

02 DEC 2014



Mr Graham Blew  
Clerk to Swanscombe & Greenhithe Town  
Council  
Council Offices  
The Grove  
Swanscombe  
Kent  
DA10 0GA

**Public Protection**  
PROW & Access Service  
Invicta House  
County Hall  
Maidstone  
Kent, ME14 1XX

Phone: 03000 413420  
Ask for: Mrs Maria McLauchlan  
Email: maria.mclauchlan@kent.gov.uk

Date: 1<sup>st</sup> December 2014

Your ref:  
Our ref: PROW/DA/C339

Dear Mr Blew

A/A RE 3/12/14

**Re: Claimed footpath running from the High Street to the foreshore adjacent to the Sir John Franklin public house**

### NOTICE OF DECISION

#### **RECOMMENDATION: TO DECLINE TO MAKE AN ORDER**

I refer to your application under Section 53(5) of The Wildlife and Countryside Act 1981 for an Order modifying the Definitive Map and Statement by adding a public footpath running from the High Street to the foreshore adjacent to the Sir John Franklin public house.

In considering your application the County Council must be satisfied that any claim submitted complies with the procedural requirements laid down in The Wildlife and Countryside Act 1981 and, in this respect I am satisfied.

In addition, the County Council must be satisfied that the evidence submitted when considered with all relevant evidence available, shows that a right of way which is not shown in the Definitive Map and Statement subsists, or is reasonably alleged to subsist, over land in the area to which the map relates.

The legal test to be applied here is whether the route claimed has been dedicated as a highway under Section 31 of the Highways Act 1980.

Your application has been considered very carefully by the County Council. In addition, to the evidence that you submitted with your application, further investigation and historical research has been carried out. Please see the attached report which gives the reasons for the decision.

Should you wish to appeal against the decision of the County Council in this matter, you may, at any time within the next 28 days after service of this Notice serve Notice of Appeal against this decision on the Planning Inspectorate, 3/25 Hawk Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN and the County Council at the above address.

Copies of this Notice have been served as required on all interested parties.

Yours sincerely



Mrs Maria McLauchlan  
**Public Rights of Way Officer**

Enc.

From: Maria McLauchlan - Public Rights of Way Officer (Definition Team)  
To: Director of Growth, Environment & Transport  
Subject: Claimed footpath from the High Street to the foreshore adjacent to the Sir John Franklin public house at Greenhithe  
File Ref: PROW/DA/C339 District: Dartford

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**Summary:** To seek delegated authority to decline to make an Order to modify the Definitive Map and Statement by adding a footpath from the High Street to the foreshore adjacent to the Sir John Franklin public house at Greenhithe

## FOR DECISION

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### Introduction

1. The County Council is the Surveying Authority for Kent and is responsible for producing a Definitive Map and Statement of Public Rights of Way. The current Definitive Map and Statement were published on 31<sup>st</sup> May 2013. Under the Wildlife and Countryside Act 1981, the County Council is under an obligation to keep the Map and Statement under continuous review.

### Procedure

2. The Countryside Access Improvement Plan, Operational Management document (2013) sets out the County Council's priorities for keeping the Definitive Map and Statement up to date and ensuring that the status and alignment of all PROW are correct in accordance with statutory duties by:-
  - a) Investigating and determining all claims in accordance with the statement of priorities
  - b) Investigating and determining anomalies in accordance with statement of priorities
  - c) Processing applications to change PROW in accordance with policy and statement of priorities.
  - d) Ensuring all changes are covered by a formal Order

Definitive Map modification cases will normally be investigated in the order in which applications are received, except in any of the following circumstances, where a case may be investigated sooner:

- Where it will satisfy one or more of the relevant key principles set out in paragraphs 4.14 – 4.25 of the CAIP Operational Management document,
- Where the physical existence of the claimed route is threatened by development,

- Where investigation of a case would involve substantially the same evidence as a route currently under investigation or about to be investigated.
3. The investigation of this particular issue has been carried out in accordance with the report to the Sub-Committee in February 1990, which outlined the procedures to be used for sources of evidence and the legal tests to be applied.

### **Legal Tests**

4. (a) Section 53 of The Wildlife and Countryside 1981 states that where the County Council discovers evidence which, when considered with all other relevant evidence available to it, shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way to such that the land over which the right subsists is a public path or a restricted byway or, subject to section 54A, a Byway Open to All Traffic, it shall, by Order, make such modifications to the Map and Statement as appear requisite

(b) Section 31 of the Highways Act 1980 states that "Where a way over any land, other than a way of such character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of twenty years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it". The period of twenty years referred to is to be calculated retrospectively from the date when the right to use the way is brought into question.

(c) Alternatively, a Public Right of Way may be established over a shorter period of time under Common Law. In *Mann v. Brodie* (1885), Lord Blackburn considered that where the public had used a route 'for so long and in such a manner that the [landowner]... must have been aware that members of the public were acting under a belief that the right of way had been dedicated and had taken no steps to disabuse them of them belief, it is not conclusive evidence, but evidence which those who have to find the fact may find that there was a dedication by the owner whoever he was', i.e. the dedication of a way as a Public Right of Way can be implied by evidence of use by the public (no minimum period is required) and of acquiescence of that use by the landowner.

### **The Case**

5. A plan showing the claimed route and an extract from the Definitive Map of Public Rights of Way (Map Sheet 029 (TQ57NE)) is included as Appendix A to this report and a detailed description of the case can be found in Appendix B to this report.

### **Investigation**

6. Investigations have included the inspection of County Council records and documents available from other sources.
7. I have considered all of the evidence available. The documentary evidence and the results of the legal tests applied are set out and examined in Appendix B.


**Conclusion**

- 8. Investigations have been carried out in accordance with procedures and proper legal tests have been applied to the evidence gathered during the investigation. The result of the investigation is that a public right of way is not reasonably alleged to subsist.

**Recommendations**

- 9. I recommend that the County Council declines to make an Order to modify the Definitive Map and Statement by adding a footpath from the High Street to the foreshore adjacent to the Sir John Franklin public house at Greenhithe, as shown on the attached plan marked **Appendix A**.

Signature

  
.....  
On behalf of the Director of Growth, Environment & Transport

Date

..... 26 November 2011 .....

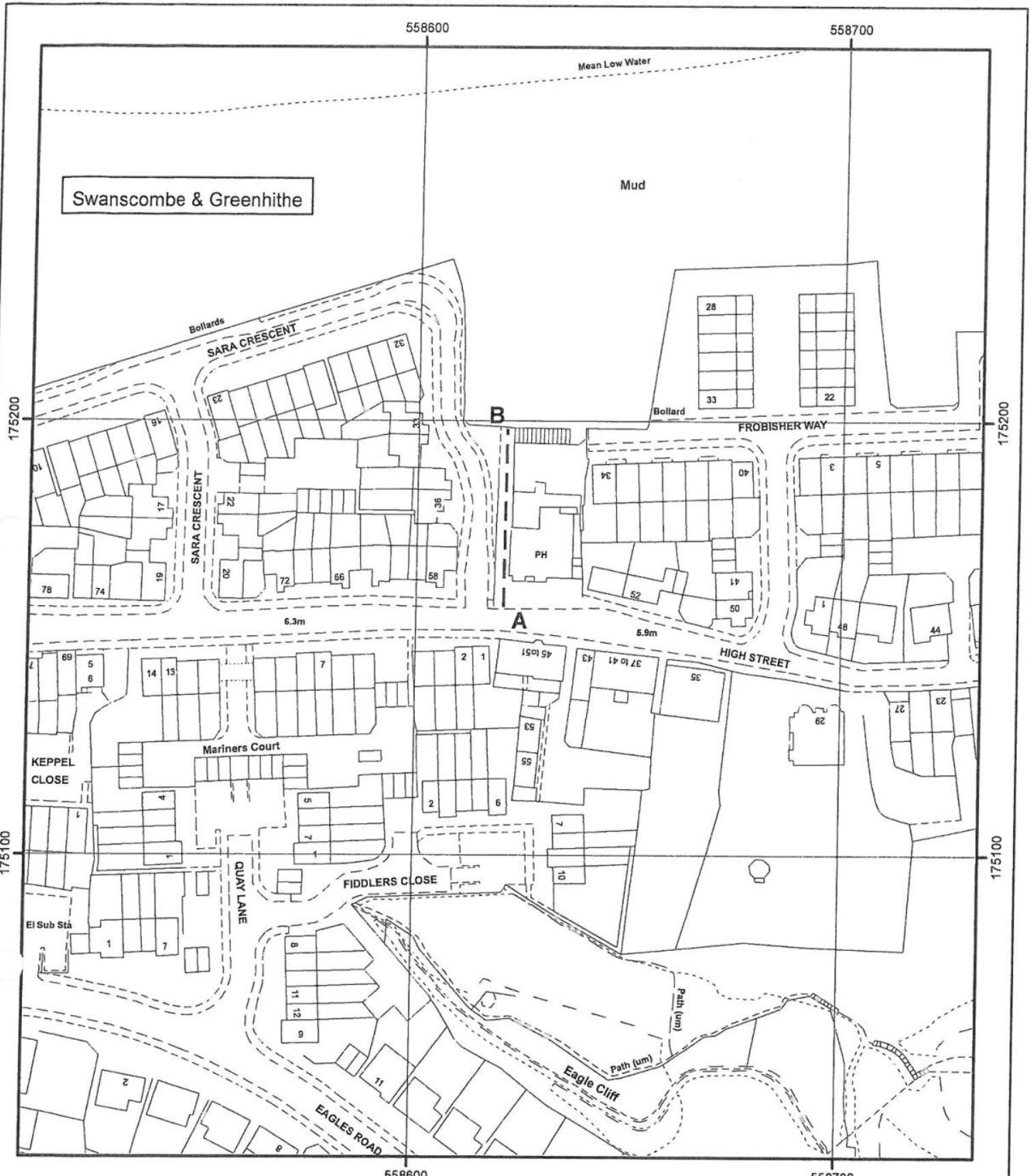
**Background Documents:**

- APPENDIX A – Plan showing the claimed route and an extract from the Definitive Map of Public Rights of Way (Map Sheet 029 (TQ57NE))
- APPENDIX B – Main report
- APPENDIX C – Photographs of the claimed route

**Contact Officer:**

Mrs Maria McLauchlan 03000 413420





**Key**

----- Route to be Added

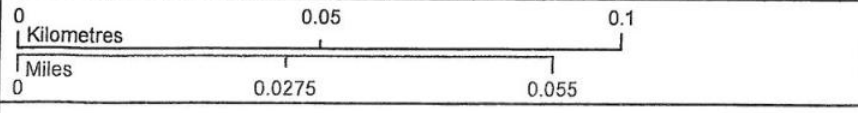
..... Unaffected Routes

**Wildlife & Countryside Act 1981**  
**Claimed footpath from the High Street to the foreshore adjacent to the Sir John Franklin public house at Swanscombe & Greenhithe**

N

1:1,250

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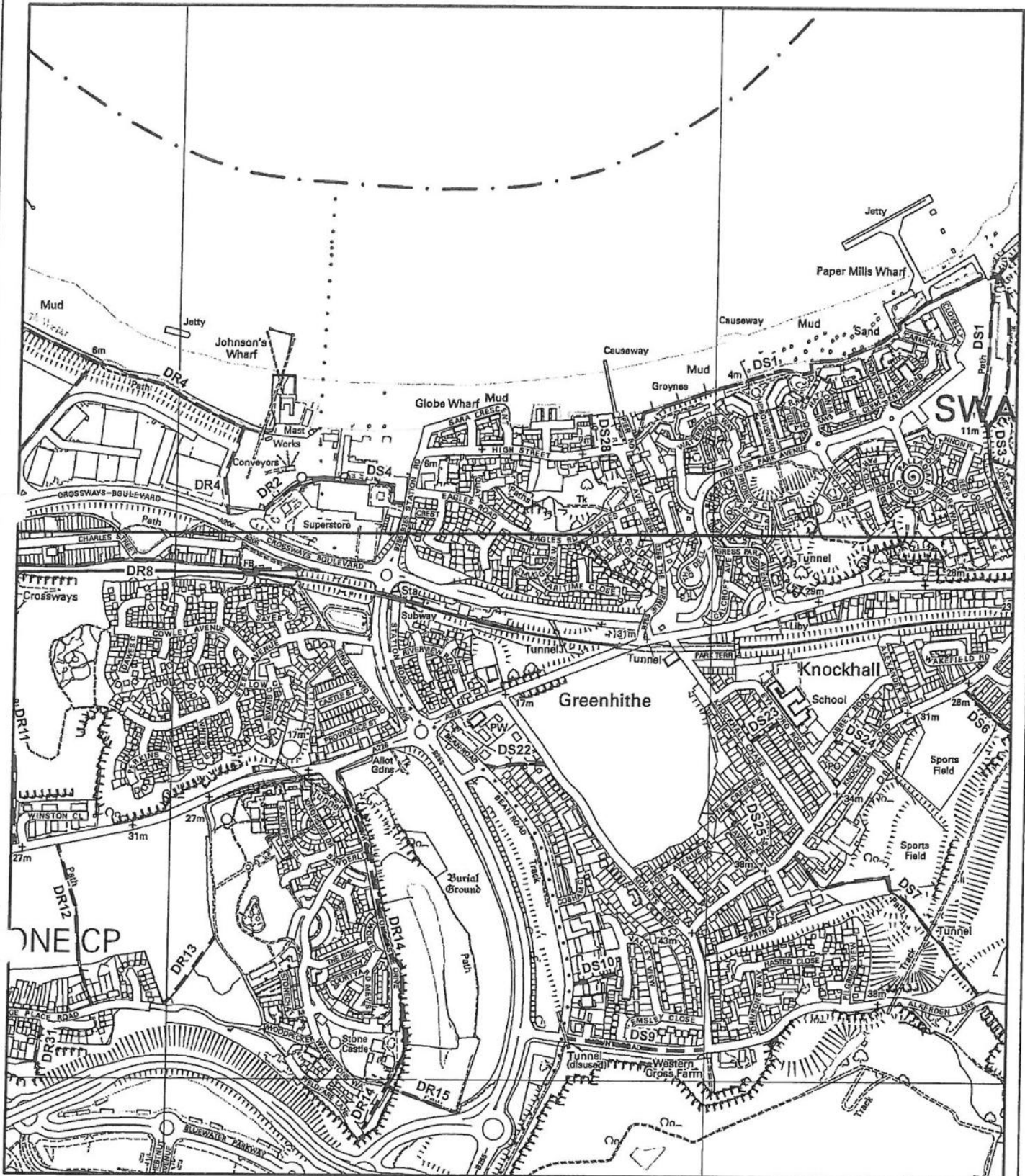
Created by: MMcL    Checked by: MMcL

