



England Coast Path Stretch: Isle of Sheppey

Report IOS 8: Mocketts, Isle of Harty (west) to Windmill Creek

Part 8.1: Introduction

Start Point:	Mocketts, Isle of Harty (west) (Grid reference 600937 166398)
End Point:	Windmill Creek (Grid reference 597712 167340)
Relevant Maps:	IOS 8a to IOS 8c

8.1.1 This is one of a series of linked but legally separate reports published by Natural England under section 51 of the National Parks and Access to the Countryside Act 1949, which make proposals to the Secretary of State for improved public access along and to this stretch of coast around the Isle of Sheppey, Kent.

8.1.2 This report covers length IOS 8 of the stretch, which is the coast between Mocketts, Isle of Harty (west) and Windmill Creek. It makes free-standing statutory proposals for this part of the stretch, and seeks approval for them by the Secretary of State in their own right under section 52 of the National Parks and Access to the Countryside Act 1949.

8.1.3 The report explains how we propose to implement the England Coast Path (“the trail”) on this part of the stretch, and details the likely consequences in terms of the wider ‘Coastal Margin’ that will be created if our proposals are approved by the Secretary of State. Our report also sets out:

- any proposals we think are necessary for restricting or excluding coastal access rights to address particular issues, in line with the powers in the legislation; and
- any proposed powers for the trail to be capable of being relocated on particular sections (“roll-back”), if this proves necessary in the future because of coastal change.

8.1.4 There is also a single Overview document for the whole of this stretch of coast, explaining common principles and background. **This and the other individual reports relating to the stretch should be read in conjunction with the Overview. The Overview explains, among other things, how we have considered any potential environmental impacts of improving public access to this part of the coast, and this report, and other separately published assessments we refer to, then provides more detail on these aspects where appropriate.**

Part 8.2: Proposals Narrative

The trail:

8.2.1 Follows the coastline quite closely and maintains good views of the sea along much of this length.

8.2.2 Includes six sections of new path along the seawall of Harty Marshes. See maps IOS 8a to IOS 8c and associated tables below for details.

8.2.3 Follows existing public rights of way from Bells Creek to Windmill Creek. See map IOS 8c.

8.2.4 Includes one inland diversion, necessary to take the trail around Bells Creek and the pumping station on the shoreline (see map IOS 8b).

Protection of the environment:

In this part of the report, we explain how we have taken account of environmental protection objectives in developing our proposals for improved coastal access.

8.2.5 The following designated sites affect this length of coast (see Overview Maps C1 and C2):

- The Swale Special Protection Area (SPA)
- The Swale Ramsar site
- The Swale Site of Special Scientific Interest (SSSI)
- The Swale Marine Conservation Zone (MCZ)

The following table brings together design features included in our access proposals to help to protect the environment along this length of coast.

8.2.6 Measures to protect the environment

Map(s)	Route section number(s)	Design features of the access proposals	Reason included
IOS 8a to IOS 8c	IOS-8-S001 to IOS-8-S006	<p>The following design features are described elsewhere in this report:</p> <ul style="list-style-type: none">■ Coastal access rights would be restricted: requiring dogs to be kept on a lead (see paras 8.2.14 and 8.2.15).■ New information signs erected, highlighting the local wildlife sensitivities and asking people to observe the requirement to keep dogs on leads.	<ul style="list-style-type: none">■ To prevent disturbance to sensitive breeding, passage and overwintering birds along the south Sheppey coast.
IOS 8c	IOS-8-S009 to IOS-8-S011	<p>The following design features are described elsewhere in this report:</p> <ul style="list-style-type: none">■ Coastal access rights would be excluded on land seaward of the	<ul style="list-style-type: none">■ To prevent disturbance by recreational users to both the migratory and overwintering birds found on the upper saltmarsh, and to the

Map(s)	Route section number(s)	Design features of the access proposals	Reason included
		trail at Great Bells Farm Reserve, including grassland, reedbeds and the seawall (see para 8.2.16 and 8.2.17)	development of a refuge for wintering and breeding waders, wildfowl and other wetland bird species on RSPB's Great Bells Farm Reserve.

