

Coastal Access Report – Kent: Ramsgate to Whitstable



Natural England's Summary of Other Representations

Introduction

This document categorises, summarises and comments on representations we have received on this report which have not come from those persons or bodies whose representations we are required to send in full to the Secretary of State.

Background

Natural England's report setting out its proposals for improved access to the coast in Kent: Ramsgate to Whitstable was submitted to the Secretary of State on 25th March 2015. This began an eight week period during which formal representations and objections about the report could be made. A representation about the report could be made during this period by any person, on any grounds, and could include arguments either in support of or against Natural England's proposals.

In total Natural England received 9 representations (from 7 organisations), of which 2 were made by organisation(s) whose representations must be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These 'full' representations have been submitted separately together with Natural England's comments where relevant. This document summarises and, where relevant, comments on the 7 representations submitted by other individuals or organisations, referred to here as 'other' representations.

Before making a determination in respect of a coastal access report, the Secretary of State must consider both of these documents.

Categorising 'other' representations

The following tables categorise the 'other' representations by several themes. An individual representation may include comments that relate to more than one chapter or theme. In addition one organisation may be both a landowner and a public body.

REPORT CHAPTER	Number of representations	Unique identifiers for reps
Chapter 1	4	MCA\Ramsgate to Whitstable\R\1\RGW0916 MCA\Ramsgate to Whitstable\R\2\RGW0865 MCA\Ramsgate to Whitstable\R\4\RGW0903 MCA\Ramsgate to Whitstable\R\7\RGW0899
Chapter 2	2	MCA\Ramsgate to Whitstable\R\4\RGW0903 MCA\Ramsgate to Whitstable\R\8\RGW0902
Chapter 3	1	MCA\Ramsgate to Whitstable\R\4\RGW0903
Chapter 4	1	MCA\Ramsgate to Whitstable\R\9\RGW0900
Overview		
Access and sensitive features appraisal	1	MCA\Ramsgate to Whitstable\R\6\RGW0918

OVERALL REPORT (Themes)	Number of representations	Unique identifiers for reps
a) The route	5	MCA\Ramsgate to Whitstable\R\1\RGW0916 MCA\Ramsgate to Whitstable\R\2\RGW0865 MCA\Ramsgate to Whitstable\R\4\RGW0903 MCA\Ramsgate to Whitstable\R\7\RGW0899 MCA\Ramsgate to Whitstable\R\9\RGW0900
b) The landward boundary of the coastal margin (spreading room)	1	MCA\Ramsgate to Whitstable\R\4\RGW0903
c) Need for local restrictions or exclusions (and/or the need to manage land within the margin)	1	MCA\Ramsgate to Whitstable\R\4\RGW0903
d) Alternative route	1	MCA\Ramsgate to Whitstable\R\4\RGW0903
e) Discretion to include an estuary		
f) 'Roll back'	3	MCA\Ramsgate to Whitstable\R\4\RGW0903 MCA\Ramsgate to Whitstable\R\8\RGW0902 MCA\Ramsgate to Whitstable\R\9\RGW0900
g) General comments		

OVERALL REPORT (who made the representation)	Number of representations	Unique identifiers for reps
Individuals	1	MCA\Ramsgate to Whitstable\R\6\RGW0918
Public bodies	3	MCA\Ramsgate to Whitstable\R\1\RGW0916

		MCA\Ramsgate to Whitstable\R\2\RGW0865 MCA\Ramsgate to Whitstable\R\4\RGW0903
Landowners and occupiers	3	MCA\Ramsgate to Whitstable\R\7\RGW0899 MCA\Ramsgate to Whitstable\R\8\RGW0902 MCA\Ramsgate to Whitstable\R\9\RGW0900

Summary of 'other' representations

Chapter 1:

Organisation/Person making representation: Peter Hill, Trinity House
Unique Reference Number: MCA\Ramsgate to Whitstable\R\1\RGW0916
Summary of Representation: Chapter 1, Map 1d
The proposal does not appear to impact upon Trinity House property or infringe upon our responsibilities as the Lighthouse Authority.
Natural England Comment: We agree that the proposals for the England Coast Path will not affect Trinity House properties, particularly The North Foreland Lighthouse. The proposed trail is aligned to existing public footpaths lying significantly seaward of this lighthouse.

