more rural areas equestrians should be considered in active travel schemes.

December ACTION 6

JBox thanked **OD** for his update of Active Travel.

7. Development Sites (*standing item*)

1) Lower Thames Crossing

RD had provided **JBox** with an update to say that now that the submission for the Lower Thames Crossing have been accepted there should now be further consultation.

AR advised that the British horse society had a recent meeting with the Lower Thames Crossing development company where there was a disagreement as the LTC company wanted to pass a permissive route as a part of the bridleway network, and as **AR** advised permissive routes can disappear.

GR advised that the Development Consent Order has been submitted and accepted. With regard to the southern equestrian route, it involves Forestry England and the Woodland Trust land. The provision of this route on a permissive basis is in the Statement of Common Ground as an item not agreed. **GR** has spoken to Sarah Rayfield regarding this and anticipates further discussions with LTC and potentially landowners as earlier engagement indicated that this access would be by right. both Forestry England and the Woodland Trust as the land was sold based on being access by right.

8. Railway Crossings

RD had raised the matter of the public right of way being closed on a temporary bases due to a near miss incident involving a motorcyclist the Shornemead railway crossing. This resulted in an emergency temporary closure and following this there has been an application to realign the PROW with a minor diversion to account for a bridge which gives grade separated access. The bridge will be a stepped bridge due to the high cost of ramped bridges, and an Equality Impact Assessment has been completed on this before a decision was made.

There are increasing situations where a crossing is subject to several safety critical incidents that result in a reassessment of risk by Network Rail and applications for emergency closures while further assessment is undertaken. Unfortunately, where the diversion/ extinguishment or changes to the crossing are considered necessary the delivery of the solution may be years off, resulting in extended periods of closure.

SN commented on the options of either stepped or ramped railway bridges and advised that there is another alternative for cyclists is a bridge that has a channel up the side of the steps so that the bicycle can be pushed up as the cyclist climbs the steps rather than trying to lift the bicycle up each step.

GR advised the Network Rail had developed a new style "Flow Bridge" which is a much lighter polymer structure requiring less substantial foundations.

9. Public Rights of Way Entrances

AB shared a presentation with the Forum of problems encountered by users at PROW entrances where they have been blocked, partially blocked, or are in a bad state of repair.

AB advised that the purpose of her talk and slideshow was to highlight some of the current problems with PROW entrances and access to routes, and the hope is to get things to a situation where users have safe, easy access to routes and landowners and managers understand their responsibility in keeping the access to routes clear and safe.

The presentation showed images of a variety of issues with the entrances to public paths being blocked with objects such as farm machinery, tree trunks, gate and chain barriers closing or narrowing entrances, broken gates being tied shut, and added to all this misleading signage at PROW entrances.

AB asked if other Forum members had any input about blocked and restricted PROW entrances, and asked **GR** what information is available to landowners regarding their responsibilities and the legalities of keeping PROW access and entrances clear and safe for use, and what actions may be available to KCAF to address and resolve the problem.

AR observed that there is a tendency within the public to use the phrase 'Footpath' when referring to all public rights of way paths, which is misleading as there are footpaths, bridleways, and restricted byways.

CT advised they feel there are solutions such as self-closing (kissing) gates, concrete structures designed with stepped access that a tractor could navigate but a standard vehicle or 4 x 4 could not drive on. E.g. The Poacher Block – <https://poacherblock.co.uk>

He advised that he would be more than happy if a document could be produced with guidance and images of what is and is not acceptable and preferable for entrances to public rights of way paths.

AB asked **GR** if there is currently any guidance available to advise on what should and should not be used for PROW entrance access solutions.

CT advised they feel there are solutions such as self-closing (kissing) gates, concrete structures designed with stepped access that a tractor could navigate but a standard vehicle or 4 x 4 could not drive on.

He advised that he would be more than happy if a document could be produced with guidance and images of what is and is not acceptable and preferable for entrances to public rights of way paths.

AB asked **GR** if there is currently any guidance available to advise on what should and should not be used for PROW entrance access solutions.

GR advised that many of the slides shown in **AB's** presentation showed obstructions actionable under Section 137 of the Highways Act 1980, and that KCC do have powers to remove such obstructions under Section 143 of the Highways Act 1980.

Where there is a gate and it is out of repair this is the landowner's responsibility to maintain, repair, and replace where necessary (Section 146 of the Highways Act 1980). The Public Rights of Way and Access Service will also provide to the landowner a minimum of 25% of the cost of repairs for existing gates.

A gate may be authorised for the purposes of control and prevention of ingress and egress by animals on land in use for agricultural and forestry purposes, or the breeding and keeping of horses; however, this does not cover nuisance use. In the case of a metal chain being hung across an entrance way to prevent unauthorised access by vehicles, illegal activities etc. this may be considered appropriate by the landowner as it may be considered accessible but is in fact an obstruction under law.

The PROW Service have powers under Section 115 of the Highways Act 1980 to improve the amenity of highways, and there may be entrance treatments that are able to be carried out to improve the amenity, however this would have to be carefully used.

Unfortunately, there is not much that PROW can do regarding crime and antisocial behaviour such as forced entry, hare coursing, fly tipping, etc. Public Spaces Protection Orders may offer an avenue under which barriers may be put in place. Those powers sit with the District Councils rather than the County Council.

GR advised that there are a set of design standards currently available on www.kent.gov.uk, and would expect any landowners installing gates or dealing with ramps or steps on a route to refer to PROW for guidance on this.

