

Notice by the Secretary of State under section 52 of the National Parks and Access to the Countryside Act 1949

Ramsgate to Whitstable

December 2016

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Introduction

On 25 March 2015 Natural England submitted a coastal access report relating to the stretch of land between Ramsgate and Whitstable (“the coastal access report”) to the Secretary of State for Environment, Food and Rural Affairs under section 51 of the National Parks and Access to the Countryside Act 1949 (“the 1949 Act”), pursuant to its duty under section 296(1) of the Marine and Coastal Access Act 2009 (“the 2009 Act”).

A person was appointed under paragraph 4(2) of Schedule 1A to the 1949 Act, inserted by Schedule 19 to the 2009 Act (“the Schedule”), for the purpose of considering whether the proposals in the coastal access report failed, in the respects specified in the objections received by Natural England under paragraph 3 of that Schedule in relation to that report, to strike a “fair balance” as a result of the matter or matters specified in those objections¹.

In reaching her determination under section 52 of the 1949 Act the Secretary of State has considered:

- a. Ramsgate and Whitstable - Natural England’s coastal access report submitted to the Secretary of State on 25 March 2015;
- b. in accordance with paragraph 16(1)(a) of the Schedule, the objections which the appointed person determined to be admissible objections;
- c. in accordance with paragraph 16(1)(b) of the Schedule, Natural England’s comments on the admissible objections which it sent to the Secretary of State;
- d. in accordance with paragraph 16(1)(c) of the Schedule, the reports given to the Secretary of State by the appointed person in respect of the objections which the appointed person determined to be admissible objections; and
- e. in accordance with paragraph 16(1)(d) of the Schedule, representations made by a person within paragraph 2(2)(b) to (f) of the Schedule, and the summary of other representations made, and Natural England’s comments on those representations which it sent to the Secretary of State on 15 October 2015.

In this notice –

(a) “objection” means an objection about the coastal access report which is made under paragraph 3 of the Schedule; and

¹ A “fair balance” means a fair balance between the interests of the public in having rights of access over land, and the interests of any person with a relevant interest in the land, as set out in section 297(3) of the 2009 Act and paragraph 1(b) of the Schedule. A person has “a relevant interest in the land” if he is the owner of the land, holds a term of years absolute in the land, or is in lawful occupation of the land: see section 55J(2) of the 1949 Act.

(b) “representation” means a representation about the coastal access report which is made under paragraph 7 of the Schedule.

Secretary of State’s approval of coastal access proposals

The Secretary of State has determined to approve the proposals set out in the coastal access report so far as they relate to those parts of the route (and associated coastal margin) in relation to which no objections or representations were made.

In the respects specified in the objections set out at **Annex A** to this notice, the Secretary of State determines that the proposals set out in the coastal access report **do not fail** to strike a “fair balance” as a result of the matters specified in the objections. She therefore approves the proposals set out in the coastal access report, so far as they relate to that part of the route (and associated coastal margin) to which those objections relate.

The conclusions and observations of the Secretary of State in relation to the representations are set out in **Annex B** to this notice.

The Secretary of State has made available at www.gov.uk a copy of this notice and the reports given to her by the appointed person. Natural England has also made available here:

- a. Ramsgate and Whitstable - the coastal access report;
- b. Representations made by a person within paragraph 2(2)(b) to (f) of the Schedule, and Natural England’s comments on those representations, which it sent to the Secretary of State on 15 October 2015; and
- c. Summary of other representations, and Natural England’s comments on those representations, which it sent to the Secretary of State on 15 October 2015.

Annex A: objections which did not fail to strike a “fair balance”

In the respects specified in the objections set out below, the Secretary of State has determined that Natural England’s proposal in the coastal access report did not fail to strike a “fair balance” as a result of the matters specified in those objections.