Organisation/Person making representation: Sarah Pengelly, Broadstairs and St Peter's Town Council
Unique Reference Number: MCA\Ramsgate to Whitstable\R\2\RGW0865
Summary of Representation: Chapter 1, Map 1d, sections RGW-1-S020 to S024.
The representation highlights that it is reasonable to add a path around Kingsgate Castle but there may be a danger that woodland is cut down.
There is also a problem on cycle and walking routes along the local promenades, with cyclists not getting off their bicycles and wheeling them on pedestrianized sections.
Natural England Comment: The sections of proposed route around Kingsgate Castle are positioned close to the coast road. The trail would, in places, create a new open path where currently there are some trees and scrub.
In developing the proposed alignment here, we have sought to reduce any impact on the main body of the woodland opposite Kingsgate Castle. We consulted Kent Wildlife Trust over our proposals here as this woodland and golf course is a Local Wildlife Site. There are no Tree Protection Orders in the area and while some tree and scrub removal is likely along the line of the proposed trail we would seek to minimise any loss for wildlife and landscape reasons. We consider this alignment and any associated works to be a balanced solution in order to remove the need for walkers to walk on the busy coast road.
In regards to the issue of cyclists not dismounting along the Broadstairs promenade, the Town Council raised this concern with us during early consultation with them. As a result we highlighted the issue with Kent County Council, who manage these sections of path and it was agreed that more signage may be required to re-emphasize which part of the route is for pedestrian use only.

Organisation/Person making representation: Tony Child, Thanet District Council

Unique Reference Number: MCA\Ramsgate to Whitstable\R\4\RGW0903

Summary of Representation: Thanet District Council endorses and supports the Proposals following a similar route to the Thanet Coastal Path and Viking Coastal Trail, and including much of the existing public open space along our sea defences, intertidal foreshore and amenity cliff top grassland. We would also like to acknowledge and commend Natural England's Access Team in developing the proposals.

Main issue: North Foreland Golf Course (sections RGW-1-S020 to RGW-1-S025, Map 1d)

In principle TDC is supportive, as it appreciates the dangers to members of the public with the current arrangements, but is concerned that the tenants (Kingsgate Golf Club Ltd) of the North Foreland Golf Course who occupy the land which would be used, under a long lease from TDC from 24/6/1993 are not supportive of the new path as it will affect their quiet enjoyment of the land under the terms of their lease, and their issues are:

- (i) health and safety of members, users and members of the public being put at risk, they feel that this has not been addressed adequately as the area in question is a pinch point;
- (ii) the amount of land that the club would lose and the close proximity of the proposed path at the 12th green and the 13th tee/fairway.

Thanet Council would require confirmation that any possible claim for compensation and any other costs incurred would be met as agreement would need to be reached for a Deed of Variation of the existing lease between the parties, to reflect any changes, and the Club could put in a claim for compensation as holes 12 and 13 may become unusable making the course unfit for purpose.

Minor comments TDC wish now to be taken account of:

Alignment

Occasional storage or siting of temporary structures on parts of the route which would not impede access in this areas as there is sufficient space and spreading room, at:

- RGW-1-S006, Map 1b within Viking Bay.
- RGW-1-S017, Map 1d Joss Bay car park during winter.
- RGW-1-S008, Map 1c, summer chalets along sea defence.

Landward Coastal Margin

TDC suggest removing proposed LCM adjacent to RGW-1-1008 (Map 1c), as this includes an area for long term storage, run by the Broadstairs Sailing Club.

Rollback

Concern is expressed about the unfenced nature of the cliff top trail on RGW-1-S017 (Map 1d) from S016 to the Joss Bay Car Park. However, if roll back available onto the edge of farmland is included and sufficiently wide enough, this could help lower the main safety concerns of using this section of the route along an unfenced cliff.

Natural England Comment:

Natural England appreciates the support and involvement of Thanet District Council officers throughout the preparation of this report and welcomes their comments on the overall proposals.