8.2.7 Natural England is satisfied that the proposals for coastal access in this report are made in accordance with relevant environmental protection legislation. For more information about how we came to this conclusion; see the following assessments of the access proposals that we have published separately:

- A Habitats Regulations Assessment relating to any potential impact on the conservation objectives of European sites.
- Our Nature Conservation Assessment, in which we document our conclusions in relation to other potential impacts on nature conservation.

Part 6b of the Overview includes some contextual information about protecting the environment along this length of coast.

Accessibility:

8.2.8 There are few artificial barriers to accessibility on the proposed route. However, the natural coastal terrain is often challenging for some people with reduced mobility and this is the case on sections of our proposed route because:

- The trail follows uneven grass or bare soil paths along the seawall around Harty Marshes.
- There is one place where a set of steps is necessary to ascend/descend the seawall (see Map IOS 8b), where physical constraints prevent the use of a more accessible ramp/slope.

See part 6a of the Overview - 'Recreational issues' - for more information.

Where we have proposed exercising statutory discretions:

8.2.9 **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 8.3.1 below.

8.2.10 The Proposals Tables show where we are proposing to alter the default landward boundary of the coastal margin. These proposals are set out in columns 5b and 5c of table 8.3.1. Where these columns are left blank, we are making no such proposals, so the default landward boundary applies. See the note relating to Columns 5b & 5c (above Table 8.3.1) explaining what this means in practice.

See also part 3 of the Overview - 'Understanding the proposals and accompanying maps', for a more detailed 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.

8.2.11 **Restrictions and/or exclusions:** We have proposed to exclude and restrict access by direction under the Countryside and Rights of Way Act (2000) in certain places along this section of coast.

Exclusion of access to the saltmarsh/flats of The Swale Estuary

8.2.12 Access to the saltmarsh/flat in the coastal margin seaward of route sections IOS-8-S001 to IOS-8-S012 is to be excluded all year-round by direction under s25A of the Countryside and Rights of Way Act (2000) as it is unsuitable for public access. The exclusion does not affect the route itself and will have no legal effect on land where coastal access rights do not apply. See Directions Map IOS 8A.

8.2.13 The mudflat in this area is soft and sinking. It does not provide a safe walking surface and is subject to frequent tidal inundation. Areas of saltmarsh have deep channels and creeks, some of which would not be readily apparent to walkers and can pose a significant risk.

Restriction of access at Harty and Eastchurch Marshes

8.2.14 Dogs are to be kept on a lead on the route sections IOS-8-S001 to IOS-8-S006 by direction under section 26(3)(a) of the Countryside and Rights of Way Act (2000) all year round to protect sensitive wildlife (breeding, passage and overwintering birds). The exclusion will have no legal effect on land where coastal access rights do not apply. See Directions Map IOS 8A.

8.2.15 This stretch of coast is part of The Swale SPA (see Overview Map C1) and supports important numbers of breeding and roosting marsh harrier, breeding waders and overwintering waterfowl. There has been very little public use of the coast here due to a lack of formal access provision. The Habitats Regulation Assessment for the site concluded that allowing dogs off the lead would cause a significant effect by disturbing the internationally-protected bird species likely to use the site. The Assessment will be published alongside this report.

Exclusion of access at RSPB's Great Bells Farm Reserve

8.2.16 Access is to be excluded on the area of coastal margin adjacent to route sections IOS-8-S009 to IOS-8-S011 by direction under Section 26(3)(a) of the Countryside and Rights of Way Act (2000), all year round to protect sensitive wildlife (breeding, passage and overwintering birds). The exclusion does not affect the route itself and will have no legal effect on land where coastal access rights do not apply. See Directions Map IOS 8A.

8.2.17 Great Bells Farm is an RSPB reserve. Although this seaward margin is outside The Swale SPA it is land identified for new freshwater wetland habitat, and is being created to provide further refuge for waders, wildfowl and other wetland bird species, where other habitats have been lost. As compensatory habitat, it is legally treated in the same way as current SPA land. There has been no previous access on this reserve. The Habitats Regulation Assessment for the site concluded that allowing access here would cause a significant effect by disturbing the internationally-protected bird species likely to use the site. The Assessment will be published alongside this report.

