
Report to the Secretary of State for Environment, Food and Rural Affairs

by Barney Grimshaw BA DPA MRTPI(Rtd)

The person appointed by the Secretary of State for Environment, Food and Rural Affairs

Date 20 October 2016

Marine and Coastal Access Act 2009

Objection by Kingsgate Golf Club Ltd

regarding coastal access proposals by Natural England relating to
the England Coast Path, Ramsgate to Whitstable, Kent

Site visit made on 26 November 2015

Land adjacent to Joss Gap Road, Broadstairs, Kent

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

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

Route section RGW-1-S020 to S025

- On 25 March 2015 Natural England (NE) submitted a Coastal Access Report (the Report) to the Secretary of State for Environment, Food and Rural Affairs (the Secretary of State) under section 51 of the National Parks and Access to the Countryside Act 1949 (the 1949 Act) for improved access along the Kent coast between Ramsgate and Whitstable, pursuant to the duty under section 296 of the Marine and Coastal Access Act 2009 (the 2009 Act).
- An objection dated 14 May 2015, to Chapter 1 of the Report, Ramsgate Pier to Whiteness, has been made on behalf of Kingsgate Golf Club Ltd. The land to which the objection relates is route sections RGW-1-S020 to S025.
- The objection is made under paragraph 3(3)(a) of Schedule 1A to the 1949 Act on the grounds that the proposals fail to strike a fair balance as a result of the position of the proposed route.

Summary of Recommendation: That the SoS makes a determination that the proposals in the report do not fail to strike a fair balance as a result of matters within paragraph 3(3)(a) of Schedule 1A to the 1949 Act specified in the objection.

Procedural matters

1. I have been appointed to report to the Secretary of State on objections made to the Report. My report therefore includes a summary of submissions made by the objector and the response of NE and my conclusions and recommendations.
2. Another inspector, Michael Lowe, was originally appointed to report on these objections but, as a result of his absence due to illness, the case has now been transferred to me.

Objections considered in this report

3. On 25 March 2015, NE submitted the Report to the Secretary of State, setting out proposals for improved access to the Kent Coast between Ramsgate and Whitstable.
4. Three objections were received to the Report that were deemed admissible. The objection considered in this report relates to land adjacent to the west side of Joss Gap Road opposite Kingsgate Castle. The other objections are considered in separate reports.
5. Besides objections, representations may be made regarding NE's report. However, in assessing whether the proposals strike a fair balance, only those representations which are relevant to the matters specified in admissible objections should be considered. In this case, 2 representations were made regarding the section of route specified in the objection. These were made on behalf of Thanet District Council, owners of the Golf Club land, and Kent Wildlife Trust. I have had regard to these representations in making my recommendation but in general terms they did not raise issues additional to those raised in the objection.

Site Visit

6. Inspector, Michael Lowe, made a site visit on Thursday 26 November 2015 accompanied by Mrs J Bowen, representing NE, and representatives of the golf club. Having considered all the submissions made, I did not feel that a further site visit was necessary or desirable.

Main Issues

7. The coastal access duty arises under section 296 of the 2009 Act and requires NE and the Secretary of State to exercise their relevant functions to secure a route for the whole of the English coast which:
 - (a) consists of one or more long-distance routes along which the public are enabled to make recreational journeys on foot or by ferry, and
 - (b) (except for the extent that it is completed by ferry) passes over land which is accessible to the public.
8. The second objective is that, in association with the English coastal route ("the trail"), a margin of land along the length of the English coast is accessible to the public for the purposes of its enjoyment by them in conjunction with the coastal route or otherwise.
9. In discharging the coastal access duty there must be regard to:
 - (c) the safety and convenience of those using the trail,
 - (d) the desirability of that route adhering to the periphery of the coast and providing views of the sea, and
 - (e) the desirability of ensuring that so far as reasonably practicable interruptions to that route are kept to a minimum.
10. NE's Approved Scheme 2013¹ ("the Scheme") is the methodology for implementation of the England Coast Path and associated coastal margin. It forms the basis of the proposals of NE within the Report.
11. NE and the Secretary of State must aim to strike 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.
12. The objection has been made under paragraph 3(3)(a) of Schedule 1A to the 1949 Act.
13. My role is to consider whether or not a fair balance has been struck by NE 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. I shall make a recommendation to the Secretary of State accordingly.

The Coastal Route

14. The trail described in Chapter 1 of the Report runs from Ramsgate Pier to Whiteness. The proposed route mainly follows the coastline quite closely but in

¹ Approved by the Secretary of State on 9 July 2013

limited areas an inland diversion is proposed to avoid excepted land. One such area is that at Kingsgate Castle where gardens extend to the cliff edge and the route is proposed to run alongside Joss Gap Road. Sections RGW-1-S019 and RGW-1-S026 of this area follow an existing walked route or highway but between these sections a new route is proposed.