Reference: PROWDA/C339









- Footpath
- - - Bridleway
- ∨-∨ Restricted Byway
- ∧-∧ Byway Open to All Traffic
- Point path number or status changes
- Boundary of area covered by 1:2500 scale Network Map
- ▨ Area covered by 1:2500 scale Network Map

**EXTRACT OF THE WORKING COPY OF THE  
DEFINITIVE MAP OF PUBLIC RIGHTS OF WAY  
FOR THE COUNTY OF KENT**

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**FOR REFERENCE ONLY – NO FURTHER COPIES  
MAY BE MADE**

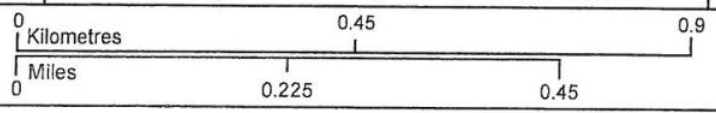
Unauthorised reproduction infringes Crown Copyright  
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Created by:	MMcL
Map sheet	029 (TQ57NE)
Issue Date:	24/06/2014
Reference:	PROW/DA/C339

N

1:10,000





Case Title: Claimed footpath from the High Street to the foreshore adjacent to the Sir John Franklin public house at Greenhithe

Ref: PROW/DA/C339

### **APPLICANT'S SUBMISSION**

10. An application has been made by Swanscombe & Greenhithe Town Council ("the applicant"). The applicant has applied for an Order under Section 53 (5) of the Wildlife and Countryside Act 1981 to add a route at public footpath status running from the High Street to the foreshore, adjacent to the Sir John Franklin public house, at Greenhithe ("the claimed route") primarily on the basis of historical evidence.

11. In support of the application, the applicant has provided:

- a copy of a "Licence to embank", dated 1977, which was granted under the Port of London Act 1968 s.66. It includes a map of the White Hart Drawdock Greenhithe, dated 1974, and has annotated "public right of way paved" adjacent to the White Hart public house (now known as the Sir John Franklin).
- copies of historical photographs in the form of postcards of the claimed route and causeway ranging in date from circa 1915 to 1950.
- a Land Registry document Title Number K966491. This Title states that on 8<sup>th</sup> April 2010 Mr & Mrs Snell registered a caution against first registration on the land over which the claimed footpath runs. Prior to completion of the lease for the pub, Mr & Mrs Snell were provided with the statutory declaration sworn by the previous proprietor of the *Sir John Franklin*, Hazel May Harris, which states that since 1983 the Land "has been used as a right of way by members of the public as well as my customers and myself and has in particular been used by visitors to the Property as a means of access to the yard at the rear of the Property."
- Witness statements from 9 people who have either used the route or know of its history.

### **DESCRIPTION OF ROUTE**

12. The claimed route (shown on the plan at Appendix A) commences on Greenhithe High Street (point A on the plan) and runs generally north, adjacent to the Sir John Franklin public house, for approximately 42.0 metres to the foreshore/flood defence wall (point B on the plan).

### **BACKGROUND INFORMATION**

13. Swanscombe & Greenhithe Town Council made this application in February 2011 after the managers of the Sir John Franklin public house, Mr & Mrs Snell, erected a gate across the claimed route in 2010. The gate was erected in response to a planning application by the Greenhithe Marina (Reference: DA/10/00805/OUT) to which Mr & Mrs Snell objected. The planning application was not approved but the gate remained in situ.

## **MAPPING EVIDENCE**

The Wildlife and Countryside Act 1981 requires that the County Council must, in reaching its conclusion, take account of all available evidence. I have therefore interrogated the following historical maps:

### **Mudge's Map (circa 1801)**

14. This map was based upon the Ordnance Survey drawings and produced by Colonel Mudge in the early 19<sup>th</sup> century in an attempt to map all routes capable of use by the military and their equipment in the event of invasion. The purpose of the map was to record all routes which were available for use but no differentiation was made between public and private routes.
15. In this case Mudge's Map is of no assistance.

### **Tithe Map (circa 1840)**

16. Tithe Maps were produced by the Tithe Commissioners, under the 1836 Tithe Commutation Act, to record all parcels of land that generated titheable produce. The Tithe Maps were concerned solely with identifying titheable land but nonetheless can sometimes provide useful supporting evidence about public rights of way.
17. The Tithe Map for Swanscombe, dated 1843, shows the claimed route shaded light brown in the same manner as the surrounding public highways. The Tithe Schedule lists apportionment number 40 (where the Sir John Franklin is situated) as "known as the White Hart Inn" and apportionment number 38 (where the Roman Catholic Church was situated) as "house, etc."

### **First Edition Ordnance Survey ("OS") 1:2500 Map and Book of Reference (circa 1860)**

18. The First Edition 25" OS Maps and accompanying Area Reference Books were produced by Ordnance Survey in an effort to map the entire country at 1:2500 scale. They were essentially topographical surveys and were not concerned with landownership and rights, but do provide useful information as to the existence of the routes on the ground at that time.
19. The First Edition OS Map shows the claimed route as a physical feature on the ground. It is shown as a passageway leading to a causeway from the mean high water mark that is annotated "hard". Further to the east a pier is shown.

### **Third Edition OS Maps (County Series)**

20. The County Series Maps were produced as a second revision to the original First Edition maps.
21. The County Series Map for Kent (surveyed 1868, revised 1907) shows the claimed route running between the church and the pub and leading to a "Causeway" at the mean high water mark. The pier to the east is still shown with landing stage and the Town Wharf is shown just to the west of the claimed route as are two further causeways.

### **Finance Act 1910 and Valuer's Field Book**

22. The Finance Act 1910 Maps and Valuer's Field Books were documents which recorded the value of land holdings. Normally, individual land holdings were shown on the map in different colour wash. The Valuer's Field Books listed categories for which a reduction in the amount of tax payable on the land holding could be sought. One such category was for public rights of way admitted to exist at the time by the landowner.
23. In this case, the route is shown on the base mapping (a third Edition OS base) but there is no reference in the Field Book to a public right of way.

### **Parish Maps (1950)**

24. In consequence of the National Parks and Access to the Countryside Act 1949, County Councils were required to undertake a survey of '*all lands in their area over which a right of way... [was] alleged to subsist*' and then to prepare a draft map showing on it those footpaths, bridleways and roads used as public paths which the County Council as Surveying Authority considered to be public rights of way. In practice, the initial surveys were undertaken by the Parish Councils who were required to call a Parish Meeting to consider the information to be provided and who then submitted maps and statements showing the alleged rights of way within their parish.
25. The Parish Map for Swanscombe shows the claimed route and the causeway specifically shaded the same as the B255, which includes Station Road, the High Street and The Avenue.

### **Draft Maps (1952)**

26. Following consultation with the District Councils, the County Council then prepared a Draft Map from the information contained in the Parish Map.
27. The Draft Map shows the claimed route unshaded unlike the Parish Map and not listed as a route to be included in the Definitive Map.

### **Provisional Maps (1952)**

28. The Provisional Map for Swanscombe with a relevant date of 1 December 1952 shows the claimed route as a physical feature on the ground but not marked for inclusion in the Definitive Map. There was opportunity for landowners, lessees and tenants to object to this map but no objections were received to its omission.

### **Definitive Map (Relevant date 1<sup>st</sup> December 1952)**

29. The first Definitive Map and Statement of Public Rights of Way for the County of Kent (based upon the information contained within the Parish and Draft maps) was published with a relevant date of 1<sup>st</sup> December 1952.

30. The original Definitive Map for the County of Kent does not record the claimed route.

### **Review of survey (1970)**

31. Following the publication of the Definitive Map in 1952, the County Council, under the National Parks and Access to the Countryside Act 1949, had a duty to produce a revision of the original map. Consequently, and following broad consultation, the County Council published a Draft Revised Map with a relevant date of 1<sup>st</sup> October 1970.

32. The Draft Revised Map of 1970 shows the claimed route in the same manner as the 1952 Map.

### **Definitive Map (Relevant date 1<sup>st</sup> April 1987)**

33. The 1987 Definitive Map of Public Rights of Way shows the claimed route in the same way as earlier mapping, but the base mapping now does not include the causeway leading from it.

### **Section 31(6) Deposits**

34. Section 31(6) of the Highways Act 1980 allows a landowner to deposit with the County Council maps, statements and declarations indicating what ways (if any) over their land have been dedicated as highways. Together, the deposit of the map and statement with any subsequent declarations is 'in the absence of proof of contrary intention, sufficient evidence to negative the intention of the owner or his successors in title to dedicate any such additional ways as highways'. In Order to remain effective, the Act requires that any deposit be renewed by declaration within every 20 years.

35. In this case no deposits have been lodged with the County Council for the relevant area.

### **Other Ordnance Survey maps**

36. The 2<sup>nd</sup> Edition OS map shows the passageway and the causeway leading from the mean high water mark. It also shows a pier to the east with the Town Wharf and landing stage shown to the west of the claimed route.
37. The 4<sup>th</sup> Edition OS map shows the passageway over which the claimed route runs but with a boundary line level with the rear of the Catholic Church. The causeway is still shown connecting to the mean high water mark.

### **Historical postcards**

38. A series of postcards located at [www.garyvaughanpostcards.co.uk](http://www.garyvaughanpostcards.co.uk) show the claimed route in its original state before the flood defence was erected. Two of the postcards, dated circa 1939 and 1940, show the passageway looking towards the river with boats on the foreshore; two others, dated circa 1915 and 1950, show the causeway from the river looking towards the church and pub.
39. The Land Registry document Title Number K966491 states that on 8<sup>th</sup> April 2010 Mr & Mrs Snell registered a caution against first registration on the land over which the claimed footpath runs. Prior to completion of the lease for the pub, Mr & Mrs Snell were provided with the statutory declaration sworn by the previous proprietor of the *Sir John Franklin*, Hazel May Harris, which states that since 1983 the Land "has been used as a right of way by members of the public as well as my customers and myself and has in particular been used by visitors to the Property as a means of access to the yard at the rear of the Property."