Thanet District Council's main point: North Foreland Golf Course

As noted in the representation, Thanet District Council (TDC) own the golf course and lease it

to Kingsgate Golf Club. During the development of the proposals, TDC supported the idea of improving the safety in this area by providing an off-road option for the walkers currently using the busy Joss Gap road. They wrote in November 2014 of their in-principle support for an alignment of the England Coast Path across the golf course land.

TDC's concerns relate to their lease agreement with the golf club, who have in turn raised an objection to the proposals over impacts on quiet enjoyment, health and safety, loss of land and the close proximity of the proposed trail to the 12th green and 13th tee and fairway. Natural England has commented separately on the golf club's objection and considers that the pedestrian route would not have an adverse impact on the 12th fairway, as it is routed along the eastern edge of the golf course land and is away from the direction of play of the 12th fairway.

In regard to the **health and safety** impacts raised regarding the 13th fairway and tee, we recognised during early site visits with TDC and the golf course manager that there was one area along our proposed route which had more limited space for the trail – with a distance of 5.5m between the edge of the tee and the road edge. As teeing off and the direction of play on the 13th fairway is angled away from the proposed trail alignment and road, safety concerns and disruption to play were not initially raised as significant issues. However, low post and rail fencing and planting were suggested by the course manager as being necessary in order to clearly divide the path from the golf course. We incorporated these measures into the proposals and considered that aligning the trail along the (seaward) side of the golf course with fencing to define the areas of play, and planting to screen potential disturbance, would ensure that public access and golfers' needs are accommodated and there would be no compromise on the safety or enjoyment of the golf course.

An Health and Safety report was submitted by the golf course after the proposals were published, and in July 2015 we met several directors to consider the further issues that were raised. Whilst we consider the space between the tee and the road edge is limited, we believe it could accommodate a 2.5m wide trail with associated fencing and planting without intrusion on the tee or disruption to play. However, we discussed shifting and narrowing the pedestrian trail towards the road at this point, and increasing the height of the proposed fencing to meet any concerns. This type of fencing could reflect the fencing that exists along the portion of the Thanet Coastal Path and Viking Coastal trail that currently runs across the golf course (section RGW-1-S019).

We would be interested to discuss these options further with the golf course and Thanet District Council to allow the optimum use of signage and fencing in this area to address their concerns over potential disturbance and 'miss-hits' off the 13th tee.

With the proposed route along the eastern side of the existing course, we do not consider there would be a need to reconfigure the golf course or suffer any significant loss of income as a consequence of the proposals.

Thanet District Council highlight that compensation may be sought from them if these proposals were approved. Compensation is not offered as part of the England Coast Path legislation, rather we seek to develop plans that accommodate and balance private and public interests. We believe this balance is met by the proposals and consideration of amendments to the alignment close to the 13th tee.

The minor comments raised by Thanet District Council:

In relation to the **alignment** of the trail along the sea defences, Natural England recognise that a variety of land uses occur along these public promenades and open spaces. The proposed trail alignment took account of the varied land uses and is aligned to existing walked routes. Where activities will take place within the Landward Coastal Margin, the access rights will not prevent land owners managing their land – and any small scale operations can and normally

do take place alongside public access.

Coastal access rights are flexible in nature, with local restrictions and exclusions available if informal management cannot meet operational needs, but we have not foreseen the necessity for this in any of the areas mentioned. However, this could be revisited in future, if required.

This variety of land uses along the promenades is also relevant to the area highlighted as boat storage near Broadstairs (RGW-1-1008, Map 1c). Here, for clarity, the **Landward Coastal Margin** includes the entire promenade that runs along the base of the chalk cliffs. Some areas along the length are excepted land or land unusable by the public in practice, such as this securely fenced boat storage compound.

In regard to the **safety** of section RFK-1-S017, this cliff top section of the proposed trail follows a long established part of the Thanet Coastal Path long distance pedestrian route. Most people understand that the coast can be a dangerous environment and are aware of many of the inherent risks (see scheme section 4.2.1). Existing signs already highlight the cliff edge, and to improve access here we have proposed to level the surface of the path as part of the establishment works, as well as proposing that this section is subject to **rollback**.

