



GEORGE CAFFERY



CHRIS CORNELL



VAL KENNY

**GORRELL WARD COUNCILLORS : CANTERBURY CITY COUNCIL**

27<sup>th</sup> August 2020

Dear Mr Richards

**Proof of Evidence: ROW 3226477**

We are submitting a Proof of Evidence (PoE) statement under rule 17 of the Right's of Way (Hearing and Inquiries Procedure) about the decision to close the Glebe Way railway crossing (**ROW, 3226477**). We present evidence as local ward councillors for the affected area; the KCC decision to extinguish the ROW having previous heard representation from our predecessors (Cllrs Baker, Clarke & Fisher).

As ward councillors we understand the importance of elected officials receiving impartial, factually correct and clear briefing by officers before a decision is made, particularly if it involves a decision outside of our elected ward. As such, we are wish to question the accuracy of the information presented in the report by the [Head of Public Protection to Kent County Council's Regulation Committee Member Panel on Wednesday 26<sup>th</sup> September 2018, the application to divert part of CW80.](#)

We make representation in our own right and not on behalf of Canterbury City Council. This file is saved as an interactive pdf and embeds links with original documents or evidence listed in the text.

In particular we wish to draw attention to the fact that:

**1) Canterbury City Council was not consulted in as clear a manner as presented**

The application to divert CW80 states that 'Canterbury City Council was consulted' (14, pg. 5) and yet the council as a collective body has never made any formal decision on whether the public right of way should be extinguished.

The Planning Committee did consider an application on prior notification for a footbridge over the railway line on the 12<sup>th</sup> September 2017 ([CA//17/01178](#)) however the Officers Report prepared by Mr Chris Pragnell on the 15<sup>th</sup> May 2017 and submitted to members in advance of the committee, clearly states:

*‘this is an application for prior approval, not an application for planning permission. Therefore considerations in this case are limited to whether the bridge ought to be and could reasonable be erected elsewhere on the land; or the design or external appearance of the bridge would insure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury’* ([Point 11, page 3](#))

It is clear that councillors were asked to comment on the design and utility of the bridge and not the closure of CW80 and their decision to instruct the Head of Planning to write to the County Council expressing its opinion the level crossing should be closed is unusual and not a representative or binding decision taking by the council as a whole.

The [audio transcript of the planning meeting shows](#), that a number of members were did speak in favour of closing the crossing (Councillors Thomas, Clarke, Eden Green, Baker and Walters) but these five voices were a minority on the committee of 11. In making representation the chair (Councillor Samper) needs to remind three of the councillors that the arguments made that it represents bad value for money (Councillor Thomas) and has been the site of severe tragedy (Councillor Clark) are spurious and not related to the application for prior approval.

When an ‘informative’ letter is proposed the group do not specifically discuss its detail or repercussion, the initial suggestion from Councillor Clarke that it be sent to the applicant (Network Rail) encouraging them to lobby Kent County Council being dropped in the final decision. Unfortunately the decision to write this letter is taken on a show of hands and not [officially recorded in the minutes](#). The audio seems to suggest that the idea of writing a letter is added to the substantive motion to grant the prior notification which is then passed 7 votes to 5. Without the details of the meeting being more clearly recorded it is difficult to be sure that the expressed ‘a strong desire’ to see it closed.

This section of the paper also makes no reference to the wider consultations carried out by Network Rail of the local people. There is no indication how many local residents were contacted and whether their opinions are representative to be presented in this way.

## **2) Several of Network Rail’s concerns are questionable.**

The application to divert CW80 lists the main concerns for Network Rail under point 3 in the introduction and background to the paper. This information is taken from the longer paper submitted by Network Rail in June 2020. In this paper it highlights three issues we take concern with, namely that:

- a) Substantial residential development in the area will increase use of the crossing

Section 1.16 of the statement made by Network Rail on the extinguishment states that:

*“Sizeable residential developments are likely to be built out within Whitstable which may likely result in increased use of the Crossing and, in turn, a detrimental effect on its risk profile. Within a 2km radius of the Crossing there are at least two substantial residential development sites which have been recently approved, and are awaiting completion; being land at Thanet way – for a total for a total of 400 homes and land south of Ridgeway, Chestfield – for 300 homes”*

Both of the aforementioned sites are strategic sites listed in [Canterbury City Council’s Local Plan](#) adopted in July 2017 but neither of transport plans submitted with both planning applications make reference to Glebe Way or suggest increased pedestrian use in this area.

Annex 4, the Travel Plan related to Planning Application [CA/17/00469](#) on Grasmere Gardens (aforementioned as *land south of Ridgeway*) was prepared by Cannon Consulting Engineers in August 2019.

[Grasmere Gardens is 1.9miles from Glebe Way](#). It’s Travel Plan refers to ‘*the Chartered Institution of Highways and Transportation (CIHT) guidance on acceptable walking distances consider that for commuting, access to schools and recreational journey purposes”* ([3.5, page 10](#)), subsequently listing 11 areas of employment, retail and education, as evidence of how the site can sustain pedestrian travel, none of which relate to the centre of Whitstable. It assumes that most people will only considers walks within 2km (1.24mi).

