

POSTERN LANE RESIDENTS' ASSOCIATION

Planning Policy,
Planning Services,
Tunbridge Wells Borough Council,
Royal Tunbridge Wells,
Kent TN1 1RS

And by email to: localplan@tunbridgewells.gov.uk

21 January 2024

Dear Sir,

Proposals for incorporating Postern Lane into local cycling infrastructure

Introduction

1. We are the current chairs of the Postern Lane Residents Association (“PLRA”). We write on behalf of the residents of Postern Lane, the southern portion of which falls within TWBC.
2. We note from your December 2023 Local Development Scheme publication:
 - a. that a “*Local Cycling and Walking Infrastructure, and Low Traffic Neighbourhoods SPD*” is being prepared; and
 - b. that its purpose is stated to be “*To provide guidance on infrastructure for cycling and walking and Low Traffic Neighbourhoods within the Main Urban Area and adjacent settlements and Paddock Wood, and the provision of inter-settlement cycle routes between Tonbridge, Southborough/Royal Tunbridge Wells, Paddock Wood*”.
3. We also note that the indicative timetable for “*Engagement with key stakeholders*” is January 2024. The Postern Lane residents are key stakeholders for this purpose, as owners and users (as of right) of Postern Lane, and we are therefore engaging with TWBC on this topic.

The contents of the Philip Jones Associates report 2021 (“PJA Report”)

4. We are aware that the PJA Report makes reference to the possibility of incorporating Postern Lane into Route D (connecting Tonbridge with Five Oak Green).

5. However, the PJA Report also acknowledges that this would require the consent of the relevant landowners. See for example the statements “*Sections of the western half of the route are already cyclable however these are currently using private roads with no public access” and “*The highways ownership extents need clarification to confirm the status of current access arrangements on Postern Lane. Engagement with relevant landowner/s should then be undertaken to explore the feasibility of enabling through cycling access.”**

The status of Postern Lane

6. Postern Lane is a private road, lying partly within TWBC (southern portion) and partly within TMBC (northern section). It is not adopted by either authority and is maintained entirely at the expense and discretion of its residents.
7. The public rights of way over Postern Lane are strictly limited to a footpath. There is no bridleway and it is not a byway open to all traffic. This is confirmed by the Definitive Map for Kent, as maintained by KCC.
8. It follows that there is no public right of way for wheeled traffic along Postern Lane. As to this:
 - a. There is no public right of way for cyclists (there is no legal right to cycle on a footpath, and a footpath is the only public right of way on Postern Lane).
 - b. The Lane has a metal gate in the southern portion (just south of the turn to Upper Postern). From time to time residents would shut the gate and turn away unauthorised traffic.
 - c. The gate remains in place but in 2019 the PLRA automated this system by erecting a barrier at the northern end of the Lane (close to its junction with Vale Road) in order to control access and prevent the increasing use of the Lane by unauthorised traffic. This is currently in the form of a rise/fall traffic bollard which does not obstruct cyclists, but the residents would be entirely within their rights to change it to a gate or other barrier which would prevent cycling access, or indeed to recommence closing the southern gate.
9. The Lane is in multiple private ownership. We have asked the members of the PLRA, who include many owners, for their views on the proposal outlined in the PJA Report for the Lane to be incorporated into local cycling infrastructure. The response has been overwhelmingly against that proposal. In fact not a single resident has expressed support for it.
10. What is more, this is not merely a question of legal ownership, as the PJA Report assumes. It is also a matter of legal rights over the Lane. All members of the PLRA have easements over the Lane, whether they own any part of it or not. They are entitled to enjoy those rights without substantial interference. Incorporating the Lane into local cycling infrastructure would inevitably result, for practical purposes, in residents (and those using the Lane with permission - trades,

deliveries, farm traffic and the like) not being able to exercise their rights as conveniently as before. This proposal would thus constitute a substantial interference with the easements to which all residents are entitled.

- 11. Please accept this letter as formal notice that members of the Postern Lane Residents Association do not consent to it being used as part of TWBC's local cycling infrastructure.**

Practical issues

12. It is not necessary for the residents to justify their decision since this is a matter of private right. However, in brief, their collective view is that the Lane is entirely unsuitable for use as part of the local cycling infrastructure for at least the following reasons, which also illustrate why this proposal would result in a substantial interference with their easements:
- a. The Lane is a narrow single track road with few passing spaces. There is not enough width to make it safe for cars (let alone vans or heavier vehicles) to pass cyclists in motion. Since the Lane is the sole vehicular access for all traffic to the houses on it (including not just resident but also trades, deliveries, farm traffic and so on), it carries a significant volume of motor traffic. Introducing cyclists would not be safe for them (and would materially interfere with ease of use of the Lane by its residents and those authorised by them).
 - b. There are numerous blind corners on the Lane, especially at Park View where there is a double bend.
 - c. The Lane is unlit and would require significant work to bring it into line with current design guidance for cycle paths. The residents would not consent to widening, street lighting etc.
 - d. A section of the Lane for about 150 metres north of Postern Bridge floods almost every year, often more than once in a year. The Botany Stream comes up and over the Lane, making it impassable to cyclists. We have extensive photographic evidence of this.

We would be grateful for an acknowledgement of receipt of this letter, please.

Yours faithfully,


Helen Adam of Postern Park, Postern Lane TN11 0QR 

Sandra de Wet of Postern Park Oast, Postern Lane TN11 0QT 