8.2.18 These directions will not prevent or affect:

- any existing local use of the land by right : such use is not covered by coastal access rights;
- 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 any rights at common law or by Royal Charter etc.

Any such use is not prohibited or limited by these arrangements.

8.2.19 The directions we give over the saltmarsh and flats are intended to avoid any new public rights being created over the area in question in view of their hidden dangers.

See part 8 of the Overview - 'Restrictions and exclusions' - for a summary for the entire stretch.

8.2.20 **Coastal erosion:** Natural England is able to propose that the route of the trail would be able to change in the future, without further approval from the Secretary of State, in response to coastal change. This would happen in accordance with the criteria and procedures for 'roll-back' set out in part 7 of the Overview.

Natural England may only propose the use of this roll-back power:

- as a result of coastal erosion or other geomorphological processes or encroachment by the sea, or
- in order to link with other parts of the route that need to roll back in direct response to such changes.

8.2.21 Column 4 of table 8.3.1 indicates where roll-back has been proposed in relation to a route section. Where this is the case, the route, as initially determined at the time the report was prepared, is to be at the centre of the line shown on maps IOS 8a to IOS 8c as the proposed route of the trail.

8.2.22 If at any time in the future any part of a route section upon which roll-back has been specified needs, in Natural England's view, to change 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 7 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.

Other future change:

8.2.23 At this point we do not foresee any need for future changes to the access provisions that we have proposed within this report.

See parts 7 - 'Future changes' of the Overview for more information.

Establishment of the trail

8.2.24 Below we summarise how our proposed route for the trail would be physically established to make it ready for public use before any new rights come into force.

Establishment works will only start on this length of coast once these proposals have been approved by the Secretary of State. The works may therefore either precede or follow the start of establishment works on other lengths of coast within the stretch, as detailed in their separate reports.

8.2.25 Our estimate of the capital costs for physical establishment of the trail on the proposed route is £1,144.25 and is informed by:

- information already held by the access authority, Kent County Council in relation to the management public rights of way,
- the conclusions of our deliberations in relation to potential impacts on the environment; and
- information gathered while visiting affected land and talking to the people who own and manage it about the options for the route.

8.2.26 There is one main element to the overall costs:

- Waymarking and information signs along the route.

Table 1 shows our estimate of the capital cost for the physical establishment described above.

Table 1: Estimate of capital costs

Item	Cost
Signs	£995
Project management	£149.25
Total	£1,144.25 (Exclusive of any VAT payable)

8.2.27 Once the Secretary of State's decision on our report has been notified, and further to our conversations with land managers during the route planning stage, Kent County Council will liaise with affected land owners and occupiers about relevant aspects of the design, installation and maintenance of the new signs and infrastructure that are needed on their land. Prior to works being carried out on the ground, all necessary permissions, authorisations and consents will be obtained. All such works would conform to the published standards for National Trails and the other criteria described in our Coastal Access Scheme.

Maintenance of the trail:

8.2.28 Because the trail on this length of coast will form part of the National Trail being created around the whole coast of England called the England Coast Path, we envisage that it will be maintained to the same high quality standards as other National Trails in England (see The New Deal; Management of National Trails in England from April 2013: details at Annex A of the Overview).

8.2.29 We estimate that the annual cost to maintain the trail will be £2,904.92 (exclusive of any VAT payable). In developing this estimate we have taken account of the formula used to calculate Natural England's contribution to the maintenance of other National Trails.