Objection Ref: MCA/Ramsgate to Whitstable/O/1

Location of land adjacent to the west side of Joss Gap Road opposite Kingsgate Castle

Name of objector: Kingsgate Golf Club Ltd

The land to which the objection relates is route RGW-1-S020 to S025

Objection Ref: MCA/Ramsgate to Whitstable/O/2

Location of land adjacent to the west side of Joss Gap Road opposite Kingsgate Castle

Name of objector: Kingsgate Castle Residents Ltd

The land to which the objection relates is route sections RGW-1-S023 and S024

Objection Ref: MCA/Ramsgate to Whitstable/O/3

Location of land is seaward side of sections RGW-4-S020 to RGW-4-S024 to the east of Whitstable

Name of objector: Whitstable Oyster Fishery Company

The land to which the objection relates is route sections RGW-4-S020 to RGW-4-S024

The Secretary of State has determined that a new Paragraph 4.1.14 is added to the report to read:

The Whitstable Oyster Fishery Company has plans to extend its operations on land to the seaward of section RGW-4-S020. When this is to take place, it will be necessary for public access to some of this area to be restricted by directions.

She has also determined that Paragraph 4.1.14 should be re-numbered as Paragraph 4.1.15.

Annex B: conclusions and observations on representations

The Secretary of State has considered, in relation to the coastal access report, the following representations made under paragraph 7 of the Schedule.

Representation No. MCA\Ramsgate to Whitstable\R\1\RGW0916

Name of representation: Trinity House

Report Chapter:

Chapter 1

Secretary of State's conclusion and observation:

Secretary of State notes the representation and that the proposal will not affect Trinity House property or infringe upon its responsibilities as the Lighthouse Authority.

Representation No. MCA\Ramsgate to Whitstable\R\2\RGW0865

Name of representation: Broadstairs and St Peter's Town Council

Report Chapter and route sections:

Chapter 1

RGW-1-S020 to RGW-1-S024

Secretary of State's conclusion and observation:

Secretary of State notes that sections of the proposed route around Kingsgate Castle would be positioned close to the coast road. She notes that consultations were carried out by Natural England with Kent Wildlife Trust and that they would seek to minimise any loss for wildlife and landscape reasons. She further notes that more signage may be required to re-emphasise which part of the route is for pedestrian use only.

Secretary of State approves route sections RGW-1-S020 to RGW-1-S024.

Representation No. MCA\Ramsgate to Whitstable\R\3\RGW0858

Name of representation: The Ramblers

Report Chapter and route sections:

Whole Report and Chapter 1

RGW-1-S020 to RGW-1-S024

Secretary of State's conclusion and observation:

Secretary of State welcomes the representation and approves route sections RGW-1-S020 to RGW-1-S024.

Representation No. MCA\Ramsgate to Whitstable\R\4\RGW0903

Name of representation: Thanet District Council

Report Chapter and route sections:

Chapters 1, 2 and 3

RGW-1-S006, RGW-1-S008, RGW-1-S017, RGW-1-S020 to RGW-1-S025

RGW-2-S002, RGW-2-S014 and RGW-2-S016

RWG-3-S025, RGW-3-A001 to RGW-3-A011

Secretary of State's conclusion and observation:

Secretary of State welcomes Thanet District Council's general support for Natural England's proposals following a similar route to the Thanet Coastal Path and Viking Coastal Trail.

She notes the Council's representation relating to North Foreland Golf Course which is owned by the Council and leased to Kingsgate Golf Club Ltd and that the Golf Club had objected to Natural England's proposals because of the possible impacts on their quiet enjoyment of the land, on the health and safety of its members, the loss of land and the close proximity of the proposed trail to the 12th green and 13th tee and fairway. She refers to her determination, as set out in Annex A, on objections Ref: MCA/Ramsgate to Whitstable/O/1 and 0/2.

Secretary of State notes that, in relation to the alignment of the trail along the sea defences on route sections RGW-1-S006, RGW-1-S008 and RGW-1-S017, RGW-2-S014 and RGW-2-S016 Natural England has recognised that a variety of land uses occur along these public promenades and open spaces. She further notes that access rights will not prevent land owners managing their land and that any small-scale operations can and normally do take place alongside public access. However, she asks Natural England to reconsider the need for restrictions and exclusions if informal management measures cannot meet any future operational needs.

On the area used as boat storage near Broadstairs (adjacent to route section RGW-1-1008) the Secretary of State notes that the entire promenade runs along the base of the

chalk cliffs and that some areas along the length will be “excepted land” or land unusable by the public in practice, such as the securely fenced boat storage compound.

Secretary of State notes the concern expressed in the Council’s representation about the unfenced nature of the cliff-top trail on route section RGW-1-S017 which follows a long-established part of the Thanet Coastal Path. She notes that there are existing signs to highlight the cliff edge and in order to improve access Natural England has proposed to level the surface of the path as part of the establishment works, as well as proposing that this section is subject to any future rollback provisions.