### **CONSULTATIONS**

#### **County Member**

40. County Member Peter Harman was consulted but did not respond.

#### **Dartford Borough Council**

41. Dartford Borough Council responded to consultation that it had no evidence to put forward.

#### **Borough Councillors**

42. Councillors Susan Butterfill, Keith Kelly and David Mote were consulted but did not respond.

#### **Swanscombe & Greenhithe Town Council**

43. Swanscombe & Greenhithe Town Council is the applicant.

## **User Groups**

44. The Ramblers, Open Spaces Society and British Horse Society were consulted but none responded.

## **Kent Highway Services**

45. Kent Highways had no comments to add as they were not aware of any issues at the location specified.

## **USER EVIDENCE**

46. Witness statements from 9 people who have either used the route or know of its history were submitted with the application.
47. One witness worked for Sir Bruce White Associates from 1976 as a resident engineer on the Southern Water contract for the construction of the flood defences. He stated that the passageway ran straight down to the river foreshore. It widened out behind the pub and was used at that time for the landing of small boats. His understanding was that the passageway served as public access to the river and, in common with the other public accesses along the Greenhithe frontage, it was required that it be retained as an access following the flood defence construction works. In view of this requirement, he believes the river access was maintained by the construction of a stepped access way over the new flood defence. Members of the public, including himself, treated the passageway, in all respects, as a public right of way to gain views of activities on the river. The adjacent wharves were in industrial use by Everard's shipbuilders and therefore public views of the river were more restricted than now, with the passageway being the only place in the west of the village where you could see what was going on. He would use it typically once a week or so during his walk up through the village.
48. One witness believes that the 1" Ordnance Survey Map of 1844 indicates that the ferry from Essex ran either from this causeway or next to it. He considers this means that the link with the river from here would have been used by people since medieval times. He used the claimed route in the 1980's to gain access to the river, though specific details are unknown.
49. One witness states that the passageway between the Catholic Church and the *White Hart* public house ran down to the river foreshore, leading to a public causeway and public drawdock. He states that in river parlance, this meant that any vessel could be moored in the dock space; it was not private or exclusive. He also believes the causeway was originally where the public ferry landed on the Kent side from Thurrock, Essex, and was traditionally the point where pilgrims from Essex and East Anglia crossed on their way to Canterbury.
50. One witness worked as a ship's welder for Everards and stated that the cutting at the back of the pub is a causeway known as a public drawdock which allows anyone to bring their vessel for repair. This witness successfully fought against this area being sealed when the flood defence was being erected due to it being a public drawdock.



51. One witness has used the passageway many times since 1999 to observe activities on the river and to go for longer walks with the children but stopped when the gate was erected.
52. One witness who has lived close to the claimed route for over 20 years stated that he knows some of the history surrounding this access point. He states that in about 1998 the landowner of the *White Hart* was approached by the Council (which Council was unspecified) with a view to creating an access point from this path across the rear of the pub via the gates into Frobisher Way to continue the planned Thames path. The application for the path was rejected with a proviso that the Environment Agency would always have access to the river wall. During his time in the town he has known the passageway used primarily by sailors who have moored nearby and invariably use the steps to gain access to the pub, walkers who believe there is still a riverside path from that point, and children who use the steps to gain access to the wreck. He does not consider it serves any useful purpose now.
53. One witness provided evidence of use of the claimed route, but only twice between 1990-2000 when having a beverage by the Thames.
54. One witness who lived in Greenhithe since 1920 used the path when a lad and stated that it was always in use.
55. A further witness stated that this passageway led to a drawdock at the rear of the *White Hart* and the Catholic Church, immediately behind which was a stone causeway that had a wooden planked end. He continues to say that drawdocks were small public docks primarily for the repair and loading/unloading of small craft. He considers that this was definitely a public right of way.

## LAND MANAGEMENT

56. A Land Registry search has confirmed that the land over which the claimed route runs is unregistered. However, on 8<sup>th</sup> April 2010 a Caution was registered, Title Number K966491, over that land by the managers of the Sir John Franklin public house. A statement of truth accompanies the caution and states the cautioner claims the following interest in the estate:
- "On 26th September 2003 the Cautioner became the leasehold proprietor of White Hart, High Street, Greenhithe, Kent DA9 9NN ("the Property"). The Property is used as a public house and is now known as the Sir John Franklin Public House. The Property is immediately adjacent to the land over which the Cautioner is applying to register a caution and which is shaded blue on the attached plan ("the Land").*
- Prior to completion of the lease above referred to the Cautioner was provided with a statutory declaration sworn by the previous proprietor of the Property, Hazel May Harris, which states that since 1983 the Land "has been used as a right of way by members of the public as well as my customers and myself and has in particular been used by visitors to the Property as means of access to the yard at the rear of the Property".*
- The Land is an integral means of access to the yard at the rear of the Property and is and has been enjoyed by the Cautioner and its customers and its predecessors in title since at least 1983.*

*To the Cautioners knowledge there has never been any complaint or objection by any person or entity to the use to which the Land has been put by the Cautioner its customers or its predecessors. No adverse claims or demands have ever been made against the Cautioner or, as stated in the statutory declaration of Hazel May Harris, its predecessor in title”.*

The document goes on to state that the nature of the Cautioner's interest in the land is by way of easement.

57. Mr Snell, the current manager of the Sir John Franklin public house was consulted and interviewed. Mr Snell stated that he has hardly ever seen people use the passageway, except sometimes groups of youths would gather there. He would not have a problem if the passageway became a recorded public right of way and would remove the gate if required. He erected the gate following discussions with the Environment Agency and in reaction to the Marina planning application, which has since been declined.

58. Enterprise Inns plc owns the Sir John Franklin public house and was consulted. Following a site visit, a representative of the company stated the following:

- The strip of land and access way to the side of the public house, leading to the river, is not within our ownership. It is not part of our registered title and we have no claim to this land other than for access.
- The alleged public right of way does not therefore affect our title. It does not materially impact our ownership or future use and occupation of the public house and we have no objection in principle.
- The gate was apparently provided by our Tenant, some 4 years or so ago, merely to dissuade undesirables and nuisance, but the gate has never been locked, so this does not impede any right of way.
- As will be apparent on inspection, the public house has several gates and doors opening onto this land, and therefore use of this land is required for access to both the public house itself and the garden at the rear.
- We must continue to have free and unrestricted use of this land as a means of access to, and egress from, the public house and the garden at the rear. You will have noted a side door to the public house, which gives access to the upper floors, and gates to the rear garden used for both deliveries, refuse collection and an emergency escape route.
- The footpath has apparently not been used for many years, and there is no reason to do so now, as it does not link to any other footpath or towpath along the river. We do however acknowledge that a public right of way, if proven, cannot be extinguished by abandonment.
- In summary, if you have evidence of the existence of a public right of way, there will be no objection or opposition from Enterprise Inns or our Tenant, Gary Snell.

The County Council explained that there would be no reason why access to and from the pub premises should not remain if the passageway was recorded as a public footpath. However, the gate would need to be removed as it is not an authorised structure. Also the passageway should be kept free of anything that might cause obstruction to all or part of it. This was noted and agreed by Enterprise Inns.

59. The Port of London Authority was consulted. A copy of a "Licence to embank", dated 1977, which was granted under the Port of London Act 1968 s.66 was submitted with the application. It includes a map of the White Hart Drawdock Greenhithe, dated 1974, and has annotated "public right of way paved" adjacent to the White Hart public house (now known as the Sir John Franklin). The Authority looked into its files with regard to the history of the drawdock /causeway and public access rights. The 1967 list of marked landing places was looked at and it was confirmed that the location in question was not included in that list. If it had been on the 1967 list then it would have been marked as a free public landing place and the subsequent loss of the drawdock /causeway would have resulted in the need for an alternative free landing place to be provided. Whilst the Authority found evidence that there was a drawdock /causeway in this location it was unable to ascertain from its files whether this was a public facility from the land to the river. Conflicting correspondence was also discovered with regards to whether the land was a public right of way, despite the map accompanying the licence to embank being annotated such and therefore the Authority was unable to provide concrete evidence either way.

60. The Environment Agency was consulted but did not respond.

### **STATUTE AND LEGAL TESTS**

61. Section 53 of The Wildlife and Countryside 1981 states that where the County Council discovers evidence which, when considered with all other relevant evidence available to it, shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way to such that the land over which the right subsists is a public path or a restricted byway or, subject to section 54A, a Byway Open to All Traffic, it shall, by Order, make such modifications to the Map and Statement as appear requisite
62. Section 31 of the Highways Act 1980 states that 'where a way over any land, other than a way of such character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of twenty years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it'. The period of twenty years referred to is to be calculated retrospectively from the date when the right of the public to use the way is brought into question.
63. Alternatively, a Public Right of Way may be established over a shorter period of time under Common Law. In *Mann v. Brodie* (1885), Lord Blackburn considered that where the public had used a route "for so long and in such a manner that the [landowner]... must have been aware that members of the public were acting under a belief that the right of way had been dedicated and had taken no steps to disabuse them of them belief, it is not conclusive evidence, but evidence which those who have to find the fact may find that there was a dedication by the owner whoever he was", i.e. the dedication of a way as a Public Right of Way can be implied by evidence of use by the public (no minimum period is required) and of acquiescence of that use by the landowner.

## ANALYSIS

64. In this case, there is little relevant user evidence and as such the case relies primarily on documentary and mapping evidence.

65. The documentary evidence can be summarised as follows:

- **Mudges Map (1801)** does not show the claimed route;
- The **Tithe Map (1843)** shows the claimed route shaded in the same manner as the surrounding public highways. The Tithe Schedule lists apportionment number 40 (where the Sir John Franklin is situated) as “known as the White Hart Inn” and apportionment number 38 (where the Roman Catholic Church was situated) as “house, etc.”
- The **first edition Ordnance Survey map (1860)** shows the claimed route as a physical feature on the ground. It is shown as a passageway leading to a causeway that is annotated “hard”.
- The **Finance Act 1910 map** shows the claimed route on the base mapping (a third Edition OS base) but there is no reference in the Field Book to a public right of way.
- The **Parish Map (1950)** shows the claimed route and the causeway specifically shaded the same as the B255, which includes Station Road, the High Street and The Avenue.
- The **Draft Map (1952)** shows the claimed route unshaded unlike the Parish Map and not listed as a route to be included in the Definitive Map.
- The **1952 Definitive Map** does not record the claimed route but shows the passageway on the base mapping.
- The **1970 Draft Revised Map** shows the claimed route in the same manner as the 1952 Map.
- The current **1987 Definitive Map** shows the claimed route in the same way as earlier mapping, but the base mapping now does not include the causeway leading from it.

66. The depiction of the claimed route on the Tithe Map (which shows it coloured ochre and in the same way as the surrounding road network) provides some evidence that the route may have been a public thoroughfare of at least footpath status.

67. The First Edition Ordnance Survey Map shows the claimed route as a physical feature on the ground. It is shown as a passageway opening out and leading to a causeway at the mean high water mark that is annotated “hard”. This does not add to the weight that it carried public rights. The passageway over which the claimed route runs can also be seen on later OS maps with the causeway visible from the mean high water mark. However, there are a number of other causeways to the east and west of the one leading from the claimed route with the Town Wharf to the west and pier to the east. Therefore the fact that a causeway led from the claimed route does not necessarily mean that there were public rights here.

68. The Finance Act Map shows the claimed route on the base mapping (a third Edition OS base) but there is no reference in the Field Book to a public right of way and so it does not add to the evidence.

69. Taking the mapping evidence as a whole, there is only the Tithe Map which suggests there may have been public rights over the claimed route. As this map was not produced for public rights of way reasons, it is not sufficient on its own, without any other corroborating maps, to reasonably allege public rights subsist over the claimed route.
70. The postcards submitted with the application show the passageway along which it was clearly possible to walk but they do not provide evidence of public rights.
71. Although the previous proprietor of the pub has sworn that the passageway over which the claimed route runs was a right of way for members of the public as well as herself and her customers, this cannot be verified in any way and although the County Council is not questioning its validity, it lacks details of where members of the public may have been going to and from, frequency of use, and over what period for example. This therefore, indicates use of the passageway was more in the manner of an easement for access to and from the pub premises than a right of way for the general public.
72. Witnesses who had submitted evidence with the application expressed knowledge of the passageway leading to a public drawdock with a couple of witnesses believing that this may have been where the ferry from Essex landed. However, this evidence is essentially subjective belief, although a reasonable belief, and irrespective of the fact that the passageway led to a drawdock and causeway, this does not necessarily signify the passageway had public status.
73. In addition, the Port of London Authority had conflicting evidence about the status of the passageway. The Authority looked into its files with regard to the history of the drawdock / causeway and public access rights. The Authority looked at its 1967 list of marked landing places and confirmed that the location in question was not included in that list. If it had been on the 1967 list then it would have been marked as a free public landing place and the subsequent loss of the drawdock /causeway would have resulted in the need for an alternative free landing place to be provided. Whilst the Authority found evidence that there was a drawdock /causeway in this location it was unable to ascertain from its files whether this was a public facility from the land to the river. Conflicting correspondence was also discovered with regards to whether the land was a public right of way, despite the map accompanying the licence to embank being annotated such, and as a result, the Authority was unable to provide concrete evidence either way.

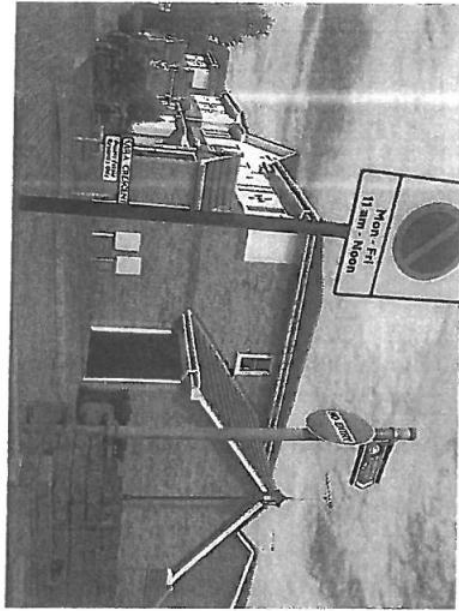
## **CONCLUSION**

74. In conclusion, the County Council does not consider that the evidence is of sufficient strength to reasonably allege that a public right of way subsists over the claimed route.