Part 8.3: Proposals Tables

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

8.3.1 Section Details: Maps IOS 8a to IOS 8c - Mocketts, Isle of Harty (west) to Windmill Creek

Key notes on table:

1. Column 2 – an asterisk (*) against the route section number means see also table 8.3.1: Other options considered.
2. Column 4 – ‘No’ means no roll-back is proposed for this route section. ‘Yes – normal’ means roll-back is proposed and is likely to follow the current feature (e.g. cliff edge/beach) for the foreseeable future as any coastal change occurs. Column 4 – ‘Yes – see table 8.3.3 means roll-back is proposed, but refer to that table below about our likely approach to implementing it for this route section. This is because a more complex situation exists in this case and consideration must be given to how roll-back may happen in relation to excepted land, a protected site etc.
3. Column 5a - Certain coastal land types are included automatically in the coastal margin where they fall landward of the trail if they touch it at some point. The relevant land type (foreshore, cliff, bank, barrier, dune, beach, flat or section 15 land – see Glossary) is shown in this column where appropriate. “No” means none present on this route section.
4. Columns 5b and 5c – Any entry in these columns means we are proposing to align the landward boundary of the coastal margin on this route section with the physical feature(s) shown in 5b, for the reason in 5c. No text here means that for this route section the landward edge of the margin would be that of the trail itself - or if any default coastal land type is shown in 5a, that would be its landward boundary instead.

1	2	3	4	5a	5b	5c	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See Part 7 of Overview)	Landward margin contains coastal land type?	Proposal to specify landward boundary of margin (See maps)	Reason for landward boundary proposal	Explanatory notes
IOS 8a	IOS-08-S001*	Not an existing walked route	Yes – see table 8.3.3	Yes - bank			
IOS 8b	IOS-08-S002 to IOS-08-S004	Not an existing walked route	Yes – see table 8.3.3	No	Landward edge of track	Clarity and cohesion	
IOS 8b	IOS-08-S005*	Not an existing walked route	Yes – see table 8.3.3	Yes - bank			

1	2	3	4	5a	5b	5c	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See Part 7 of Overview)	Landward margin contains coastal land type?	Proposal to specify landward boundary of margin (See maps)	Reason for landward boundary proposal	Explanatory notes
IOS 8c	IOS-08-S006*	Not an existing walked route	Yes – see table 8.3.3	No	Landward edge of track	Clarity and cohesion	
IOS 8c	IOS-08-S007* to IOS-08-S009*	Public footpath	Yes – see table 8.3.3	No	Landward edge of track	Clarity and cohesion	
IOS 8c	IOS-08-S010*	Public footpath	Yes – see table 8.3.3	Yes - bank			
IOS 8c	IOS-08-S011*	Public footpath	Yes – see table 8.3.3	No	Landward edge of track	Clarity and cohesion	
IOS 8c	IOS-08-S012	Public footpath	Yes – see table 8.3.3	Yes - bank			

8.3.2 Other options considered: Maps IOS 8a to IOS 8c - Mocketts, Isle of Harty (west) to Windmill Creek

Map(s)	Route section numbers(s)	Other option(s) considered	Reasons for not proposing this option
IOS 8a	IOS-8-S001	We considered aligning the trail along the landward base of the seawall.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> ■ it follows the top of the seawall and maintains views of The Swale Estuary ■ it is closer to the shoreline ■ it avoids the need for an additional set of steps ■ it is compatible with the relevant environmental protection legislation (see Protection of the environment section above) ■ we concluded that overall the proposed route struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme.
IOS 8b and IOS 8c	IOS-8-S005 to IOS-8-S011	<p>We considered aligning the trail either:</p> <ul style="list-style-type: none"> ■ across the pumping station on Bells Creek, before following the seawall, to join the trail at section IOS-8-S012, or ■ along part of section IOS-8-S005 before crossing Bells Creek on a new bridge, before returning to the west side of the pumping station and continuing towards IOS-8-S012, as above. 	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> ■ it provides some elevated views of the coast ■ it follows an existing farm track and an existing public rights of way ■ it avoids passing across the pumping station and affecting its management operations ■ it avoids constructing a bridge in the southern half of the creek which would be expected to affect the hydrology of Bells Creek and impact on operations of the pumping station ■ it avoids impacting on the management and wildlife sensitivities of the RSPB's Great Bells Farm Reserve ■ we concluded that overall the proposed route struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme.

Note: Any public rights of way not forming part of the proposed trail would remain available for people to use under their pre-existing rights.

