

Chapter 3:

Hollowshore to Little Murston

England Coast Path: Whitstable to Iwade - Natural England's Proposals

Part 3.1: Introduction

Start Point:	Hollowshore (grid reference: TR 0179 6360)
End Point:	Little Murston (grid reference: TQ 9352 6617)
Relevant Maps:	3a to 3h

Understanding the proposals and accompanying maps:

The Trail:

- 3.1.1 Generally follows existing walked routes, including public rights of way and minor roads, along all of this length.
- 3.1.2 Mainly follows the coastline quite closely and maintains good views of the sea.
- 3.1.3 Follows a route similar to a regionally promoted walking route (the Saxon Shore Way, see Overview map B – Existing Access: Whitstable to Iwade) but departs from this in places in order to retain views of the sea and remain as close as possible to the coast.
- 3.1.4 This part of the coast includes the following sites, designated for nature conservation or heritage preservation (See maps C and D of the Overview):
 - The Swale Special Protection Area (SPA)
 - The Swale Ramsar site
 - The Swale Site of Special Scientific Interest (SSSI) for its geological / wildlife interest
 - The Swale Estuary Marine Conservation Zone (MCZ)

We have assessed the potential impacts of access along the proposed route (and over the associated spreading room described below) on the features for which the affected land is designated and on any which are protected in their own right.

- 3.1.5 After advice from specialists we have concluded that our proposals would not be likely to have any significant impact on these features. In reaching this conclusion we took note that the saltmarsh and mudflats along this coast are not suitable for access and are excluded from new access rights (see 3.3.14).
- 3.1.6 We have identified that it would be necessary to provide appropriate signage at Oare Marshes Nature Reserve (maps 3c and 3d) and on the eastern bank of Conyer Creek near the former brickworks (map 3f). The signs will explain the importance of these coastal habitats for wildlife, promote responsible behaviour by dog owners and encourage people to stay on the trail to avoid increased disturbance in winter to nearby bird roosts. In addition, we propose to supplement the signage at Conyer Creek with 25m of tree planting in order to screen off an area of saltmarsh near WSI-3-S068 (map 3f), to further reduce potential disturbance to the over-wintering birds.

In relation to those nature conservation sites listed above, refer to our published Access and Sensitive Features Appraisal for more information.

See part 5b of the Overview - 'Protection of sensitive features' - for more information.

Accessibility:

- 3.1.7 Generally, there are few artificial barriers to accessibility on the proposed route, which makes use of existing surfaced and unsurfaced paths and minor roads, wherever these meet the criteria in the Coastal Access Scheme.

However, there are places where it may not be entirely suitable for people with reduced mobility because:

- most of the trail is aligned along the top of seawalls. The surfaces of these are generally grass and this can be uneven and soft, particularly in wet weather;
- most of the metal pedestrian kissing gates along these seawalls are not accessible by wheelchairs;
- on one narrow road, alongside Oare Creek, which is used by commercial traffic, there are insufficient, safe passing areas for all users and particularly those with reduced mobility.

- 3.1.8 Some repairs and upgrades will be carried out to improve the path surface and trail furniture prior to opening, including removal of a metal kissing gate at the northern end of a private road at Oare (see map 3b, section WSI-3-S048). Also on this length of private road, additional passing / refuge points will be created to allow safe passage for vehicles and walkers.

See part 5a of the Overview - 'Recreational issues' - for more information.

Where we have proposed exercising our discretion:

The discretions referred to below are explained in more detail in chapter 5 of the Overview.

- 3.1.9 Estuary: This report proposes that the trail should include a route along The Swale Estuary and its tributaries: Faversham Creek; Oare Creek; Conyer Creek and Milton Creek, as far as the first public

foot crossing points over these rivers. The Swale Estuary extends from Seasalter, which marks its eastern tidal extent, to a point west of this report stretch between Chetney Marshes and the Isle of Sheppey, which marks its western extent (see part 10 of the Overview). The trail covered by this chapter includes part of this estuary route.

- 3.1.10 Landward boundary of the coastal margin: We have used our discretion on some sections of the route to map the landward extent of the coastal margin to an adjacent physical boundary such as a fence line, pavement or track to make the extent of the new access rights clearer. See Table 3.2.1 below.