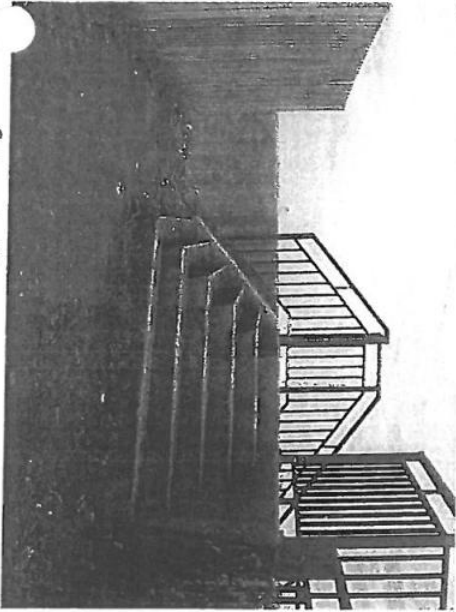
## **RECOMMENDATION**

75. I therefore recommend that the County Council declines to make an Order to modify the Definitive Map and Statement by adding a footpath from the High Street to the foreshore adjacent to the Sir John Franklin public house at Greenhithe.





POINT B LOOKING TOWARDS POINT C.



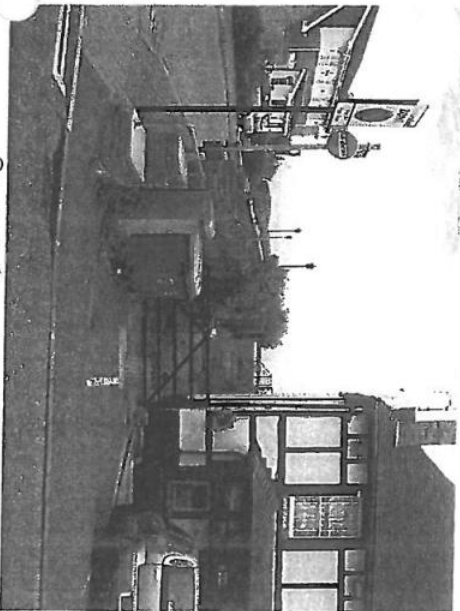
POINT B



POINT B LOOKING TOWARDS POINT A



BRICK SURFACE



POINT A





PE 3/12/14

PLANNING, MAJOR DEVELOPMENTS, TRANSPORTATION & THE ENVIRONMENT COMMITTEE  
12 NOVEMBER 2014

MINUTES OF THE PLANNING, MAJOR DEVELOPMENTS, TRANSPORTATION AND ENVIRONMENT COMMITTEE HELD AT THE COUNCIL OFFICES, THE GROVE, SWANSCOMBE ON WEDNESDAY 12 NOVEMBER 2014 AT 7.00PM

**PRESENT:** Councillor B E Read (Chairman)  
Councillor Mrs A R Harvey  
Councillor J A Hayes  
Councillor B R Parry  
Councillor P A Read

**ALSO PRESENT:** Graham Blew – Town Clerk

**ABSENT:** Councillor K G Basson  
Councillor V Openshaw

**268/14-15. APOLOGIES FOR ABSENCE.**

Apologies for absence were received and accepted from Councillors' Mrs S P Butterfill (family commitments), P M Harman (work commitments), P C Harris (work commitments), J B Harvey (family commitments) and P J Scanlan (unwell).

Members were informed that Councillor P J Scanlan had been the victim of a physical assault whilst walking home on the evening of 7 November 2014 which had resulted in him being hospitalised. On behalf of the Town Council members asked that their best wishes for a full and speedy recovery be passed onto Councillor P J Scanlan.

**Recommended:** That the apologies for absence and reasons, as listed, be formally approved.

**269/14-15. SUBSTITUTES.**

There were none.

**270/14-15. DECLARATIONS OF INTEREST IN ITEMS ON THE AGENDA.**

There were none.

*The Chairman gave the opportunity for the meeting to be adjourned at this point to accept questions from the public.*

**271/14-15. ITEMS DEEMED URGENT BY THE CHAIRMAN / MATTERS ARISING FROM PREVIOUS MINUTES AND THEIR POSITION ON THE AGENDA.**

There were none.

**272/14-15. TO CONFIRM AND SIGN THE MINUTES OF THE MEETING HELD ON 1 OCTOBER 2014.**

**Recommended:** The Minutes of the meeting held on 1 October 2014 were confirmed and signed.

**273/14-15. FLOODING IN STANHOPE ROAD, SOUTHFLEET ROAD AND MILTON STREET / MILTON ROAD.**

Kent Highway Services (KHS) had undertaken a CCTV survey on 21 October 2014 and had planned to hold a joint site visit with KCC Member Peter Harman on 10 November 2014. Unfortunately this joint site visit had had to be postponed and the re-arranged details were not yet known.

**Recommended:** That the item be noted and kept under review.

**274/14-15. UPDATE ON PROGRESS AT NORTHFLEET WEST SUBSTATION DEVELOPMENT (REDROW).**

Members received the update letter that Redrow had distributed to the 600+ residents that had been invited to their earlier public exhibition.

**Recommended:** That the item be noted.

**275/14-15. CLAIMED AMENDMENT (DS10).**

Members were happy to receive notification from KCC PROW that a Notice of Decision had been made with a recommendation to make an Order.

Members acknowledged the work undertaken by the Town Council in ensuring this application had been successful.

**Recommended:** That the item be noted.

**276/14-15. APPLICATION BY FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE LONDON PARAMOUNT ENTERTAINMENT RESORT – SCOPING CONSULTATION.**

Members discussed the application document, reference BC080001.

**Recommended:** That the item be noted.

**TOWN PLANNING:**

**277/14-15. Due to the previous meeting being cancelled the following applications were responded to by the Town Clerk, in consultation with the Chairman of the Planning, Major Developments, Transportation & the Environment Committee.**

DA/14/01395/FUL	Provision of dormer windows in front elevations and velux
-----------------	---

	windows in rear elevations in connection with providing additional rooms in the roof space.  5 Eliza Cook Close, Greenhithe.
OBSERVATIONS:	No observations, please ensure all neighbouring properties are consulted prior to the decision of the application.
DA/14/01418/FUL	Provision of a new footpath to link Southfleet Road and Station Access Road.  Station Quarter North
OBSERVATIONS:	No observations although the Town Council would request that as this application is for a temporary footpath that, due to the amount of major development in the area that this item should be re-visited after a period of 5 years and that discussions be held between the applicant and the Town Council to ascertain whether the facility still meets with needs and aspirations of the area and residents.

**Recommended:** That the comments submitted on behalf of the Committee be endorsed.

**278/14-15. APPLICATIONS SUBMITTED BY DARTFORD BOROUGH COUNCIL FOR MEMBERS' OBSERVATIONS.**

DA/14/01414/FUL	Erection of a detached 4 bedroom house with associated parking and conversion of offices to garden room, timber decking over aluminium structure and enclosed access (revisions to previously approved planning permission DA/14/00502/FUL in respect of conversion of office to garden room, decking and access).  Neptune Slipway, Pier Road, Greenhithe.
OBSERVATIONS:	The Town Council object to the application for the following reasons:-  1. The proposal would give rise to an increase in on street parking in an area where there is very limited capacity, contrary to Policies T22 and T23 of the Dartford Local Plan, Policy T11 of the Dartford Local Plan Review Second Deposit Draft and Policy TP19 of the Kent and Medway Structure Plan 2006.

	<p>2. The proposal would be out of character within the existing conservation area.</p> <p>3. The proposal does not comply with the Greenhithe Riverfront Urban Design Strategy Supplementary Planning Guidance Approved June 2004 (also contained in the Town Council's Local Development Framework :Minute 136, DBC Cabinet 22 January 2009) with regard to:-</p> <ul style="list-style-type: none"> <li>a) The continuation and enhancement of the PROW footpath along the riverfront;</li> <li>b) The site was listed for community /recreational use;</li> <li>c) Protecting existing views and vistas of the conservation area from the river and the park;</li> <li>d) Should use traditional materials and building techniques;</li> <li>e) Retain established building heights;</li> <li>f) Pier Road is a low key and intermittent environment;</li> <li>g) Should be an opportunity for small scale development in an important part of Greenhithe Village that protects and enhances the qualities of the village;</li> <li>h) It should protect the conservation area and not compromise its character;</li> <li>i) It should be a small, carefully detailed community building.</li> </ul> <p>It should also be noted that it appears that the proposal is losing a lot of the parking facilities contained in the original application for this proposal and there is concern that the turning point is not sufficient and that that the entrance that has been moved to the north will have visibility problems for pedestrians due to the telephone box that is located there which would obscure line of vision for pedestrian and drivers.</p> <p>The green roof proposed would also have views straight into the windows of the cottages opposite were it to be accessed and used for recreational purposes (sun bathing etc.)</p>
DA/14/01426/FUL	<p>Remove of cement silo and installation of batching plant with silo.</p> <p>VMC Ltd, Unit E1-E3 Kent Kraft Estate, Lower Road, Northfleet.</p>
OBSERVATIONS:	The Town Council has concerns that any changes to the

	industrial use on the site/s in that area do not result in any increase in traffic volumes from the plant onto the already overloaded local roads and assurances are requested to confirm that this is the case.
DA/14/01478/FUL	Erection of a single storey rear extension.  34 Caspian Way, Swanscombe.
OBSERVATIONS:	No observations, please ensure all neighbouring properties are consulted prior to the decision of the application.
DA/14/01320/FUL	Provision of replacement sash windows, reinstate doorway into rear garden (previously been made into a window) and fit 2 velux roof lights (velux windows are retrospective).  The Hollies, 9 High Street, Greenhithe.
OBSERVATIONS:	It is believed that that the applicant should have sought permission from the Management Company of The Hollies for this proposal. The Town Council are concerned that the sets of windows at the front of this building could end up all being of differing styles etc. which would not be in keeping with the character of the Greenhithe Conservation Area and confirmation is sought that this will not be allowed to happen.
DA/14/01492/FUL	Removal of existing uPVC French Doors and replacement with single pane uPVC glazed door; Remove two existing uPVC casement windows, enlarge openings downwards, to match existing door height and install new uPVC windows.  11 Bridge View, Greenhithe.
OBSERVATIONS:	No observations, please ensure all neighbouring properties are consulted prior to the decision of the application. Confirmation is sought that this proposal will be in keeping with the character of the local area.
DA/14/01500/FUL	Erection of a two storey side extension, single storey rear extension, front entrance porch and excavations to form a new vehicle parking area and vehicle crossover onto Knockhall Road.  136 Knockhall Road, Greenhithe.
OBSERVATIONS:	This is a very large extension (increasing the property to 5 bedrooms) which obviously increases the capacity for more

	residents therefore off street parking provision should be of paramount importance as the local area already has severe issues with this. Please ensure all neighbouring properties are consulted prior to the decision of the application.
DA/14/01517/REM	Submission or Reserved Matters for infrastructure works pursuant to Conditions 2 and 19 of Planning Permission DA/05/00308/OUT for redevelopment.  Northfleet West Grid Sub Station Southfleet Road Swanscombe Kent.
OBSERVATIONS:	No observations, please ensure all neighbouring properties are consulted prior to the decision of the application.
DA/14/01520/CDNA	Submission of details relating to masterplan pursuant to condition 12 for development of site comprising a mixed use of up to 950 dwellings & non-residential floorspace for: shopping, food & drink, hotel use; community, health, education & cultural uses; assembly & leisure facilities & associated works to provide the development.  Northfleet West Grid Sub Station Southfleet Road Swanscombe Kent.
OBSERVATIONS:	No observations, please ensure all neighbouring properties are consulted prior to the decision of the application.
DA/14/01523/CDNA	Submission of details relating to public art strategy pursuant to condition 16 for development of site comprising a mixed use of up to 950 dwellings & non-residential floorspace for: shopping, food & drink, hotel use; community, health, education & cultural uses; assembly & leisure facilities & associated works to provide the development.  Northfleet West Grid Sub Station Southfleet Road Swanscombe Kent.
OBSERVATIONS:	The Town Council has no observations at this point but looks forward to seeing the detail of the artwork proposed.
DA/14/01344/FUL	Erection of 159 dwellings comprising 2 x 1 bed, 7 x 2 bed, 32 x 3 bed and 10 x 4 bed houses, 21 x 1 bed, 82 x 2 bed, 3 x 3 bed and 2 x 4 bed flats and 130 sqm of flexible commercial space, class A1, A2 and B1 uses together with the provision of associated public realm and landscaping, parking and infrastructure works.