Organisation/Person making representation: Vanessa Evans, Kent Wildlife Trust

Unique Reference Number: MCA\Ramsgate to Whitstable\R\7\RGW0899

Summary of Representation: Chapter 1: Map 1d: North Foreland to Whiteness (sections: RGW-1-SO19 to RGW-1-SO24; RGW-1-SO27; RGW-1-SO29)

The representation raises the alignment of the path at it passes through the Local Wildlife Site TH09, and the need for consideration to be given to the least harmful route through the site.

The Trust is pleased that the path is as close to Joss Gap Road as possible, rather than through the golf course, for the stretches RGW-1-S019 and RGW-1-S027 FW. They note the need to cut alongside the North Foreland Golf Course at RGW-1-SO29 and query why this is set out landward from the boundary of the public house.

They would like further detailed information regarding any scrub or tree clearance along the road verge adjacent to North Foreland Golf Course and opposite Kingsgate Castle (RGW -1-SO20 to RGW-1-SO24).

KWT also request to be involved in any consultation on “roll back” proposed in the future in the event of coastal erosion or encroachment, and have raised the need for adequate and consistent signage for visitors along this route, and other sections of the coastal path, regarding bird disturbance.

Natural England Comment:

Natural England welcomes the input from Kent Wildlife Trust during the development of the proposals, from early consultation about the presence of Local Wildlife Sites and Roadside Nature Reserves to specific advice on North Foreland Golf Course.

In regard to specific query raised about RGW-1-SO29, the proposed alignment follows an existing promoted pedestrian and cycle route (the Thanet Coastal Path and Viking Coast Trail), to a clear and safe crossing point at the Whiteness Road junction. This alignment has recently been developed by Kent County Council as the public rights of way seaward of the Captain Digby public house have, in parts, been subject to cliff erosion and would not be suitable for the England Coast Path.

In relation to necessary scrub and tree clearance adjacent to North Foreland Golf Course and opposite Kingsgate Castle, we will be sure to include KWT in any discussions.

In relation to any future roll back, we will be sure to include KWT in any discussions that may affect Local Wildlife Sites or land owned by the Trust. Where specific signage about bird disturbance is being developed (as highlighted in the Ramsgate to Whitstable Access and Sensitive Features Appraisal), Natural England will continue to work closely with the Thanet Coast Project (led by Thanet District Council) to ensure effective and clear messages reach the walkers of the England Coast Path.

Chapter 2:

Organisation/Person making representation: Tony Child, Thanet District Council

Unique Reference Number: MCA\Ramsgate to Whitstable\R\4\RGW0903
Maps 2a to 2f

Summary of Representation:

Minor comments TDC wish now to be taken account of:

Alignment: RGW-2-S014(2d); RGW-2-S014(2e); RGW-2-S016(2f) - all have summer chalets but all would still allow space for access along the sea defence structure.

Optional alternative routes. Further sections of OAR suggested by TDC:

- RGW-2-S008 to RGW-2-S013 (Map 2c) – follow clifftop from Lido along back of Winter Gardens upper promenade down Fort Hill to Margate harbour.
- RGW-2-S014 (Map 2e) – from Westbrook Pavilion/Westbrook Gardens, follow proposed inland spreading room long clifftop grassland past the sunken garden to St Mildred's Bay RGW-2-S015
- possibly between St Mildreds to West Bay/Westgate Bay (Map 2f).

Landward Coastal Margin:

Further inclusion of LCM suggested by TDC, adjacent to:

- RGW-2-S002 (map 2b) adjacent to coach storage park at Palm Bay (small area is Thanet District Council)
- RGW-2-S016 (Map 2f) on clifftop grassland between West Bay (Westgate Bay) to War Memorial at St Mildred's Bay.

Removal of LCM at:

- RGW-2-S014 (Map 2e). Whilst the sunken garden has been correctly left out, it may be that the rockery garden at the St Mildred's Bay lookout also needs to be excluded.