See also part 3 of the Overview - 'Understanding the proposals and accompanying maps', for an explanation of the default extent of the coastal margin and how we may use our discretion to adjust the margin, either to add land or to provide clarity. See also Annex C of the Overview - 'Excepted land categories'.

- 3.1.11 Restrictions and/or exclusions: We have proposed to exclude access in certain places along this section of coast:

- From the intertidal mudflats and saltmarsh along this length of coast, as they are unsuitable for public access. This exclusion will not affect the route itself.
- At Oare Creek boatyard (adjacent to sections WSI-3-S006 to WSI-3-S047, maps 3a and 3b), for land management and commercial purposes. This exclusion will not affect the route itself.

For details of these directions, see 3.3.14 in the Formal Proposals Section of this report and maps D, E and I and Part 9 of the Overview.

- 3.1.12 These directions will not prevent or affect:

- any other use people already make of the land locally by formal agreement with the landowner, or by informal permission or traditional toleration; or
- use of any registered rights of common or rights at common law or by Royal Charter etc.

- 3.1.13 Any such use continues unaffected by these arrangements.

- 3.1.14 However the directions are intended to avoid any new public rights being created over the areas in question in view of:

- the hidden dangers of the mud flats and salt marshes to which new users of the land would be subject, because of the local patterns of tidal inundation and the hazardous nature of the substrate;
- the winches and machinery commonly in use along this linear boat yard and the potential hazard this could pose to the public.

- 3.1.15 Access rights to the spreading room would be subject to the national restrictions on coastal access rights listed in Annex D of the Overview. These restrictions would not apply to public rights of way.

See part 9 of the Overview - 'Restrictions and exclusions' - for details.

Establishment and ongoing management of the trail

- 3.1.16 Some physical establishment of the trail would be necessary, in accordance with the general approach described in part 6 of the Overview. Most of this length of trail is in good condition. Some minor repairs and upgrades will be carried out to the path surface and trail furniture (including the removal of one kissing gate) prior to opening.
- 3.1.17 New passing /refuge bays will be established along the private road at Oare (map 3b, WSI-3-S048) to safely accommodate both commercial traffic and walkers. New interpretation signs and safety notices will be provided at Oare Marshes Nature Reserve (maps 3c and 3d) and at Conyer Creek (map 3f). There are no other measures that we consider necessary to improve the safety or convenience of the trail on this length of coast.
- 3.1.18 Ongoing management and maintenance would be necessary in accordance with the general approach described in part 7 of the Overview. The overall need for this is likely to be greater than on some other parts of the stretch, recognising that it will be necessary for the route to roll back from time to time in response to coastal processes, as described below.

See parts 6 - 'Physical establishment of the trail' and 7 - 'Maintenance of the trail' of the Overview for more information.

Future Change:

- 3.1.19 The proposed route will follow the seawall along the majority of this stretch and will therefore not be likely to be affected directly by shoreline erosion. However, the sections referred to below include those within the Environment Agency's Shoreline Management Plans and may in future 'rollback' as part of the future re-alignment options currently being identified within the Medway Estuary and Swale Flood and Coastal Risk Management Strategy. The trail is likely to be adjusted to follow any new seawall or re-alignment design when the existing flood bank is no longer viable as a walking route.
- 3.1.20 Parts of the route of the trail on this length of coast would be able to change without further approval from the Secretary of State in response to coastal erosion or other geomorphological processes, or encroachment by the sea. This would happen in accordance with the criteria and procedures for 'roll back' set out in part 8 of the Overview. See tables 3.2.1 and 3.2.3 below for details of the sections likely to be affected in the foreseeable future.
- 3.1.21 There is one place (the former brickworks on Conyer Creek, map 3f) on the length of coast described in this chapter where, at the time of preparing the report, we foresee the need for future changes to the access provision, as a result of housing development. These are summarised at part 8 of the Overview.

See parts 5e - 'Coastal processes' and 8 - 'Future changes' of the Overview for more information.

Part 3.2: Commentary on Maps

See Part 3 of Overview for guidance on reading and understanding the tables below

3.2.1 Section Details – Map(s) 3a to 3h: Hollowshore to Little Murston

Notes on table:

Column 2 – an asterisk (*) against the route section number means see also table 3.2.2: Other options considered.