	Phase 2 Land at St Clements Way.
OBSERVATIONS:	<p>The Town Council object to this proposal as it would result in adding traffic to an area which already has an extremely high density of vehicular movement that increases dramatically at stages throughout the year (Christmas, Easter, school holidays etc.) and it is felt a development of this type would be unsustainable and would have a negative impact on the residents and visitors of the Town.</p> <p>This area is unique within the borough as it contains several elements and large developments such as; the expansion of the Bluewater Shopping Centre; the large development at Eastern Quarry; the recent discussions/plans for improvements to the McDonalds roundabout as well as the Bean Interchange.....all of these matters need to be considered with a Strategic Plan for the infrastructure around this area being produced and consulted on prior to any permissions or work being granted or undertaken.</p> <ul style="list-style-type: none"> <li>• The Development Control Board members are respectfully requested to hold a site meeting, preferably during peak time, prior to making any decisions on this application.</li> </ul> <p>The Town Council would welcome the chance to enter into dialogue with all agencies/partners involved in this application.</p>
DA/14/01531/COU	<p>Change of use of ground floor from Class A1 (retail) to Class C3 9residential. 1 bedroom flat) with alterations to front elevation.</p> <p>Formerly Craylands Chemist, 137A Milton Road, Swanscombe.</p>
OBSERVATIONS:	<p>Clarification is sought as to the allocation of parking spaces for this proposal. Currently the parking at the site is used by the top floor flat so it is unclear where the residents of this proposal would be able to park</p> <p>The Town Council are also concerned with the loss of a shop in an area within the Town that is designed for shops.</p>

279/14-15. **PLANNING APPLICATIONS SUBMITTED BY KENT COUNTY COUNCIL FOR MEMBERS' OBSERVATIONS.**

KCC/DA/0348/2014	Section 73 application to amend condition 2 of planning permission DA/06/200 to upgrade the exiting percolate management system.  Broadness Percolate Treatment Compound, Manor Way, Swanscombe.
OBSERVATIONS:	The Town Council have concerns that should anything contained in the amendment cause or result in an increase in traffic movements then we would object as we are aware that the local area is already at full capacity regarding the local roads.
KCC/DA/0343/2014	Variation of planning application DA/13/1491 (Temporary consent (5 years) for the operation of a construction and recycling facility for concrete and road/base planings and ancillary plant storage areas, reception weighbridge office and parking) to amend conditions 2 (development to be built in accordance with approved details). 4 (Hours of operation), 5 (increase in maximum throughput per annum) and 6 (increase in maximum HGV movements).  Eastern Quarry, Watling Street, Swanscombe.
OBSERVATIONS:	No observations.
KCC/DA/0337/2014	Construction and operation of a Leachate Disposal Plant (LDP) at South Pit Landfill to enable raw leachate to be collected and managed so that it can be disposed of to sewer or tinkered off site.  South Pit, Manor Way, Swanscombe.
OBSERVATIONS:	The Town Council would object to the application if the proposal increases vehicular traffic movements outside of the site and seek assurances that this is not the case.

280/14-015. **GRANTED DECISION NOTICES SUBMITTED BY DARTFORD BOROUGH COUNCIL FOR MEMBERS' INFORMATION.**

The following granted decision notices were noted.

DA/14/01120/ADV	Display of 5 Replacement externally illuminated fascia signs
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	<p>in existing positions. 1 externally illuminated and 2 No. non illuminated additional fascia signs and 1 No. non illuminated pole sign.</p> <p>The George and Dragon PH, London Road, Swanscombe.</p>
DA/14/01122/FUL	<p>Erection of a single storey rear extension.</p> <p>33 Sara Crescent, Greenhithe.</p>
DA/14/00584/EQCHC	<p>Submission of Castle Hill (Central) Area Master plan pursuant to Condition 19 of Planning Permission DA/12/01451/EQVAR.</p> <p>Eastern Quarry, Watling Street, Swanscombe.</p>
DA/14/01198/FUL	<p>Erection of a single storey rear extension.</p> <p>1 St Clements Road, Greenhithe.</p>
DA/14/01212/FUL	<p>Erection of a single storey side/rear extension and a detached outbuilding.</p> <p>6 Fiddlers Close, Greenhithe.</p>

281/14-15. **ESTIMATES FOR 2015 – 2016.**

Members were informed that officers had begun work on the estimates for 2015 – 2016 and that they were invited to contact the RFO, outside of this meeting, and inform her of any suggestions and/or items they feel should be included.

The draft Annual Estimates 2015 - 2016 would need to be approved and endorsed by the full Council in January 2015 before setting the Council Tax Base for the 2015 - 2016 financial year.

**Recommended:** To note.

There being no further business to transact, the Meeting closed at 8.00 pm.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
(Chairman)

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21 NOV 2014



**AGENDA ITEM 6**

Mr. G. Blew  
Clerk to Swanscombe and Greenhithe  
Town Council  
The Town Council Offices  
The Grove  
Swanscombe  
Kent DA10 0GA

Public Protection

Invicta House  
County Hall  
Maidstone  
Kent ME14 1XX

AE 3/12/14

Phone: 03000 413421  
Ask for: Melanie McNeir  
Email: melanie.mcneir@kent.gov.uk  
Date: 20<sup>th</sup> November 2014  
Ref: PROW/DS20/0021/DBC

Dear Mr. Blew,

**Highways Act 1980: section 119**  
**Proposed diversion of part of Public Footpath DS20 at Swanscombe and Greenhithe**

The County Council has received an application to divert part of Public Footpath DS20 at Swanscombe and Greenhithe.

Please find enclosed an extract from the Definitive Map of Public Rights of Way and a plan showing the proposed diversion. The section of Public Footpath DS20 to be diverted is shown in a solid line between points A and B on the plan and the proposed new route, which will have a width of 2 metres, is shown with bold black dashes between points A and B. It is recommended that you view the proposed diversion on site.

The application, which has been made by Land Securities Ltd., seeks to make a very minor re-alignment to Public Footpath DS20 as a result of a recently constructed access road leading to a new development. Although the construction does not obstruct the line of the footpath, it is considered in the public interest to make the minor modification shown on the attached plan in order that the footpath crosses the access road at a slightly safer point where there are dropped kerbs to facilitate access. The diversion proposed is de minimus and, as such, it is not considered that it would have any impact upon the convenience or enjoyment of members of the public using the route.

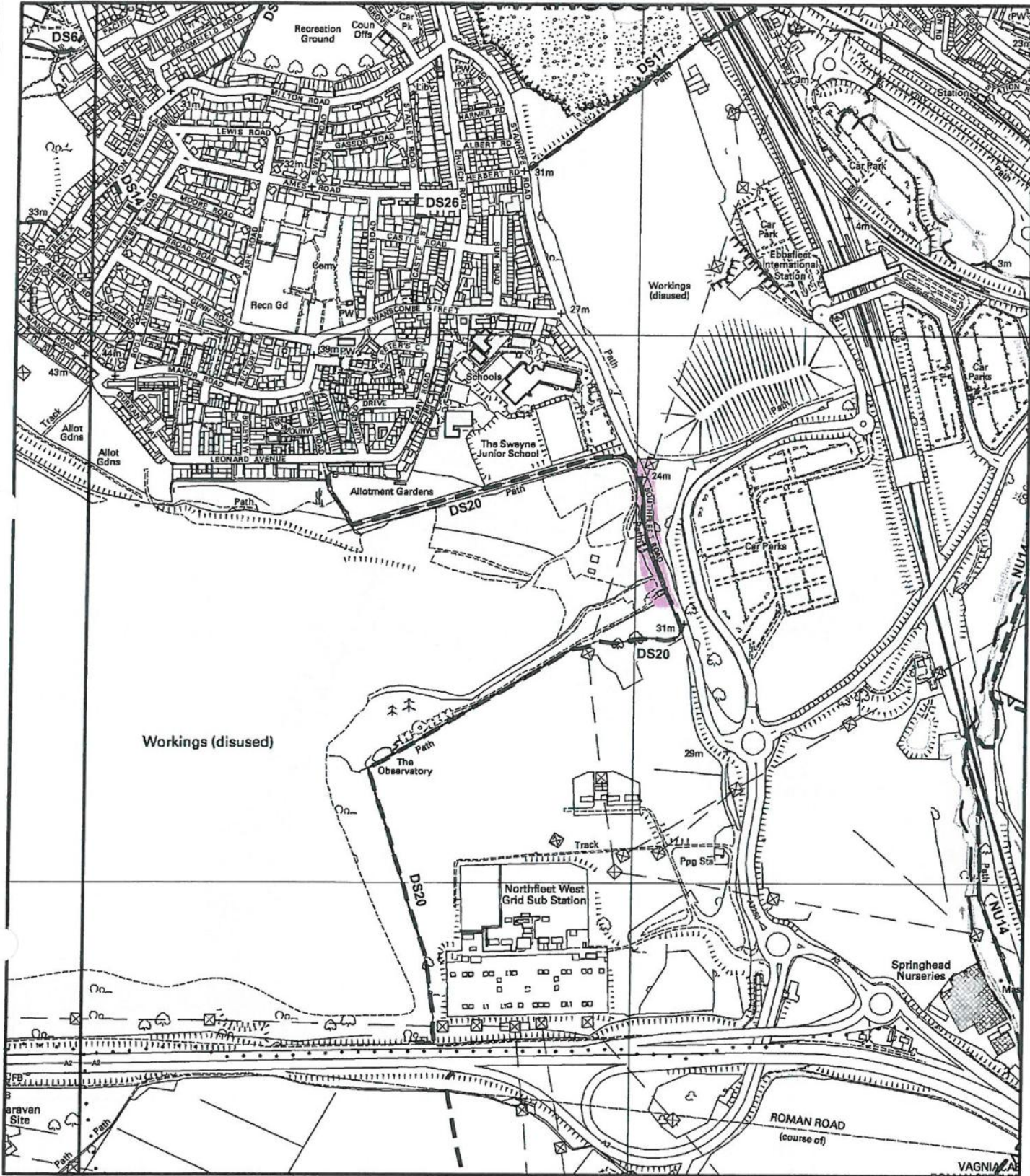
I would welcome your views on this proposal and look forward to hearing from you **no later than Friday 19<sup>th</sup> December 2014.**

Should you have any queries regarding the proposal, please do not hesitate to contact me on 03000 413421.

Yours sincerely,

**Ms Melanie McNeir**  
Public Rights of Way and Commons Registration Officer  
Public Rights of Way and Access Service

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- Footpath
- Bridleway
- Restricted Byway
- Byway Open to All Traffic
- Point path number or status changes
- Boundary of area covered by 1:2500 scale Network Map
- Area covered by 1:2500 scale Network Map

**EXTRACT OF THE WORKING COPY OF THE  
DEFINITIVE MAP OF PUBLIC RIGHTS OF WAY  
FOR THE COUNTY OF KENT**

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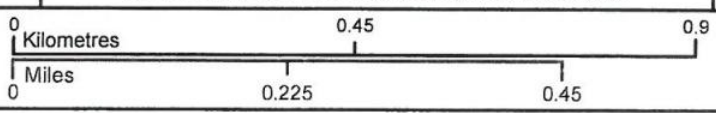
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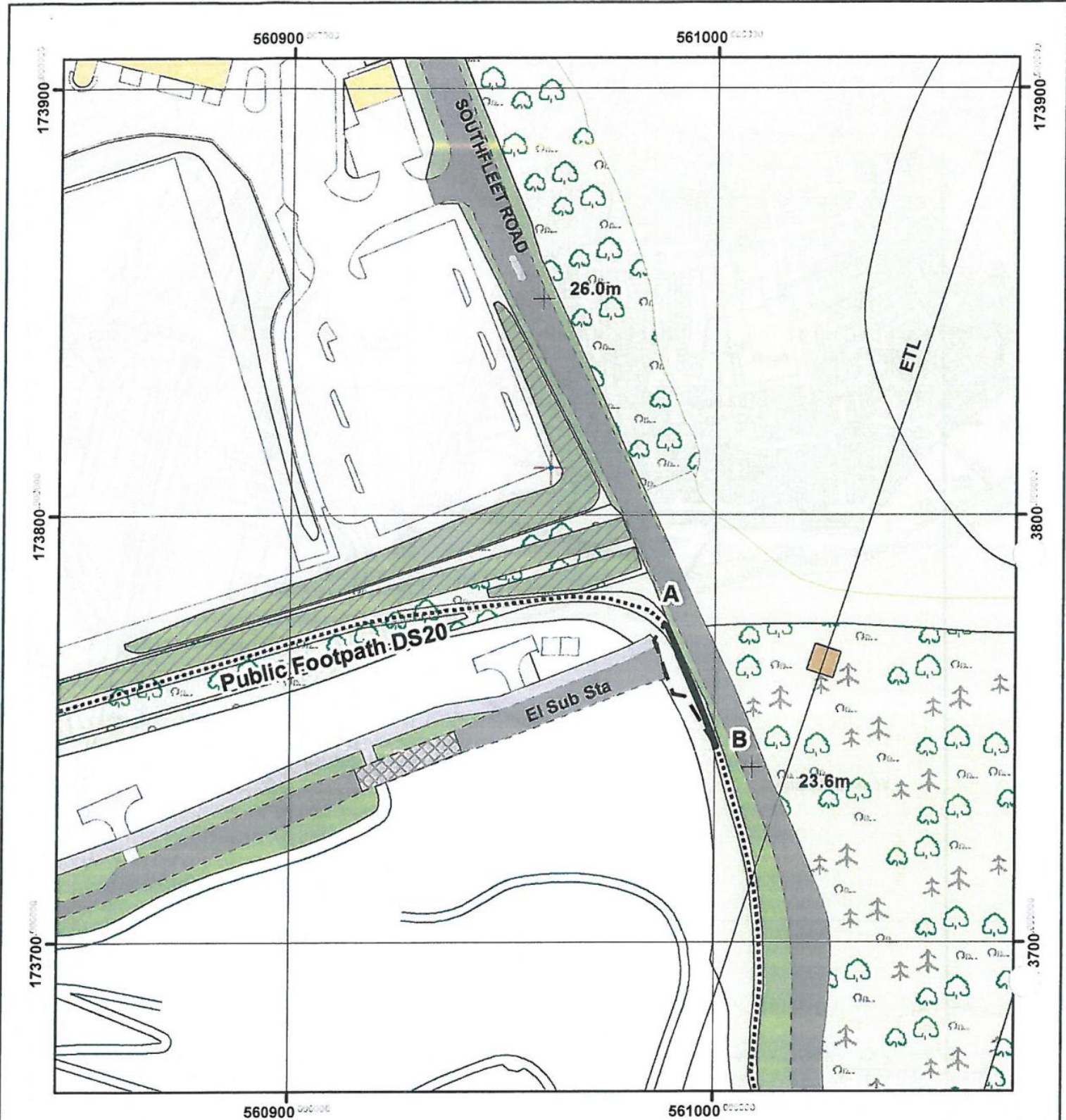
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Reference:	<text>