Secretary of State notes that Natural England considered the Council’s suggestion for a number of additional optional alternative routes and in its proposals has identified one optional alternative route - route sections RGW-3-A001 to RGW-3-A011 - if conditions make the promenade unpleasant or unsuitable to walk along. However, she asks Natural England to consider temporary or optional alternative routes if in future, these used coastal promenades become significantly storm affected.

Secretary of State notes that Natural England considered the Council’s suggestion for a number of additional areas of landward coastal margin including adjacent to route section RGW-2-S002 but that it was unable to make a proposal in its coastal access report that would be clear to walkers because it was not able to contact all the landowners near this area. She further notes that the Council could dedicate land as coastal margin under the provisions of section 16 of the Countryside and Rights of Way Act 2000, as amended for this purpose by section 303(6) of the Marine and Coastal Access Act 2009.

She notes the discussions between the Council and Natural England about areas of landward coastal margin adjacent to route sections RGW-2-S014 and RGW-2-S016 and approves Natural England’s amended Map 2f St Mildred’s Bay to Westgate Bay, available at Appendix A.

Secretary of State approves route sections RGW-1-S006, RGW-1-S008, RGW-1-S017, RGW-1-S020 to RGW-1-S025, RGW-2-S002, RGW-2-S014, RGW-2-S016, RWG-3-S025 and RGW-3-A001 to RGW-3-A011.

Representation No. MCA\Ramsgate to Whitstable\R\5\RGW0855

Name of representation: Open Spaces Society

Report Chapter and route section:

Whole Report

Secretary of State’s conclusion and observation:

Secretary of State welcomes the representation and support from The Open Spaces Society.

Representation No. MCA\Ramsgate to Whitstable\R\6\RGW0918

Name of representation: The Kennel Club

Report Chapter and route section:

Whole Report

Secretary of State's conclusion and observation:

Secretary of State welcomes the representation and support from the Kennel Club. She asks Natural England to take full account of the Club's advice when developing (with advice from the Thanet Coast Project) new signage.

Representation No. MCA\Ramsgate to Whitstable\R\7\RGW0899

Name of representation: Kent Wildlife Trust

Report Chapter and route sections:

Chapter 1

RGW-1-SO19 to RGW-1-SO24

RGW-1-SO27

RGW-1-SO29

Secretary of State's conclusion and observation:

Secretary of State welcomes the contribution Natural England received from the 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. She notes the Trust's support for Natural England's proposals following a similar route to the Thanet Coastal Path and Viking Coastal Trail.

She further asks Natural England to discuss with the Kent Wildlife Trust any necessary scrub and tree clearance adjacent to North Foreland Golf Course and opposite Kingsgate Castle, and also any plans for the roll-back of the route that may affect local wildlife sites or land owned by the Trust. Where specific signage about bird disturbance is being developed she asks Natural England to work with the Thanet Coast Project to ensure effective and clear messages reach the walkers of the England coast path.

Secretary of State approves route sections RGW-1-SO19 to RGW-1-SO24, RGW-1-SO27 and RGW-1-SO29.

Representation No. MCA\Ramsgate to Whitstable\R\8\RGW0902

Name of representation: Kent Wildlife Trust

Report Chapter and route sections:

Chapter 2

RGW-2-S001 and RGW-2-S002

Secretary of State's conclusion and observation:

Secretary of State notes the Kent Wildlife Trust's support for the proposed route following as close to the seaward side of the Miniature Golf course as possible, along an existing public footpath and multi-use route.

On the issue of ongoing management and maintenance she notes that Natural England has said that maintenance of the existing promoted, tarmac path across Cliftonville grassland was not likely to change significantly as a result of the coastal path. She asks Natural England to ensure that Kent County Council is aware of the local wildlife site designation and the Trust's involvement.

Where specific signage about bird disturbance is being developed she asks Natural England to work with the Thanet Coast Project to ensure effective and clear messages reach the walkers of the England coast path.

Secretary of State approves route sections RGW-2-S001 and RGW-2-S002.