Column 5 – ‘Yes – see table 3.2.3’ means refer to that table below about our likely approach to roll-back on this part of the route.

1	2	3	4	5	6a	6b	7
Maps	Route section number(s)	Current status of this section	Current surface of this section	Roll-back proposed? (See Part 8 of Overview)	Landward boundary of margin (See maps)	Reason for landward boundary discretion	Proposed exclusions or restrictions (see Part 9 of Overview)
3a	WSI-3-S001	Public footpath	Grass	Yes – see table 3.2.3	Fence	Clarity and cohesion	Margin
	WSI-3-S002	Public footpath	Gravel	Yes – see table 3.2.3	Fence and hedgerow	Clarity and cohesion	Margin
	WSI-3-S003 and WSI-3-S004	Public footpath	Gravel	No	Hedgerow	Clarity and cohesion	Margin
	WSI-3-S005	Public footpath	Gravel	No	Fence line	Clarity and cohesion	Margin
	WSI-3-S006	Public footpath	Stone: Aggregate	No	Default: Landward edge of trail	Not used	Margin
	WSI-3-S007* to WSI-3-S024*	Public footpath	Stone: Aggregate	No	Default: Landward edge of bank	Not used	Margin
3b	WSI-3-S025* to WSI-3-S047*	Public footpath	Stone: Aggregate	No	Default: Landward edge of bank	Not used	Margin
	WSI-3-S048	Other existing walked route	Tarmac	No	Fence line	Clarity and cohesion	Margin
	WSI-3-S049	Public Footway (pavement)	Gravel	No	Road	Clarity and cohesion	Margin
	WSI-3-S050	Other existing walked route	Gravel	No	Default: Landward edge of trail	Not used	Margin
	WSI-3-S051	Public footpath	Grass	No	Default: Landward edge of trail	Not used	Margin
	WSI-3-S052	Public footpath	Grass	No	Default: Landward edge of bank	Not used	Margin
3c	WSI-3-S053	Public footpath	Grass	Yes – see table 3.2.3	Default: Landward edge of bank	Not used	Margin
	WSI-3-S054 and WSI-3-S055	Public footpath	Grass	Yes – see table 3.2.3	Default: Landward edge of bank	Not used	Margin
	WSI-3-S056	Public footpath	Gravel	Yes – see table 3.2.3	Default: Landward edge of bank	Not used	Margin
3d	WSI-3-S057	Public footpath	Tarmac	Yes – see table 3.2.3	Default: Landward edge of bank	Not used	Margin
	WSI-3-S058 and WSI-3-S059	Public footpath	Grass	Yes – see table 3.2.3	Default: Landward edge of bank	Not used	Margin
	WSI-3-S060 to WSI-3-S062	Public footpath	Grass	Yes – see table 3.2.3	Default: Landward edge of bank	Not used	Margin
3d, 3e	WSI-3-S063 to WSI-3-S065	Public footpath	Grass	Yes – see table 3.2.3	Default: Landward edge of bank	Not used	Margin

1	2	3	4	5	6a	6b	7
Maps	Route section number(s)	Current status of this section	Current surface of this section	Roll-back proposed? (See Part 8 of Overview)	Landward boundary of margin (See maps)	Reason for landward boundary discretion	Proposed exclusions or restrictions (see Part 9 of Overview)
3f	WSI-3-S066	Public footpath	Grass	Yes – see table 3.2.3	Default: Landward edge of bank	Not used	Margin
	WSI-3-S067*	Public footpath	Grass	Yes – see table 3.2.3	Default: Landward edge of bank	Not used	Margin
	WSI-3-S068*	Public footpath	Grass	No	Default: Landward edge of trail	Not used	Margin
	WSI-3-S069*	Public footpath	Concrete	No	Default: Landward edge of trail	Not used	Margin
	WSI-3-S070*	Public footpath	Tarmac	No	Fence line	Clarity and cohesion	Margin
	WSI-3-S071 and WSI-3-S072	Public Highway	Tarmac	No	Road edge	Clarity and cohesion	Margin
	WSI-3-S073	Public footpath	Tarmac	No	Road edge	Clarity and cohesion	Margin
3g	WSI-3-S074	Public footpath	Tarmac	No	Road edge	Clarity and cohesion	Margin
	WSI-3-S075*	Public footpath	Gravel	No	Default: Landward edge of trail	Not used	Margin
	WSI-3-S076* and WSI-3-S077*	Public footpath	Gravel	No	Fence line	Clarity and cohesion	Margin
3g, 3h	WSI-3-S078	Public footpath	Grass	Yes – see table 3.2.3	Default: Landward edge of bank	Not used	Margin
3h	WSI-3-S079	Public footpath	Grass	Yes – see table 3.2.3	Default: Landward edge of bank	Not used	Margin