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**Key**

-  Route to be diverted
-  New length of Footpath
-  Unaffected routes

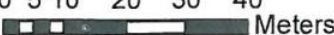
**Highways Act 1980  
Kent County Council  
(Public Footpath DS20 (part) Southfleet)  
Public Path Diversion and Definitive  
Map Modification Order 2014  
DRAFT PLAN**

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21 NOV 2014

**DARTFORD**  
BOROUGH COUNCIL



Mr. G. Blew  
Clerk to Swanscombe and Greenhithe  
Town Council  
The Town Council Offices  
The Grove  
Swanscombe  
Kent DA10 0GA

Public Protection

Invicta House  
County Hall  
Maidstone  
Kent ME14 1XX

**AGENDA ITEM**

PE 3/12/14

7

Phone: 03000 413421  
Ask for: Melanie McNeir  
Email: melanie.mcneir@kent.gov.uk  
Date: 20<sup>th</sup> November 2014  
Ref: PROW/DS1/0009/DA

Dear Mr. Blew,

**Proposed diversion of Public Footpaths DS1 (parts), DS3 (part) and DS30 (part) Swanscombe and Greenhithe**

Kent County Council is now acting on behalf of Dartford Borough Council in relation to public path orders under the Town and Country Planning Act 1990.

An application to divert parts of Public Footpaths DS1, DS3 and DS30 at Swanscombe and Greenhithe has been received by the County Council from Crest Nicholson (Eastern) Ltd, to whom planning permission has been granted for mixed use development (planning reference DA/08/01601/FUL) and the formation of a secondary means of access (planning reference DA/13/00663/FUL). The proposed diversions of two sections of Public Footpath DS1 are necessary in order to enable the development to take place and the diversion of Public Footpath DS30/DS3 is in the public interest for safety and accessibility reasons.

Please find enclosed an extract from the Definitive Map of Public Rights of Way showing the area in question.

Proposed diversion of part of Public Footpath DS1 (east-west section) at Swanscombe and Greenhithe

The section of path to be diverted is shown in a solid line between points A-B-C-D on the enclosed plan. The new route is shown with bold black dashes between points A-G-F-E-D and will have a width of 2 metres and a tarmacadam surface.

The diversion is necessary in order to enable development to be carried out in accordance with the planning permission granted by Dartford Borough Council and, as such, it is proposed to make a Path Diversion Order under section 257 the Town and County Planning Act 1990.

Proposed diversion of part of Public Footpath DS1 (north-south section) at Swanscombe and Greenhithe

The section of Public Footpath DS1 to be diverted commences at its junction with Public Footpath DS30 and is shown on the plan running in a northerly direction between points A-B-C on the plan. The proposed diversion is shown with bold black dashes between points C-D-E-F-G. The new route will have a width of 2 metres and a tarmacadam surface.

The diversion is also necessary in order to enable development to be carried out in accordance with the planning permission granted by Dartford Borough Council and, as such, it is proposed to make a Path Diversion Order under section 257 the Town and County Planning Act 1990.

Proposed diversion of parts of Public Footpaths DS3 and DS30 at Swanscombe and Greenhithe

The section of Public Footpath DS30 to be diverted is shown in a solid line between points A and B on the plan, and the section of Public Footpath DS3 to be diverted is shown in a solid line between points B and C on the plan. The proposed new route is shown between points C-D-A on the plan. It will have a width of 2 metres, a tarmacadam surface and include both an accessible levels ramp and safe crossing point across the new access road.

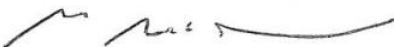
Although the diversion is linked to and affected by the development, it is not considered, strictly speaking, to be necessary to enable the development to take place. However, the proposal is in the public interest as it offers improved safety and accessibility for users by providing an accessible levels ramp and safe crossing point over the new road. As such, it is proposed to make a separate Public Path Diversion Order under section 119 of the Highways Act 1980.

I look forward to receiving your views on the above proposals **no later than Friday 19<sup>th</sup> December 2014**.

Please note that this is not an opportunity to object to the development, planning permission for which has already been granted by Dartford Borough Council in its capacity as the local Planning Authority. However, the County Council would welcome your views (if any) on the proposed changes to the rights of way network necessitated by this development.

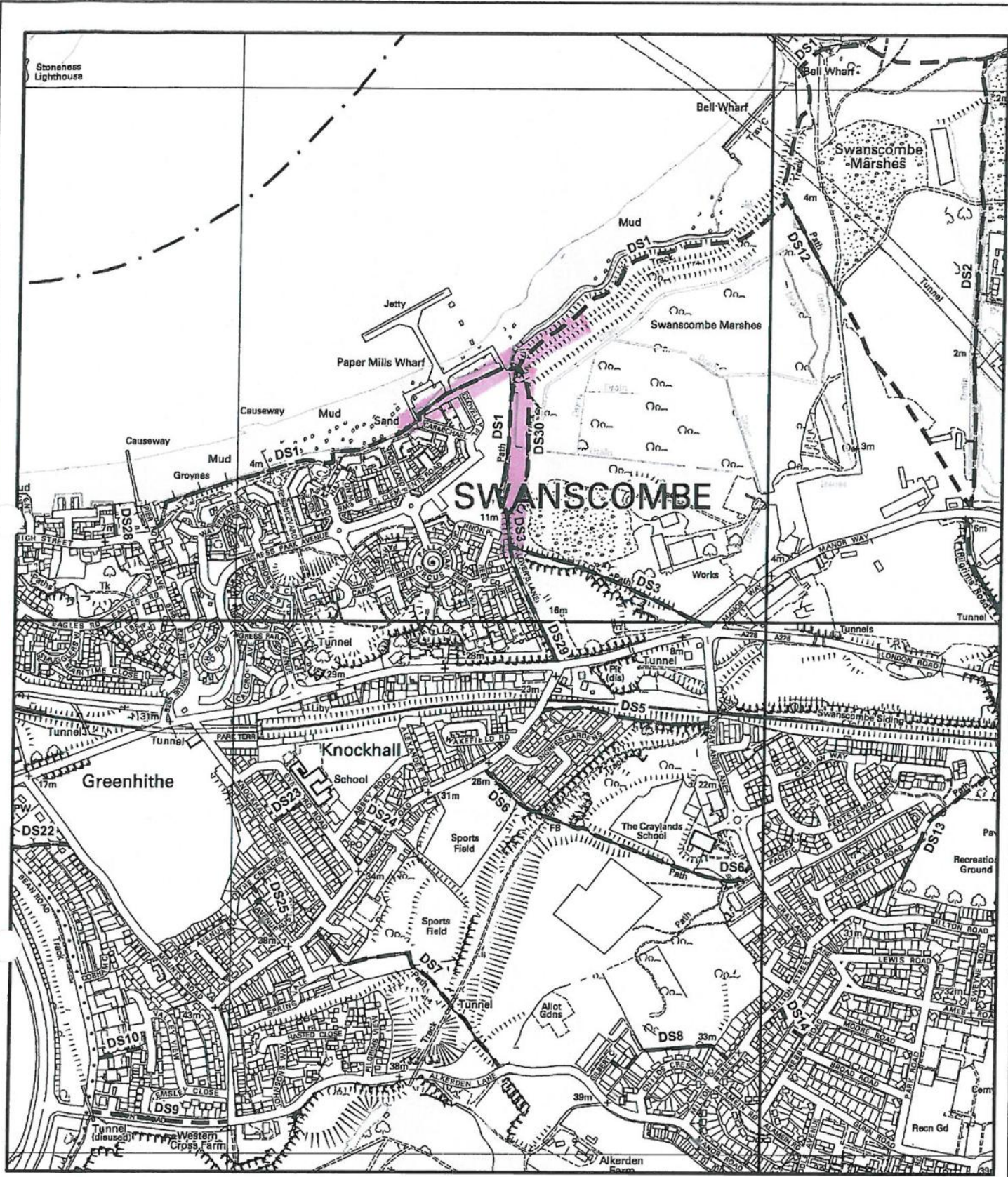
Should you have any queries regarding the proposals, please do not hesitate to contact me on 03000 413421.

Yours sincerely,



**Ms Melanie McNeir**  
Public Rights of Way and Commons Registration Officer  
Public Rights of Way and Access Service





- — Footpath
- | — Bridleway
- <v> — Restricted Byway
- <k> — Byway Open to All Traffic
- — Point path number or status changes
- ■ ■ Boundary of area covered by 1:2500 scale Network Map
- ▨ Area covered by 1:2500 scale Network Map

**EXTRACT OF THE WORKING COPY OF THE  
DEFINITIVE MAP OF PUBLIC RIGHTS OF WAY  
FOR THE COUNTY OF KENT**

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Produced by the KCC Public Rights of Way and Access Service

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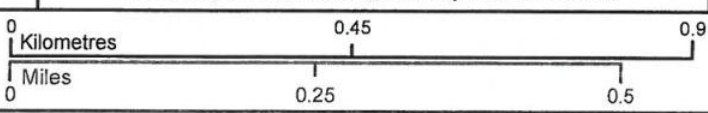
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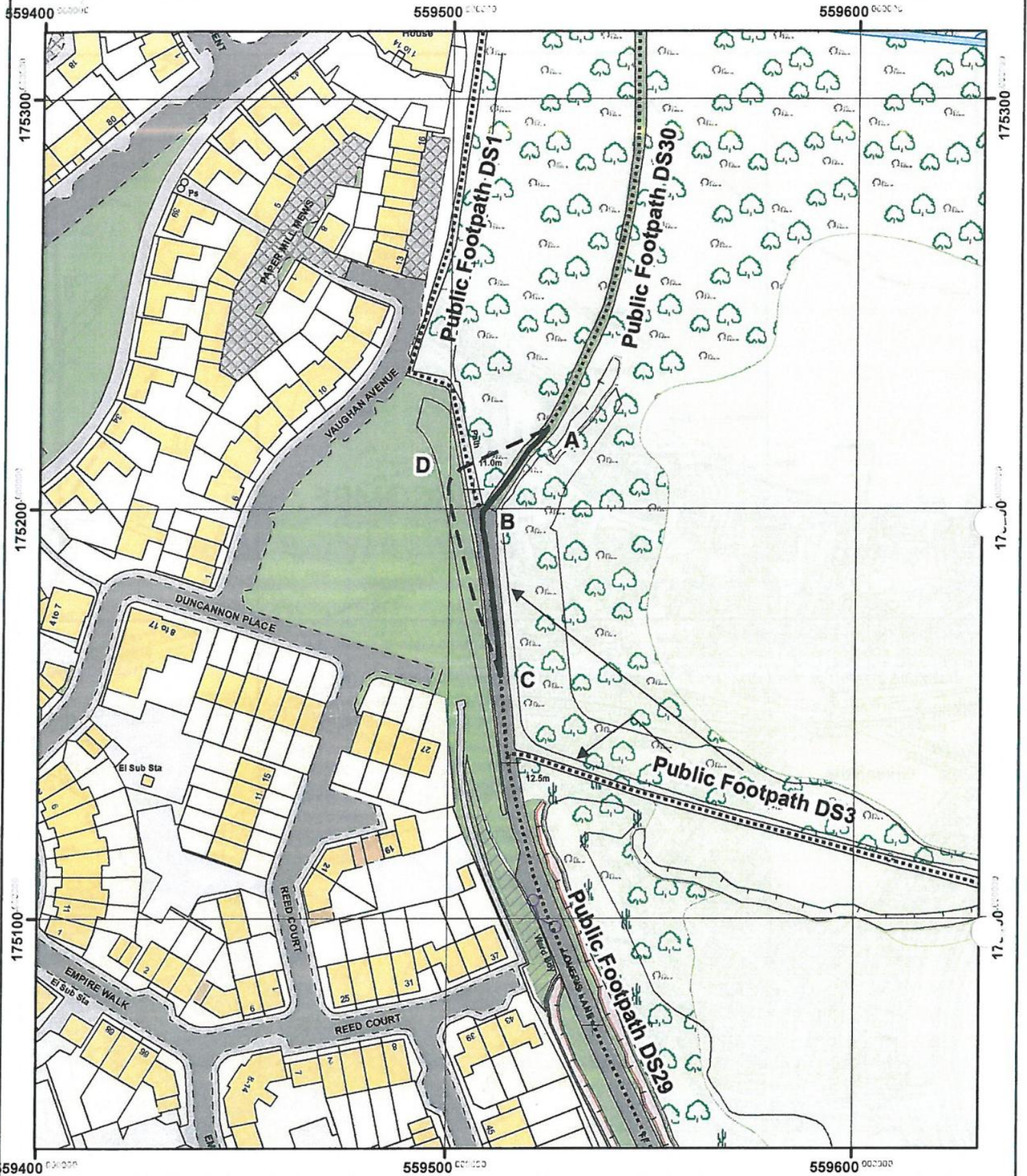
Issue Date:  
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Reference:  
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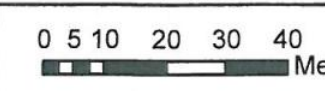
<b>Key</b>	
	Route to be diverted
	New length of Footpath
	Unaffected routes