Representation No. MCA\Ramsgate to Whitstable\R\9\RGW0900

Name of representation: Kent Wildlife Trust

Report Chapter and route sections:

Chapter 4

RGW-4-S001 to RGW-4-S005

Secretary of State's conclusion and observation:

Secretary of State welcomes the representation and notes Kent Wildlife Trust's support for the use of existing access tracks for the proposed alignment near the Reculver Visitor Centre.

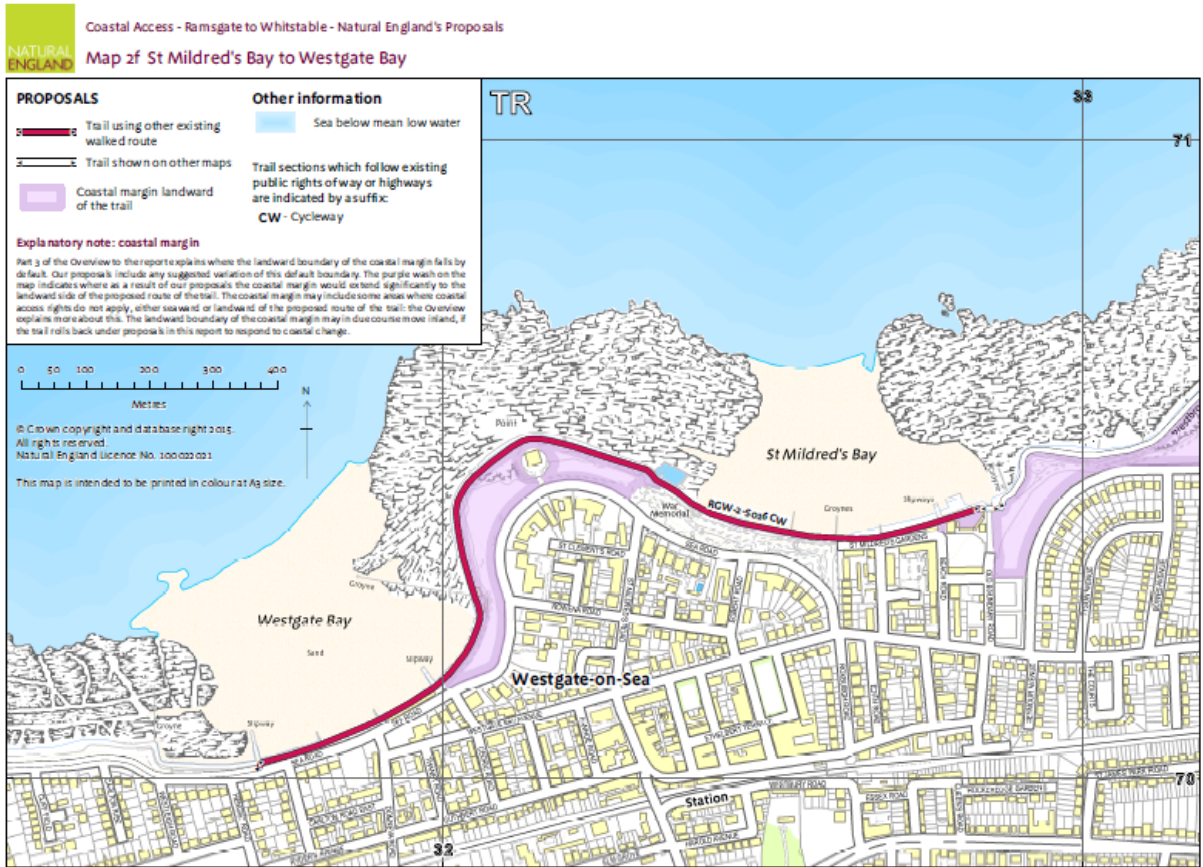
On the issue of ongoing management and maintenance she notes that Natural England has said that maintenance of the existing promoted path was not likely to change significantly as a result of the coastal path, as the tarmac (sections RGW-4-S001 to RGW-4-S003) and grassed sections (sections RGW-4-S004 and RGW-4-S005) were part of the Saxon Shore Way long-distance walking route. She asks Natural England to ensure that

Kent County Council is aware of the local wildlife site designation and the Trust's involvement.

Where specific signage about bird disturbance is being developed she asks Natural England to work with the Thanet Coast Project to ensure effective and clear messages reach the walkers of the England coast path.

Secretary of State approves route sections RGW-4-S001 to RGW-4-S005.

Appendix A



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