

KCC/3.4

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY KENT INTERNATIONAL GATEWAY LTD

APPU2235/A/09/2096565/NWF

**PROPOSED RAIL FREIGHT INTERCHANGE, WAREHOUSING AND
ASSOCIATED DEVELOPMENT**

APPLICATION MA/07/2092 LAND EAST OF MAIDSTONE

REBUTTAL PROOF OF EVIDENCE

PUBLIC RIGHTS OF WAY

G RUSLING

ON BEHALF OF KENT COUNTY COUNCIL

1. Having read the proof of the Appellant's landscape witness, Phil Rech, it now appears that the Appellant is proposing the introduction of an additional structure to enable public bridleway KH82 and a watercourse to pass beneath "beneath the individual rail siding to Unit 1" (KIG 6.1 para 5.7). This feature does not appear to have been considered in the Environmental Statement.
2. The proposed route for bridleway KH82 and watercourse through a tunnel is not shown on the KIG Illustrative Masterplan 107N June 2009 or the KIG Parameter Plan 8A (internal roads and bridges). The construction of this structure and the sharing of this tunnel space with the watercourse gives rise to concerns both in terms of engineering solution and suitability for use by all categories of the public particularly equestrians.
3. The plans produced for the Secretary of State's draft Order and the description of the draft Order (which was submitted prior to the submission of the landscape evidence) do appear to indicate a bridge over the watercourse and there is no reference to any other structure.
4. Detailed constructional information is requested for assessment.
5. The dimensions as sought for the tunnel serving KM82 as it passes beneath the rail line and sidings on leaving the Mallings should be applied equally to this structure. A minimum width of 4 metres should be provided for the bridleway, excluding any provision for the watercourse. The bridleway surface as it passes beneath the tunnel should be cambered to ensure positive drainage and should be above the 1 in 50 year flood level for the watercourse. A minimum ceiling height should be provided of 3.7 metres (bridleway surface to ceiling)
6. Additionally it is difficult to reconcile the relative levels of the existing rail tracks, proposed new sidings, including the siding to Ind 01 and the provision of a tunnel beneath the rail siding for Ind 01 with the description in paragraph 5.7 of Proof KIG 6.1 of a bridleway that runs easterly in an open grassland ride.
7. It is unclear precisely what is proposed and the limited amount of detail so far provided does not enable either the KCC Countryside Access Service to meaningfully assess the impact and therefore the suitability of the route, or indeed, cannot be judged by any of those making representations to the Secretary of State on the draft Order.