**Highways Act 1980**  
**Wildlife and Countryside Act 1981**  
**The Kent County Council**  
**Public Footpaths DS3 (part) and DS30 (part)**  
**Swanscombe and Greenhithe**  
**Public Path Diversion and Definitive**  
**Map Modification Order 2014**  
**DRAFT PLAN**

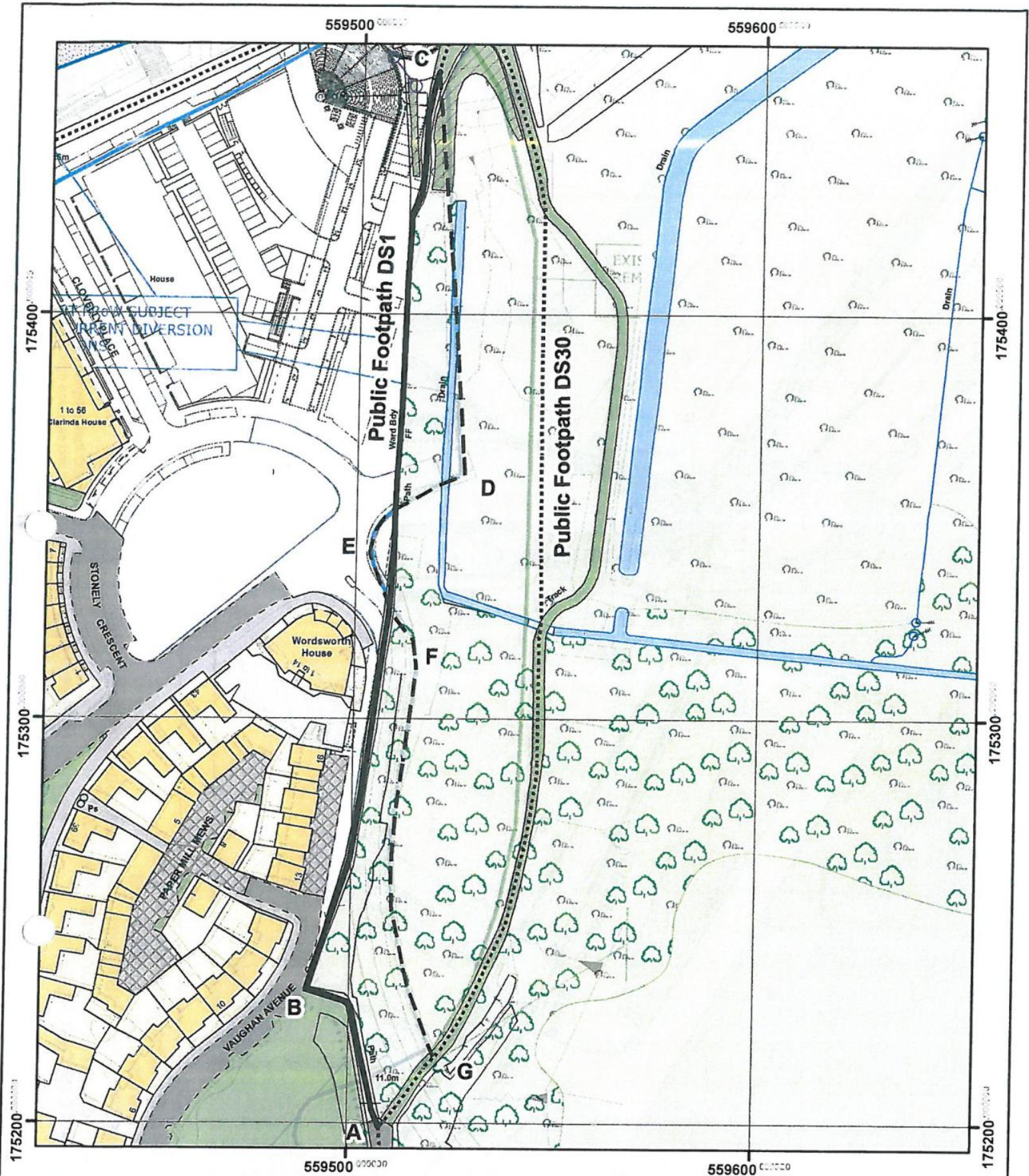
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Reference:	PROW/DS1/0009/DA		



- Key**
- Route to be diverted
  - New length of Footpath
  - Unaffected routes

**Town and Country Planning Act 1990**  
**The Dartford Borough Council**  
**Public Path DS1 (part) Swanscombe and Greenhithe**  
**Public Path Diversion Order No. 2, 2014**  
**DRAFT PLAN**

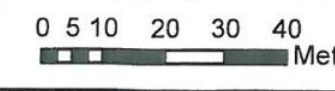
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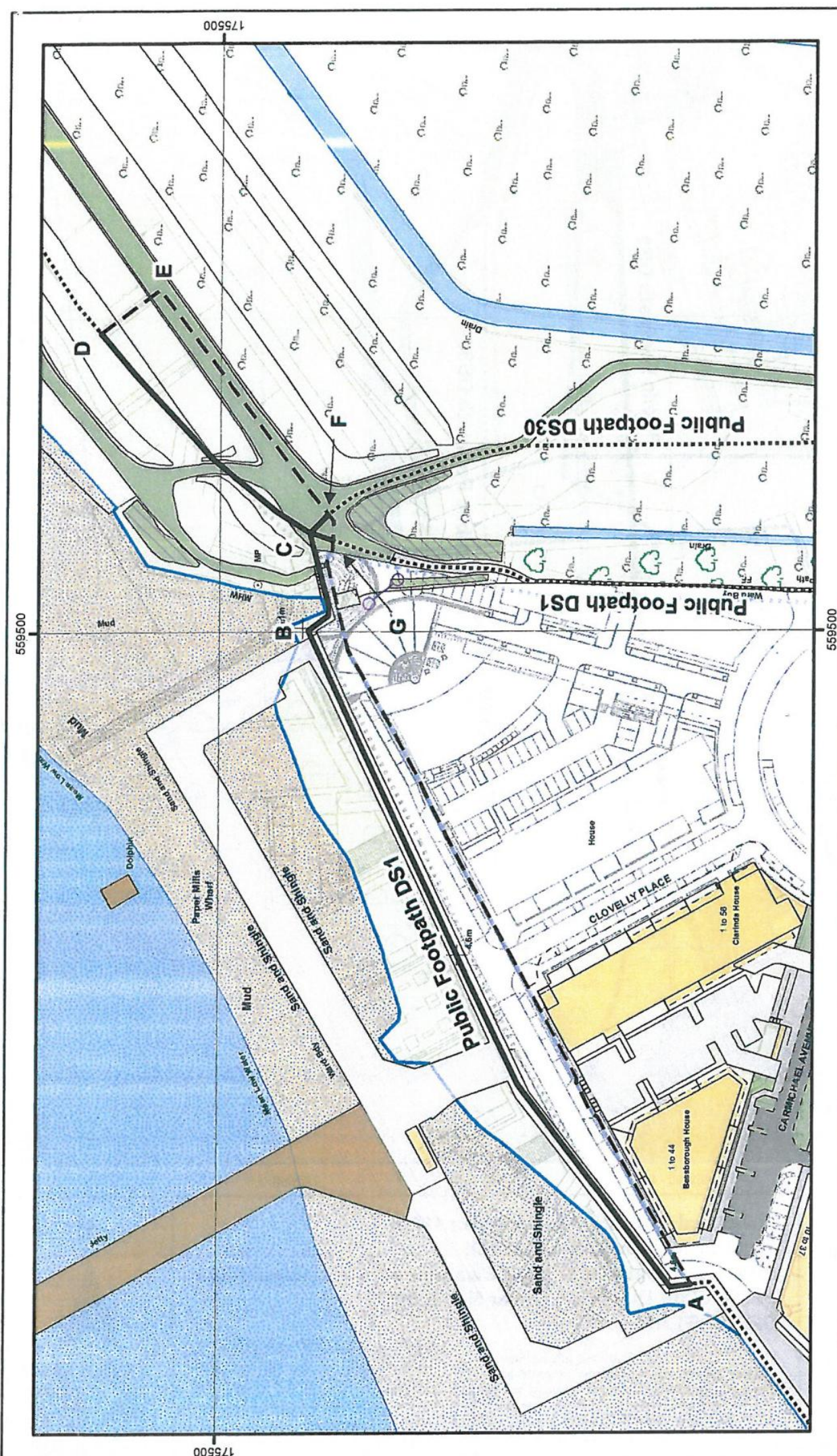
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kent.gov.uk



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Reference:	PROW/DS1/0009/DA		



**Key**

- Route to be deleted
- - - Route to be Added
- ..... Unaffected Routes

**Town & Country Planning Act 1990**  
**The Dartford Borough Council**  
**Public Footpath DS1 (part) Swanscombe and Greenhithe**  
**Public Path Diversion Order No. 1, 2014**  
**DRAFT ORDER PLAN**

**DARTFORD**  
 BOROUGH COUNCIL

0 Kilometres 0.0475 0.095  
 0 Miles 0.03 0.06

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Kent County Council  
 Kent.gov.uk

**KALC email to all 304 x Parish Councils on their distribution list (+ 16 non-members of KALC)**

To: 320 x Parish & Town Councils

**AGENDA ITEM 8**  
ATE 3/12/14

Subject re: Highways and Transportation Survey 2014

Dear Representative,

I would welcome your help in providing me with your feedback on the highways and transportation service we deliver in your community.

We are working hard, in difficult financial times, to ensure we focus on the important services and to allow me to make some decisions on our future service improvements. I would be grateful if you could complete this survey about highways and transportation issues in Kent.

The deadline for completed questionnaires is: **Fri 19<sup>th</sup> December**

The survey questions are around satisfaction with the condition of roads, pavements, street lighting and drainage, plus issues relating to highway safety and levels of congestion.

This survey is part of an annual programme of surveys to gain the views of the local community on the delivery of highway and transportation services in Kent, and is the ninth year that we have consulted with Parish and Town Councils.

In order to get a rounded perspective, the survey is also being conducted with County Members along with a representative sample of around 1,200 residents across the County (via a door-to-door survey starting Sat 15<sup>th</sup> November).

We would like you to respond to this questionnaire on behalf of your community taking into account what you think are the views of the people you represent. It does not matter whether you don't particularly hold strong views, or whether your views are positive or negative - all opinions count.

There are a number of ways you can take part in the survey:

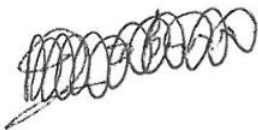
- A Word document (attached)
- Online questionnaire via the following link:  
<https://kentcc.firmstep.com/default.aspx/RenderForm/?F.Name=tYU1AkhRcJ4&HideAll=1>
- Paper copy – please contact Iain Norman (details below) who will then send you a paper version.

Results from the survey will be used to help us to continue to prioritize and shape the service we provide, and all your answers will remain entirely confidential. The survey results for 2013 are published on the KCC website as will the 2014 report.