Natural England Comment:

In regard to **alignment** along the sections identified above, Natural England recognise that a variety of land uses occur on these public promenades and open spaces. The proposed trail alignment took account of the varied uses of the promenade. Within the Landward Coastal Margin, the access rights will not prevent land owners managing their land, as small scale operations can and normally do take place alongside public access.

Thanet District Council (TDC) has suggested a number of additional **Optional Alternative**

Routes (OAR) along the Thanet Coast. The proposals identify one OAR (sections RGW-3-A001 to RGW-3-A011 on maps 3a and 3b) where walkers would not have ready access to a cliff top greenspace or access route, if stormy conditions made the promenade unpleasant or unsuitable to walk along. We did not consider OARs to be necessary along other lengths of the promenade as there is regular and easy access to clifftop paths and roads, especially in the urban areas mentioned. If in future, these well used coastal promenades become significantly storm affected, temporary or optional alternative routes could be considered.

TDC worked with Natural England to identify areas of their land that could be proposed as **Landward Coastal Margin**, including land near Palm Bay, Map 2b. Unfortunately, not all the landowners near this area could be contacted and this prevented a coherent area of Landward Coastal Margin, that would be clear to walkers on the ground, being proposed in the report. If TDC still wishes to establish access rights on any of their land, following approval of our report, they could dedicate land as coastal margin under the provisions of section 16 of CROW, as amended for this purpose by section 303(6) of the 2009 Act.

TDC also suggests that Landward Coastal Margin should be added to the proposal, near Westgate Bay (Map 2f) and an area of rockery garden near St Mildred's Bay lookout (Map 2e) should be removed. In recent discussions with Tony Child of TDC, it was agreed that the formal 'garden' area near St Mildred's lookout appears to be excepted land and could remain as part of the proposed Landward Coastal Margin. We also confirmed the extent of additional Landward Coastal Margin sought near Westgate Bay.

Natural England accepts that the Proposals map did not fully reflect the Landward Coastal Margin agreed initially with TDC. In light of TDC's ownership of all the land in question adjacent to section RGW-2-S016 CW we have amended the extent of proposed Landward Coastal Margin and recommend that the Secretary of State should approve the following amended proposal map:

- **Map 2f St Mildred's Bay to Westgate Bay**

Organisation/Person making representation: Vanessa Evans, Kent Wildlife Trust

Unique Reference Number: MCA\Ramsgate to Whitstable\R\8\RGW0902

Summary of Representation: Chapter 2, Map 2a: Whiteness to Foreness Point (sections RGW-2-S001 and RGW-2-S002) and Map 2b: Foreness Point to Hodge's Gap (section RGW-2-S002).

The proposed coastal path at this point passes through the Local Wildlife Site TH16 and consideration needs to be given to the least harmful route through the site.

KWT is pleased that the proposed route follows as close to the seaward side of the Miniature Golf course as possible, along an existing public footpath and multi-use route (RGW-2-S001 and RGW-2-S002).

The Trust would like further information regarding any ongoing management and maintenance, referenced in paragraph 2.1.13 of the report.

The Trust has also requested adequate and consistent signage for visitors along the route, and other sections of the coastal path, regarding bird disturbance and would wish to be involved in any consultation on "roll back" proposed in the future (for Maps 2a and 2b) in the event of coastal erosion or encroachment.

Natural England Comment:

Natural England welcomes the input from Kent Wildlife Trust during the development of the proposals.

Local Wildlife Site TH16 (Cliftonville Grassland, Foreness Point) is a cliff top grassland area, where the proposed alignment follows existing used paths and the promoted Thanet Coastal Path. In regard to specific query about paragraph 2.1.13, this states that 'ongoing management and maintenance would be necessary in accordance with the general approach described in part 7 of the Overview'. This refers to the future management and maintenance of the England Coast Path as a National Trail.

Maintenance of the existing promoted, tarmac path across Cliftonville grassland is not likely to change significantly as a result of the England Coast Path, but we will ensure that Kent County Council are aware of the Local Wildlife Site designation and KWT's involvement here, in case of any changes to the existing maintenance.

In relation to rollback and signage, see our comments on KWT's representation on Chapter 1.