Improving the amenity of PROW entrances can be looked at to improve their aesthetic.

Where there is a known issue PROW have the ability under Section 66 of the Highways Act 1980 to introduce barriers or rails for public safety. This should be used in response to a nuisance which is present rather than as a preventative measure for a possible nuisance.

GR advised there is currently a lot of guidance currently available on PROW entrances.

GR also advised that PROW could work with Explore Kent going forward to create a campaign designed to educate and remind both landowners and users around the responsibilities of PROW

entrances.

Kent County Council guidance - <https://www.kent.gov.uk/environment-waste-and-planning/public-rights-of-way/managing-public-rights-of-way/landowner-responsibilities-and-assistance>

Central Government guidance - <https://www.gov.uk/guidance/public-rights-of-way-landowner-responsibilities>

AH commented that he was very interested in the concrete structure **CT** had referred to and asked for details to be sent to him. **December ACTION 8**.

AH also referred to a PROW project approximately 10 years ago to make access improvements to access routes and dependant on budget restraints this may be something that PROW could revisit.

AB asked **GR** and **AH** how to stop the recurrence of the problem of landowners who want to stop unlawful activities such as fly tipping, vehicle access, etc. but without regard for the PROW users, or reference to their responsibilities as a landowner with a PROW across it. **AB** asked if there was something in place which was more pre-emptive to advise landowners before they put obstructions in place or block PROW entrances.

GR advised that as previously mentioned there are design standards and guidance already available, and although it is already on the KCC website he will look at also getting the guidance out to landowners through Explore Kent, CLA and NFU.

GR also suggested creating a compliance document for landowners outlining their responsibilities regarding public rights of way and keeping access open, and safe for users, and then having this endorsed by the Kent Countryside Access Forum.

JBox suggested following this up by adding to the agenda for the next KCAF meeting.

10. Public Rights of Way and Access Service

GR advised that there had been a recent update from DEFRA in respect of the reform package to be introduced under the Deregulation Act 2015. Working groups were now drafting guidance and commenting on draft statutory instruments/ regulations.

GR advised that AONBs had received one-off grant of capital funding access related projects. There will be funding over a three-year period. In year one each of the Kent AONBs are looking at approximately £200K of funding for access improvements within the protected landscapes, year two no funding and year three will again provide approximately £200K of funding.

TT asked is the £200K AONB funding must be spent in the year the funding is provided, and if the Forum can submit ideas for the funding spend and if so, how do they go about this?

GR confirmed that yes, the £200k funding must be spent within the same financial year.

There will be opportunities to suggest schemes for year 3 and would advise that in the first instance to bring any ideas through the Forum to PROW, unless already involved in schemes with the AONB and then ideas can be taken directly to them.

GR updated the forum regarding the DMMO backlogs, and the KCC Cabinet Member has asked for some more work to be done and a draft report to then be presented to him.

11. England Coastal Path (*standing item*)

GR updated the Forum on the England Coastal Path and advised that the Whitstable to the Kingsferry Bridge section of the route opened in October 2022.

The North Kent stretch of the ECP unfortunately continues to have issues with litter and fly tipping.

GR continued: The length of time involved from the initial proposal of the ECP to establishment had resulted in changes in land use and ownership which presented challenges. Final Secretary of State approval is still outstanding for a section of Whitstable to Iwade – delaying the delivery of the Kingsferry to Iwade element of that stretch.

RP commented that he has had several reports of signage problems between Shornemead Fort and Cliffe Fort where a lot of people are getting lost if walking West to East along the route, and along with this there is a log of vegetation overgrowth along the route.
along the route.

GR responded to advise that the overgrowth is due to waiting for a specific piece of mulcher equipment to be available and have now got the go-ahead for this work to commence. He will also ask the PROW Area Officer to look at the signage at the same time the vegetation clearance work is being done.

JBox asked what percentage of the ECP around Kent can be cycled on, as he was recently in another County on their stretch of the ECP and there were quite a few cyclists on the path although it was not signed to show it was designated for cyclists.

GR advised that there are sections around Hythe, along the Viking Coastal Trail, and around Dartford and Gravesham, but he would need to find out definite data and advise later.

1. Any Other Business

1) **TT** advised that she was having a good experience with the AONB Experience Project however is now being stonewalled around equestrian use, which she feels is very disappointing as they have done a lot of work towards the Experience Project but are not getting much back as the AONB are coming back with routes which are unsuitable for equestrians.

She asked if **JBox** as the KCAF Chair could write to the AONB to advise that fuller collaboration would be more helpful.

AB commented that the AONB are promoting routes as riding routes, mainly as cycling routes but advising they can be used by horse riders and have put the British Horse Society's name to this which is giving the BHS concern as some of these stretches of the routes are unsuitable for horse riders.

JBox advised that he is happy to help and put the Forum's name to a letter to the AONB.

2) **JBox** raised the question of the next KCAF meetings for 2023.

AB asked whether it may be better to either avoid a meeting as late in the year as December 2023, or if having it in December to have it as a MS Teams meeting.

JBox advised he will put some dates together and will circulate for approval. He also advised that it would be preferable for the March 2023 to be in person and asked for location suggestions.

JBox asked if there was the option to have the meeting in a KCC building such as Invicta House, and **GR** advised he would investigate this. **ACTION 8**

Next Meeting

Date: Monday 20 March 2023

Time: 1:30pm

Location: Invicta House, County Hall.

Meeting Close