The Travel Plan related to Planning Application [CA/15/01296](#) on land on Duncan Downs (aforementioned as *land at Thanet Way*) was prepared by PTPlanners in April 2015. Its Travel and Accessibility Plan lists six locations which it believes pedestrians will walk to up to a longest distance of 1.5km from the site. [Only one of the six locations listed in point 2.10 \(Whitstable Junior School\)](#) require pedestrians to cross the railway which would be easiest done via the alternative route proposed for CW280 via Canterbury Road.

- b. The sound of an approaching train or its warning horn may be obscured due to high background noise, high winds, heavy rain or nearby traffic

The area surrounding the Glebe Way crossing is a quiet area falling between two conservation areas. The area is part of the site covered by the Prospect Field Conservation Management Plan which highlights the importance of CW580 for residents completing circular walks between Joy Lane and the Sea. The Management Plan, completed in 2015, characterises the site as a semi natural urban greenspace and states “[many local people enjoy the peace, tranquillity and wild nature of the site”](#).

To the south side of the crossing lies the South Whitstable Conservation Area covering Joy Lane, Canterbury Road and Borstal Hill. [The South Whitstable Conservation Area Appraisal](#) was written by Canterbury City Council in March 2010 and provides detail of the key characteristics of the area. Of relevance here, the paper notes that:

- Glebe Way is listed as part of the area 2 (Alexandra Road/Canterbury Road) for the character analysis. This section is described as ‘a different character to that to the

north in sub area one (Norfolk/Suffolk Street). The density is noticeable lower and detached villas are the predominant form as opposed to terraced housing” ([page 9](#))

- Joy Lane (the area with the busiest road in the area) is described as having “a wide variety of mature trees, hedges, shrubs and boundary walls: ([page 11](#)) which have the effect of screening much of the sound from the road – a point made by Councillor Baker in the audio of the planning committee ( [the trees currently acting as a sound barrier” – 52.07](#)).

To the north side of the crossing lies the Whitstable Town Conversation Area incorporating the High street, Island Wall, Cromwell Road and properties in between. [The Whitstable Town Conservation Appraisal](#) was written by Canterbury City Council in March 2010 and includes a 20mph speed limit under the [Canterbury City Council Transport Plan 2014-2031](#) on all roads apart from Cromwell Road. The land to the North of the crossing is sectioned as West Cliff and described as having an “open aspect to the sea...[that] creates an open character to the area” ([pg. 23](#)) , in a manner we would suggest hardly funnels noise.

- c. The alternative route proposed displays no discernible pattern in both the types of incidents/accidents occurring

The alternative route proposed down Canterbury Road and Oxford Street has a high number of incidents and accidents. In the last five years [CrashMap.co.uk \(a site populated and endorsed by Kent County Council\)](#) lists 31 incidents between Joy Lane at Tollgate Close) and Canterbury Road (at the Railway Bridge) including one fatality. The traffic plan produced for the erection of 8 apartments at Vulcan Close ([CA.16/02071](#)) by Jenners Limited described the area at the bottom of Borstal Hill as full of “[busy, narrow and congested roads](#)”.

This area is prone to idling and poor-quality air pollution as shown by recent air quality monitoring by the Whitstable Green Party at the top of Oxford Street. Official monitoring from Canterbury City Council was introduced to Whitstable 2018 following concerns about pollution but at present is limited largely to the High Street and sites outside St Alphege and Westmeads School. The [Canterbury City Council Air Quality Action Plan 2018-2023](#) shows averages across the town below the level needed for the council to introduce an Air Quality Management Area (currently 40 g/m<sup>3</sup>) but showed considerable deposits and the second highest local results outside St Alphege School on Oxford Street (21.2 g/m<sup>3</sup>).

We hope that our statement will raise question as to the extent to which public opinion, albeit expressed by our predecessors, is in favour of closure as portrayed.

We would further like it recorded that we believe the decision to make the public enquiry phase of this review in September entirely virtual is deeply regrettable and risks significantly disenfranchising a large number of local residents. Public engagement in discussions on the future of the Glebe Way has historically been very good with over 300 local people attending events held at Whitstable Football Club in 2014.

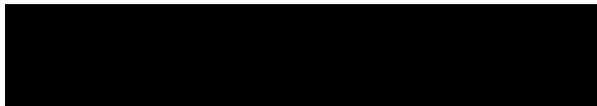
Whilst we appreciate the need to proceed with business throughout this pandemic, many of those people affected by the proposed closure of CW80 have little in common apart from that they choose to walk this way or live in the same streets. Whilst we concede that efforts

to consult with people as to their technical ability have been made, including the circulation of an online questionnaire (which itself could present a technical challenge), the advertising on an online enquiry on the crossing no less than three days into the advertised 14 day period in which the aforementioned questionnaire was open for comments, means many people will have chosen not to express their concerns with technology given the over-riding evidence that the decision has not been made.

Campaigners working to keep the crossing open were not afforded any detailed reason that their petition to postpone the enquiry was rejected and why Network Rail was able to challenge the original inspectors opinion that a virtual hearing would not be appropriate. We fear that to proceed with the proposed date of the 22<sup>nd</sup> September without sufficient time for both sides to prepare their argument, the local community to be proactively supported to engage in the virtual proposal and clear reasons given to as to why the Inspectorate has chosen to proceed in this manner, may lead to accusations locally that the decision is neither fair or impartial.

We have indicated in past that Councillor Chris Cornell would be willing to act as a witness to testify to the use of the crossing as expressed in our conversations and case work with local residents across the site. This offer still stands.

Yours sincerely

A large black rectangular redaction box covering the signature area.

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