Chapter 3:

Organisation/Person making representation: Tony Childs, Thanet District Council
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Unique Reference Number: MCA\Ramsgate to Whitstable\R\4\RGW0903 RWG-3-S025 Maps 3a to 3e
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Summary of representation:

Thanet District Council endorses and supports the Proposals following a similar route to the Thanet Coastal Path and Viking Coastal Trail, and including much of the existing public open space along our sea defences, intertidal foreshore and amenity cliff top grassland.

Natural England Comment:

Please see our comments on TDC's representation on Chapter 1.

Chapter 4:

Organisation/Person making representation: Vanessa Evans, Kent Wildlife Trust
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Unique Reference Number: MCA\Ramsgate to Whitstable\R\9\RGW0900
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Summary of Representation: Chapter 4, map 4a: Reculver to Bishopstone Manor - Kent Wildlife Trust reserve and visitor centre (sections RGW-4-S001 to RGW-4-S005).
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The route appears to pass through the reserve grounds on the landwards side of the visitor centre at Reculver and through Reculver Country Park (RGW-4-S001 to RGW-4-S005), and consideration needs to be given to the least harmful route through the site. The Trust are pleased to see that the path takes existing routes along this section, through Reculver Country Park, using a combination of public highway, multi-use route and existing walked route; and appreciates the need to avoid routing the path through the car park at Reculver.

The Trust would like further information regarding any ongoing management and maintenance within Reculver Country Park, referenced in paragraph 4.1.12 of the report.

The Trust has also requested adequate and consistent signage for visitors along the route, and other sections of the coastal path, regarding bird disturbance and would wish to be involved in any consultation on "roll back" proposed in the future (for Map 4a) in the event of coastal erosion or encroachment.

Natural England Comment:

Natural England welcomes the input from Kent Wildlife Trust during the development of the proposals and support for the use of existing access tracks for the proposed alignment near the Reculver Visitor Centre.

In regard to the specific query about paragraph 4.1.12, this states that 'ongoing management and maintenance would be necessary in accordance with the general approach described in part 7 of the Overview'. This refers to the future management and maintenance of the England Coast Path as a National Trail.

Maintenance of the existing promoted route here is not likely to change significantly as a result of the England Coast Path, as the tarmac (RGW-4-S001 to RGW-4-S003) and grassed sections (RGW-4-S004 and RGW-4-S005) are part of the Saxon Shore Way long distance walking route. We will ensure that Kent County Council are aware of KWT's involvement here, in case of any changes to the existing maintenance.

In relation to rollback and signage, see our comments on KWT's representation on Chapter 1.

Access and sensitive features appraisal**Organisation/Person making representation: Holly Conway, The Kennel Club****Unique Reference Number: MCA\Ramsgate to Whitstable\R\6\RGW0918****Summary of Representation:** Whole report and page 12 of the Access and Sensitive Features Appraisal.

The Kennel Club welcomes the report and commends Natural England for the lack of specific dog-related restrictions and the application of least-restrictive and evidence-based approaches. The Kennel Club agrees that national requirements for dog control as well as 'effective control' will be sufficient in most situations.

Our only specific representation for change relates to the table titled "Key sensitive features relevant to site (detail)" on page 12 of the "Access and Sensitive Features Appraisal" document. In the latter table the term "close control" is suggested to be used in signage. Accepted good practice is to not use this term as it is unclear, open to interpretation, and only applies in a legal sense to fields containing sheep. For the latter reason the term was removed from the most recent revision of the Countryside Code. It is far better to state specifically what behaviour is required (eg "prevent your dog from approaching birds on the beach") as this is very clear and so makes it far easier to achieve and measure compliance.

Natural England Comment:

We welcome the support provided by The Kennel Club for the Coastal Access programme and for the approach to access management taken in this report.

The table on page 12 of the Access and Sensitive Features Appraisal refers to new signage that aims to highlight the bird sensitivities in the area and encourage dog walkers to keep their dogs away from vulnerable areas. We agree that the wording ('under close control') present in the table should not be used on any signage, for the reasons stated – and we will take full account of The Kennel Club's advice when developing (with advice from the Thanet Coast Project) the required text for new signs in this area.