3.2.2 Other options considered: Maps 3a to 3h: Hollowshore to Little Murston

Map(s)	Section number(s)	Option(s) considered	Reasons for not proposing this option as the route
3a and 3b	WSI-3-S007 to WSI-3-S047	We considered aligning the trail along the track at the water's edge on the east bank of Oare Creek, through an informal boatyard.	<p>We opted for the proposed route along the Saxon Shore Way because:</p> <ul style="list-style-type: none"> ■ it provides a safe route (along the Saxon Shore Way) avoiding areas on the creekside that are used for boatyard operations which would be incompatible with public access; ■ it provides a continuous route by avoiding areas along the creekside which flood regularly; ■ this proposal is made with the support of the majority of landowners; ■ we concluded that overall it struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme.

Map(s)	Section number(s)	Option(s) considered	Reasons for not proposing this option as the route
3f	WSI-3-S067 WSI-3-S069	We considered aligning the trail along the existing public footpath, and Saxon Shore Way, inland of the former brickworks at Conyer Creek. This route was pleasant but had limited views of the creek.	<ul style="list-style-type: none"> ■ We opted for the proposed route because it is closer to the coast with good sea views, on a route already used by the public. ■ We concluded that overall it struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme.
3f	WSI-3-S070	We considered aligning the trail along the waterside on the eastern bank of Conyer Creek, through a commercial boatyard and residential area.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> ■ it provides a safe route (along the Saxon Shore Way) avoiding areas on the creekside that are used for boatyard operations which would be incompatible with public access. ■ We concluded that overall it struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme.
3g	WSI-3-S075 to WSI-3-S077	On this section we considered aligning the path along the edge of the water, through Swale Marina, giving good views of Conyer Creek.	<ul style="list-style-type: none"> ■ We opted to follow the public right of way and Saxon Shore Way to provide a safe route, avoiding the operational activities within the commercial marina that would be hazardous to trail users. ■ This route also has good, elevated views of Conyer Creek and the marina. ■ We concluded that overall it struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme.

3.2.3 Roll-back implementation – more complex situations: Maps 3a to 3h: Hollowshore to Little Murston

Map(s)	Section number(s)	Feature or site potentially affected	How we will manage roll-back in relation to this feature or site
3a	WSI-3-S001 and WSI-3-S002	Public house, designated wildlife sites	<p>Stretches of seawall along this low lying coast have been identified for future 'managed re-alignment' within local Shoreline Management Plans. The exact locations are currently being defined within the Medway Estuary and Swale Flood and Coastal Risk Management Strategy.</p> <p>The trail is likely to be adjusted to follow any new seawall or re-alignment design when the existing flood bank is no longer viable as a walking route.</p> <p>In doing this, we will choose a route:</p> <ul style="list-style-type: none"> ■ landward of any excepted land, following discussions with owners and occupiers. ■ after detailed discussions with the relevant wildlife experts and with any potentially affected owners or occupiers. <p>In reaching this judgement we will have full regard to the need to seek a fair balance between the interests of potentially affected owners and occupiers and those of the public.</p>
3c to 3f	WSI-3-S053 to WSI-3-S067	Designated wildlife sites	
3g and 3h	WSI-3-S078 and WSI-3-S079	Designated wildlife sites	

In relation to all other sections where roll-back has been proposed, the trail is likely to be adjusted to follow the current feature (e.g. flood bank/beach) for the foreseeable future.

Part 3.3: Chapter 3 - Formal Proposals

- Below are our formal proposals to the Secretary of State for the length of coast shown on maps 3a to 3h.
- They should be read in conjunction with the relevant maps.
- The commentary above explains the practical effect of these proposals.