8.3.3 Roll-back implementation – more complex situations: Maps IOS 8a to IOS 8c - Mocketts, Isle of Harty (west) to Windmill Creek

Map(s)	Route section number(s)	Feature(s) or site(s) potentially affected	Our likely approach to roll-back
IOS 8a and IOS 8b	IOS-8-S001 to IOS-8-S005	Designated site (The Swale SSSI, SPA, Ramsar) & farmland supporting protected birds	If it is no longer possible to find a viable route seaward of a designated site (e.g. SSSI, SPA, Ramsar) or land supporting protected birds, whose features are sensitive to public access, or where the existing route already passing through such a site must be altered, we will choose a new route after detailed discussions with the relevant experts and with any potentially affected owners or occupiers, which will either (a) continue to pass through the site, if appropriate or (b) if necessary, be routed landward of it
IOS 8c	IOS-8-S006	Buildings	If it is no longer possible to find a viable route seaward of the specified excepted land (e.g. buildings, curtilage, gardens etc), we will choose a route landward of it, following discussions with owners and occupiers.
IOS 8c	IOS-8-S007 to IOS-8-S012	Designated site (The Swale SSSI, SPA, Ramsar) and RSPB's Great Bells Farm Reserve	If it is no longer possible to find a viable route seaward of a designated site (e.g. SSSI, SPA, Ramsar) or land supporting important populations of internationally protected species whose features are sensitive to public access, or where the existing route already passing through such a site must be altered, we will choose a new route after detailed discussions with the relevant experts and with any potentially affected owners or occupiers, which will either (a) continue to pass through the site, if appropriate or (b) if necessary, be routed landward of it.

In relation to all other sections where roll-back has been proposed, any later adjustment of the trail is likely to follow the current feature (e.g. cliff edge/beach) for the foreseeable future as any coastal change occurs.

Part 8.4: Proposals Maps

8.4.1 Map Index

Map reference	Map title
IOS 8a	Mocketts, Isle of Harty (west) to Capel Fleet
IOS 8b	Capel Fleet to Little Bells
IOS 8c	Little Bells to Windmill Creek
Directions Map IOS 8A	Directions for Report IOS 8A: Mocketts, Isle of Harty (west) to Windmill Creek

PROPOSALS

Trail Sections

- Trail using existing public right of way or highway
- Trail using other existing walked route
- Trail not using existing walked route
- Alternative route
- Trail shown on other maps

Trail sections which follow existing public rights of way or highways are indicated by a suffix:

- BY** - Public byway
- CT** - Cycletrack (cycles only)
- CP** - Cycletrack (pedestrian)
- FP** - Public footpath
- FW** - Public footway (Pavement)
- BW** - Public bridleway
- KB** - Restricted byway
- RD** - Public road

Coastal Margin

Explanatory note

Part 3 of the Overview to the report explains where the landward boundary of the coastal margin falls by default. Our proposals include any suggested variation of this default boundary. The purple wash on the map indicates where as a result of our proposals the coastal margin would extend significantly to the landward side of the proposed route of the trail. The coastal margin may include some areas where coastal access rights do not apply, either seaward or landward of the proposed route of the trail: the Overview explains more about this. The landward boundary of the coastal margin may in due course move inland, if the trail rolls back under proposals in this report to respond to coastal change.

- Coastal margin landward of the trail
- Coastal margin landward of the trail which is existing access land

Other Information

Other access rights and routes

- Public footpaths
- Public byways
- Public bridleways
- Restricted byways
- Sustrans national routes
- Existing access land

Infrastructure types (for status see below)