If you have any problems or queries about issues in this survey, please contact: Iain Norman, Highways, Transportation & Waste, Business Team, 1st floor, Invicta House, Maidstone, Kent, ME14 1XX on Tel: 03000 411657 or email: [iain.norman@kent.gov.uk](mailto:iain.norman@kent.gov.uk)

Thank you very much in advance for your help,

Yours faithfully



John Burr  
Director of Highways, Transportation and Waste

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# **Kent County Council Highways, Transportation and Waste Survey**

● **November 2014**

**Parish and Town Councils**

●

## Kent County Council Highways, Transportation and Waste Survey 2014

Dear Representative,

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- A Word document – please return to Iain Norman via email at [iain.norman@kent.gov.uk](mailto:iain.norman@kent.gov.uk)
- Completing the online questionnaire via the following link:  
<https://kentcc.firmstep.com/default.aspx/RenderForm/?F.Name=tYU1AkhRcJ4&HideAll=1>
- Paper copy – please contact Iain Norman (details below) who'll send you a paper version.

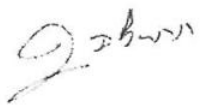
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Thank you very much in advance for your help,



Yours faithfully

A handwritten signature in black ink, appearing to read "John Burr". The signature is written in a cursive style with a large initial "J".

John Burr

Director of Highways, Transportation and Waste

# Kent County Council Highways, Transportation and Waste Survey 2014

## Parish and Town Councils

Please add the name of your Parish or Town Council here:

SWANSCOMBE AND GREENHITHE  
TOWN COUNCIL

Please complete the questions in the pages that follow and submit to:

Mr Iain Norman, Highways, Transportation & Waste, Kent County Council, 1<sup>st</sup> Floor, Invicta House, Maidstone, Kent, ME14 1XX.

Email: [iain.norman@kent.gov.uk](mailto:iain.norman@kent.gov.uk) or Tel: 03000 411657

Text Relay: 18001 0300 333 5540

### Key point:

- Deadline: **Friday 19<sup>th</sup> December**
- Please can you only provide one consolidated response per Parish or Town Council
- Alternative formats are available i.e. in large font, braille etc.
- This document is available in alternative formats and can be explained in a range of languages – please contact Iain Norman.

## Section 1 – Contact with Kent County Council

Q1 Has your Parish or Town Council contacted *Highways and Transportation* to ask for information or report a problem with roads, pavements, street lighting or drains in the past 12 months?

Yes

No – go to Q4

Don't know

Q2 Overall, how satisfied or dissatisfied were your Parish or Town Council with the service they received when they asked for information or reported a problem?

Very satisfied

Satisfied

Neither dissatisfied nor satisfied

Dissatisfied

Very dissatisfied

Don't know

Not applicable

Q3 If your Parish or Town Council have any views about the highway service they received, along with ideas on how to improve it then please share these with us:

Q4 Overall, how satisfied or dissatisfied were your Parish or Town Council with the service provided by their Highways and Transportation District Manager/Steward?

- Very satisfied
- Satisfied
- Neither dissatisfied nor satisfied
- Dissatisfied
- Very dissatisfied
- Don't know

Q5 If your Parish or Town Council have any views about the District Manager/Steward Team, along with ideas on how to improve our service please share these with us:

Q6 Did your Parish or Town Council attend one of Kent County Council's Annual Highway Parish Seminar this autumn?

Yes

No – go to Q9

Don't know

Q7 If yes, how satisfied were your Parish or Town Council with the seminar overall?

Very satisfied

Satisfied

Neither dissatisfied nor satisfied

Dissatisfied

Very dissatisfied

Don't know

Q8 If your Parish or Town Council have any views about the seminar, along with ideas on how to improve it then please share these with us:

## Section 2 – Condition of roads, pavements, street lights and drainage for Kent

### ROADS

How satisfied or dissatisfied are your Parish or Town Council with the *condition* of each of the following types of road in your local area:

		Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied	Don't know
Q9	Residential or estate roads						
Q10	Main 'A' or 'B' roads						
Q11	Town centre or village roads						
Q12	Country lanes						

Q13 If your Parish or Town Council have any views about the *condition* of roads or ideas to improve these, please share these with us:

## PAVEMENTS

How satisfied or dissatisfied are your Parish or Town Council with the *condition* of pavements in your local area in each of the following:

		Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied	Don't know
Q14	Pavements on residential or estate roads						
Q15	Pavements in town centres, villages, shopping areas or pedestrianised areas						

**Q16** If your Parish or Town Council have any comments about the *condition* of pavements or ideas to improve them, please share these with us:

# STREET LIGHTING

How satisfied or dissatisfied are your Parish or Town Council with:-

	Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied	Don't know
Q17 Street lighting <i>repairs</i> in your local area						

Q18 If your Parish or Town Council have any comments about repairs to street lighting including ideas about improving them, please share them with us:



## DRAINS/GULLIES

How satisfied or dissatisfied are your Parish or Town Council that:-

	Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied	Don't know
Q19 Road drains/gullies are kept clean and working in their your local area						

Q20 If your Parish or Town Council have any views concerning drains/gullies in the roads or ideas to improve them, please share them with us:

## Section 3 – Congestion

---

*A key action for Kent County Council is to provide consistent journey times to enable people to plan their trips. This means we will identify and tackle congestion 'hot spots' to improve journey time reliability.*

---

Q21 Please can you list one congestion 'hot spot' (i.e. road or junction) which in your opinion frequently contributes to journey time unreliability:

### **HOTSPOT:**

Road name or junction:

Town or village name:

Time of day i.e. peak am/pm, or off-peak am/pm:

What do you think is the main cause of congestion?:

## Section 4 – Keeping road users as safe as possible

---

*A key action for Kent County Council is to keep road users as safe as possible on Kent's roads. We do this by providing road safety awareness campaigns, education programmes and also the delivery of safety engineering measures at sites which have a history of road traffic collisions.*

---

Q22 Please can you list one site (i.e. road or junction) which in your opinion could be made safer:

**SITE:**

Road name or junction:

Town or village name:

Who this road or junction is a safety issue for? (i.e. bike, pedestrian, lorry, horse, car etc.):

What safety improvement do they think would help or what safety issue should KCC address?:

## Section 5 – Improving road safety in Kent using safety cameras

---

*Safety cameras (sometimes known in the media as speed cameras) are installed AS A LAST RESORT and EVEN THEN strict guidelines have to be met.*

*In the case of the FIXED safety cameras, there has to have been 3 people killed or seriously injured within a 1.5 kilometre stretch of road within the previous 3 years or for MOBILE safety cameras which are operated from vans - there has to have been 1 person killed or seriously injured within a 5 kilometre stretch of road within the previous 3 years.*

---

Q25 Do you agree or disagree that safety cameras are helping to make roads safer across Kent?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Q26 Why do you think this?:

## **Section 6 – Improving the Highway Service**

Q27 Are there any other aspects of Highways and Transportation in your area not covered by this survey that you'd like to bring to our attention?

Please include details of any local issues your Parish & Town Council may have:

Thank you for taking the time to complete and submit this survey.

It is important to us that we take into account the views of the local community you represent when we make decisions about our service we deliver in Kent. Your opinion counts.

It does not matter whether your views are positive, negative or indifferent. We would still like to hear from you.

Should you have any further questions or concerns about this survey or any of its questions, please contact:

Iain Norman on tel: 03000 411657 or email: [iain.norman@kent.gov.uk](mailto:iain.norman@kent.gov.uk)

PTE 3/12/14

Graham Blew

**From:** Alice.Beeken@kent.gov.uk  
**Sent:** 14 November 2014 15:23  
**Cc:** Mike.Clifton@kent.gov.uk; Angela.Watts@kent.gov.uk  
**Subject:** Planning Application DA/13/967 - Teal Energy Limited, Land at Manor Way Business Park, Swanscombe (APP/W2275/V/14/2228465)

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77  
TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) ( ENGLAND) RULES 2000**

**PLANNING INSPECTORATE REFERENCE: APP/W2275/V/14/2228465**

**CALLED-IN PLANNING APPLICATION (DA/13/967) BY TEAL ENERGY LIMITED FOR THE CONSTRUCTION OF A RENEWABLE ENERGY FACILITY INVOLVING ADVANCED THERMAL TECHNOLOGY TO GENERATE ENERGY IN THE FORM OF COMBINED HEAT AND ELECTRICITY BY USING RESIDUAL WASTE MATERIALS AS A FUELSTOCK AND CONVERTING THEM INTO A GAS AT LAND AT MANOR WAY BUSINESS PARK, SWANSCOMBE, KENT**

The above planning application has been called-in by the Secretary of State for his own determination instead of being dealt with by Kent County Council. To consider all the relevant aspects of the proposed development, the Secretary of State has decided to hold a local inquiry (date and venue to be advised).

The Planning Inspectorate is therefore now dealing with this called-in planning application. Any comments submitted by you at the application stage will be submitted to the Planning Inspectorate however if you wish to make any additional comments you should send them to the case officer, Leanne Palmer, by **22 December 2014** at the address below quoting reference APP/W2275/V/14/2228465. Three copies of any comments must be sent to:

Leanne Palmer  
The Planning Inspectorate  
3/26 Hawk Wing  
Temple Quay house  
2 The Square  
Bristol BS1 6PN

Tel: 0303 444 5471

Email: [leanne.palmer@pins.gsi.gov.uk](mailto:leanne.palmer@pins.gsi.gov.uk)

Whilst the Planning Inspectorate will not acknowledge representations they will however ensure that letters received by the deadline are passed to the Inspector dealing with the application.

All relevant documents can be viewed on the Kent County Council's website using the following link: <http://www.kent.gov.uk/waste-planning-and-land/planning-applications/look-at-planning-applications>

A copy of the final decision, will be available on both the County Council's website and the Planning Portal <http://www.pcs.planningportal.gov.uk/pcsportal/CaseSearchResults.asp>

Yours faithfully

**Planning Applications Group**

Technical Support | Planning Applications Group | Environment, Planning and Enforcement | Growth, Environment and Transport | Kent County Council  
[www.kent.gov.uk/planning](http://www.kent.gov.uk/planning)





Comments from 11/9/13 PTE

\*DA/13/00967/CPO

Consultation on an application for construction of a renewable energy facility involving advanced thermal technology to generate energy in the form of combined heat and electricity by using residual gas waste materials as a fuelstock and converting them into a gas.

Land At Manor Way Business Park Swanscombe  
Kent

**OBSERVATIONS:**

Members object to the application on the following grounds:

Firstly, members strenuously oppose the application because they are seriously concerned about the environmental impact this site would have on the local area and even although the developer states that it can control the gasses emitted, because the area is highly developed and populated, they think it a dangerous facility to have in such close proximity to residential areas.

Members also object to the application because it is in the vicinity of the proposed theme park project and could interfere with the needs of the theme park and could stunt the growth of business within the area.

Members are also concerned about the Heavy Goods Vehicles (HGVs) that will to and from form the site and the need for them to be directed away from the town's inner roads. Members note that KCC do state that roads are marked that should not be used but think, if planning is granted, that a condition should be made on the operator to only utilise the main roads to the site and not use the town's inner roads. Operators generally employ contracting firms that would not necessarily follow road signage stating "no HGVs" etc and therefore unless KCC is to marshal all of these roads, it must be made an obligation on the contractor to keep to the proper routes if there is a chance that the operator could lose its licence.

Members also feel that that an extension of time is needed for this application as it is understand that the Theme Park Project Managers have not been made aware of this development coming forward and it is essential that they are consulted as well.

① Comments from 11/6/14 PTE

Planning Application No: KCC/DA/0201/2013

Proposal: Construction of a Renewal Energy Facility involving Advanced Thermal Technology to generate energy in the form of combined heat and electricity by using residual waste materials as a fuelstock and converting them into a gas

Location: Land at Manor Way Business Park, Swanscombe, Kent

Members strongly object to the application on the following grounds:

Firstly, members strenuously oppose the application because they are seriously concerned about the environmental impact this site would have on the local area and even though the developer states that it can control the gasses emitted, because the area is highly developed and populated, they think it a dangerous facility to have in such close proximity to residential areas.

Members also object to the application because it is in the vicinity of the proposed Paramount Resort and could interfere with the needs of the resort which could in turn prejudice the objective of achieving a vibrant mixed use development on Swanscombe Peninsula and is contrary to Policy CS6 of the Planning Authorities adopted Core Strategy.

Members are also concerned about the Heavy Goods Vehicles (HGVs) that will to and from form the site and the need for them to be directed away from the town's inner roads. Members note that KCC do state that roads are marked that should not be used but think, if planning is granted, that a condition should be made on the operator to only utilise the main roads to the site and not use the town's inner roads. Operators generally employ contracting firms that would not necessarily follow road signage stating "no HGVs" etc and therefore unless KCC is to marshal all of these roads, it must be made an obligation on the contractor to keep to the proper routes if there is a chance that the operator could lose its licence.

Members do not feel that the proposed location of the plant is sustainable, particularly as all waste delivered to the plan is to arrive by road.