The case for the objectors

15. The objection states that the proposals in the Report do not strike a fair balance as a result of:
- the close proximity of the proposed route to the golf course and the potential disturbance to players
 - potential health and safety issues
 - additional cost to the golf club for clearing rubbish and maintaining land
 - potential for littering, defacing property and trespassing
 - disruption to players and income, duration by users of the pathway
 - destruction of wildlife habitat, trees, mature hedgerows.
16. A subsequent Health and Safety Report (Risk Assessment) submitted by the Golf Club stated that the proposed route would have minimal health and safety implications until it reaches the vicinity of the 13th teeing area. Reducing the distance between golfers and the public in this area was said to expose the public to possible injury from miss-hit golf shots. The report then also raised concerns about the extension of the route around the 12th green but this is no longer proposed by NE as a result of the concerns raised.

The response from NE

17. There has been a long standing safety concern in this area as a currently promoted path and cycleway run along Joss Gap Road which is narrow and has no verges. The only feasible off-road options for the route are across the adjacent golf course land. Initial route options including a fenced off trail around the back of the 12th green were amended to take account of concerns raised.
18. There is limited space between the edge of the 13th tee and the road, roughly 5.5m, but it is considered that this could satisfactorily accommodate a 2.5m trail with associated fencing and planting. Teeing off and the direction of play on the 13th hole is angled away from the proposed trail alignment and road safety concerns and disruption of play were not initially raised as significant concerns. NE would be happy to discuss further with the golf club the optimum use of signage and fencing to address their concerns.
19. It is not considered that the current proposals would necessitate any reconfiguration of the golf course or result in any significant loss of income.
20. With regard to the destruction of mature hedgerows, trees and natural habitats, this has been considered carefully as the area is a designated Local Wildlife Site (Golf Course Roughs, Kingsgate). The proposed alignment would involve the removal of some trees but this would be minimised where possible. The proposals have been discussed with the Kent Wildlife Trust who have raised no

objection to the route although they wish to be involved in plans for the work. There are no Tree Preservation Orders in force along the golf course section of the proposed route.

21. The proposed alignment of the trail with clear fencing and planting would channel walkers away from the open golf course reducing likely trespass. There is no reason to link managed public access of this kind to any form of anti-social behaviour.
22. It is not now proposed that this section of the trail will accommodate the Viking Coast cycleway which will have to continue along Joss Gap Road.

Appraisal

23. Although the objection states that the sections of the route objected to are RGW-1-S020 to RGW-1-S025 it would appear that the main concerns of the Golf Club relate to Section RGW-1-S020.
24. Efforts have been made to identify an alternative off-road route for the trail in this area but none has been found. In consequence the trail in this area must either follow the alignment proposed in the Report or be route along Joss Gap Road.
25. Some of the proposed length of Section RGW-1-S020 would appear not to raise any significant concern. However, as the route approaches the 13th tee the available space narrows to only about 5.5m adjacent to the tee itself. Nevertheless, because of the angle of play and NEs proposals for reducing the width of the trail to 2.5m and providing suitable fencing and planting to separate trail users from golfers, it is my view that disruption of play and risks to trail users will not be significant.
26. On the other hand, the use of Joss Gap Road by pedestrians has been a long-standing safety concern as this road narrows in this area and has no footway or verge. The highway authority, Kent County Council (KCC), was requested to consider whether a section of the road could be marked and signed so that vehicular traffic would be restricted to one-way on the eastern side allowing the western side to effectively become a shared use footpath and cycleway. In response KCC stated that traffic signals would be required in connection with any scheme to allow traffic prioritisation in this area and that as the road is unlit traffic calming would not be considered. It was also stated that a traffic light study would take around 6 months and cost around £9,000 and subsequent installation of traffic lights could cost a further £100,000.
27. With regard to the loss of trees, NE has had further discussions with the Tree Officer of Thanet District Council. He stated that 2 holm oaks would need to be removed to accommodate the proposed trail in sections RGW -1-S023 and S024. However, these trees were said to be not worthy of Tree Preservation Order as they are suppressed specimens growing next to larger trees and have signs of dead wood and decay. He also stated that other trees along the road comprise some hawthorn and in the main elm which are not in good health.
28. In the light of this information and the existing nature of Joss Gap Road, it would not in my view be appropriate for the trail to run along the road in this area.

29. Overall, it is my view that NE has followed the key principles of alignment and management as set out in the approved scheme and has appropriately balanced the issues relating to the proposed route.

Conclusion and Recommendation

30. Having regard to these and all other matters raised, I conclude that the proposals do not fail to strike a fair balance as a result of the matters within paragraphs 3(3)(a) of Schedule 1A to the 1949 Act. I therefore recommend that the Secretary of State makes a determination to this effect.

Barney Grimshaw

APPOINTED PERSON