Formal Proposals – Hollowshore to Little Murston

Discretion to include an estuary

- 3.3.1 Natural England proposes to exercise its functions as if the sea included the estuarial waters of The Swale Estuary, including Oare Creek, as far as 'The Street', at the head of the creek (map 3b), and Conyer Creek as far as Swale Marina (map 3g, section WSI-3-S077).

Proposed route of the trail

- 3.3.2 In relation to route sections WSI-3-S003 to WSI-3-S052 and WSI-3-S068 to WSI-3-S077 the route is to be at the centre of the line shown on maps 3a and 3b, and 3f and 3g, as the proposed route of the trail.
- 3.3.3 In relation to route sections WSI-3-S001 and WSI-3-S002, WSI-3-S053 to WSI-3-S067 and WSI-3-S078 to WSI-3-S079, the route, as initially determined at the time the report was prepared, is to be at the centre of the line shown on maps 3a, 3c to 3f, and 3g and 3h, as the proposed route of the trail.
- 3.3.4 If at any time any part of a route section listed in the previous paragraph needs, in Natural England's view, to change as a result of coastal erosion or other geomorphological processes or encroachment by the sea, in order for the overall route to remain viable, the new route for the part in question will be determined by Natural England without further reference to the Secretary of State. This will be done in accordance with the criteria and procedures described under the title 'Roll-back' in part 8 of the Overview and section 4.10 of the Coastal Access Scheme. If this happens, the new route will become the approved route for that section for the purposes of the Order which determines where coastal access rights apply.

Landward boundary of coastal margin

- 3.3.5 Adjacent to route section WSI-3-S001, the landward boundary of the coastal margin is to coincide with the fence line which at the time of writing this report is landward of the trail shown on map 3a.
- 3.3.6 Adjacent to route section WSI-3-S002, the landward boundary of the coastal margin is to coincide with the fence and hedgerow which at the time of writing this report is landward of the trail shown on map 3a.
- 3.3.7 Adjacent to route section WSI-3-S003 and WSI-3-S004, the landward boundary of the coastal margin is to coincide with the hedgerow which at the time of writing this report is landward of the trail shown on map 3a.
- 3.3.8 Adjacent to route section WSI-3-S005, the landward boundary of the coastal margin is to coincide with the fence line which at the time of writing this report is landward of the trail shown on map 3a.

- 3.3.9 Adjacent to route section WSI-3-S048, the landward boundary of the coastal margin is to coincide with the fence line which at the time of writing this report is landward of the trail shown on map 3b.
- 3.3.10 Adjacent to route sections WSI-3-S049, the landward boundary of the coastal margin is to coincide with the edge of the road landward of the trail shown on map 3b.
- 3.3.11 Adjacent to route section WSI-3-S070, the landward boundary of the coastal margin is to coincide with the fence line which at the time of writing this report is landward of the trail shown on map 3f.
- 3.3.12 Adjacent to route sections WSI-3-S071 to WSI-3-S074, the landward boundary of the coastal margin is to coincide with the edge of the road landward of the trail shown on maps 3f and 3g.
- 3.3.13 Adjacent to route sections WSI-3-S076 and WSI-3-S077, the landward boundary of the coastal margin is to coincide with the fence line which at the time of writing this report is landward of the trail shown on map 3g.

Local restrictions and exclusions

- 3.3.14 Natural England proposes to restrict or exclude access relevant to this length of coast, as follows:
- New coastal access rights are to be excluded all year-round from the intertidal mudflats and saltmarsh, seaward of the route, along this length of coast, from WSI-3-S001 to WSI-3-S079 (maps 3a to 3h). This exclusion is proposed under s25A of the Countryside and Rights of Way Act (2000) as in our view the land is unsuitable for public access. This exclusion will not affect the route itself. See maps D and E in the Overview for details.
 - Access is to be excluded all year-round at Oare Creek (map 3a, adjacent to route sections WSI-3-S006 to WSI-3-S047) under s24 of the Countryside and Rights of Way Act (2000) for the purpose of land management in order to prevent of disruption to ongoing commercial activity (boatyard operations). This exclusion will not affect the route itself. See map I in the Overview for details.

Refer to Part 9 of the Overview for further details.

Alternative routes

- 3.3.15 There are no proposals for alternative routes in relation to this length of coast.