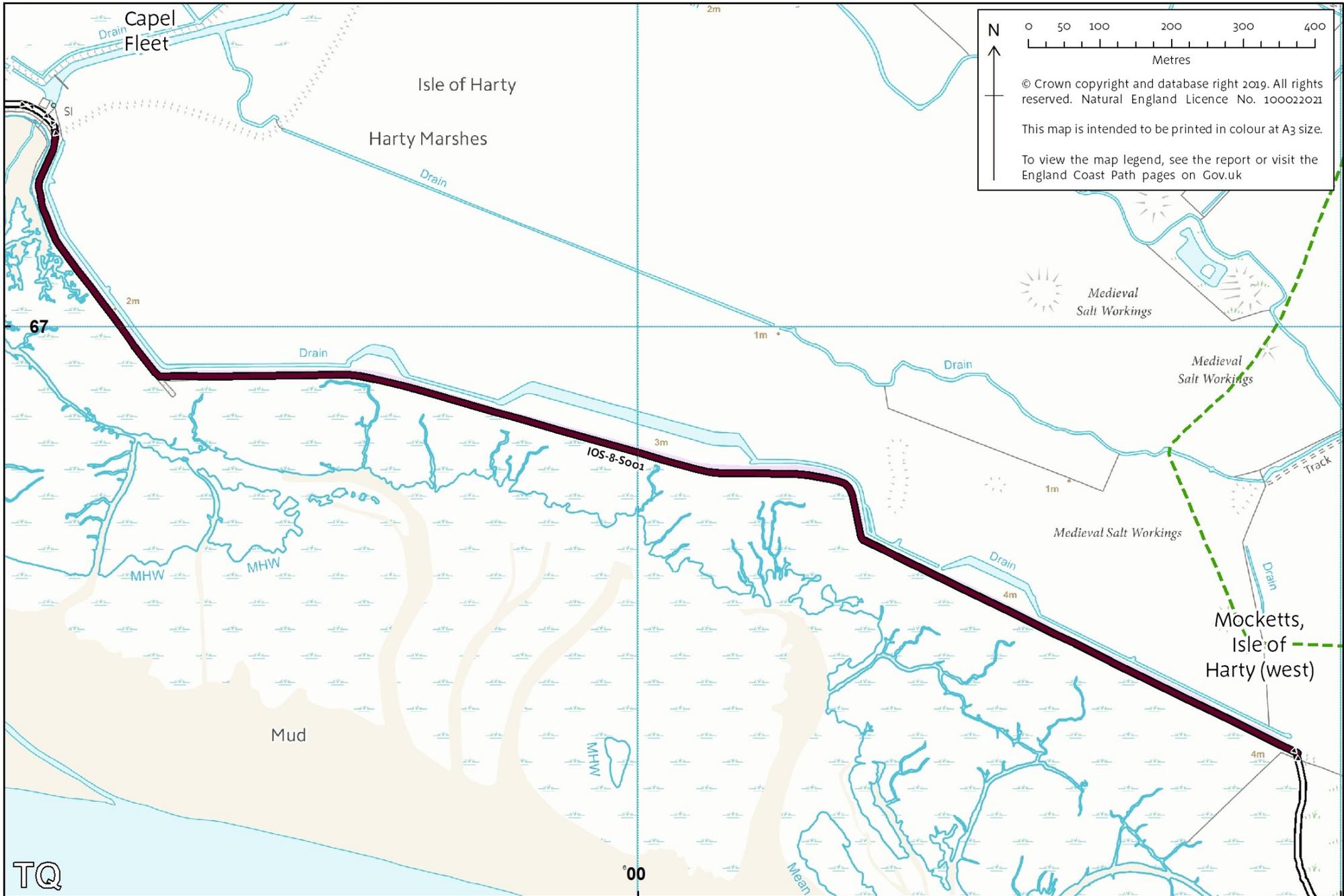
- | | | |
|------------------|----------------------|----------------------|
| barrier | cycle chicane | hurdle |
| boardwalk | drainage | ramp |
| bollard | drop-kerb | reverment |
| clapper bridge | gap in fence | stepping stones |
| footbridge | Bristol gate | steps |
| quad bike bridge | field gate | ladder stile |
| sleeper bridge | kissing gate | lift-up stile |
| vehicle bridge | pedestrian gate | squeeze stile |
| cattle grid | wheelchair gate | step stile |
| culvert | gateway with no gate | stone stile |
| | | interpretation panel |

Infrastructure status

Infrastructure status will be indicated by one of three colours, as shown in the example below:

- Existing steps to be retained
- New steps required
- Existing steps to be removed

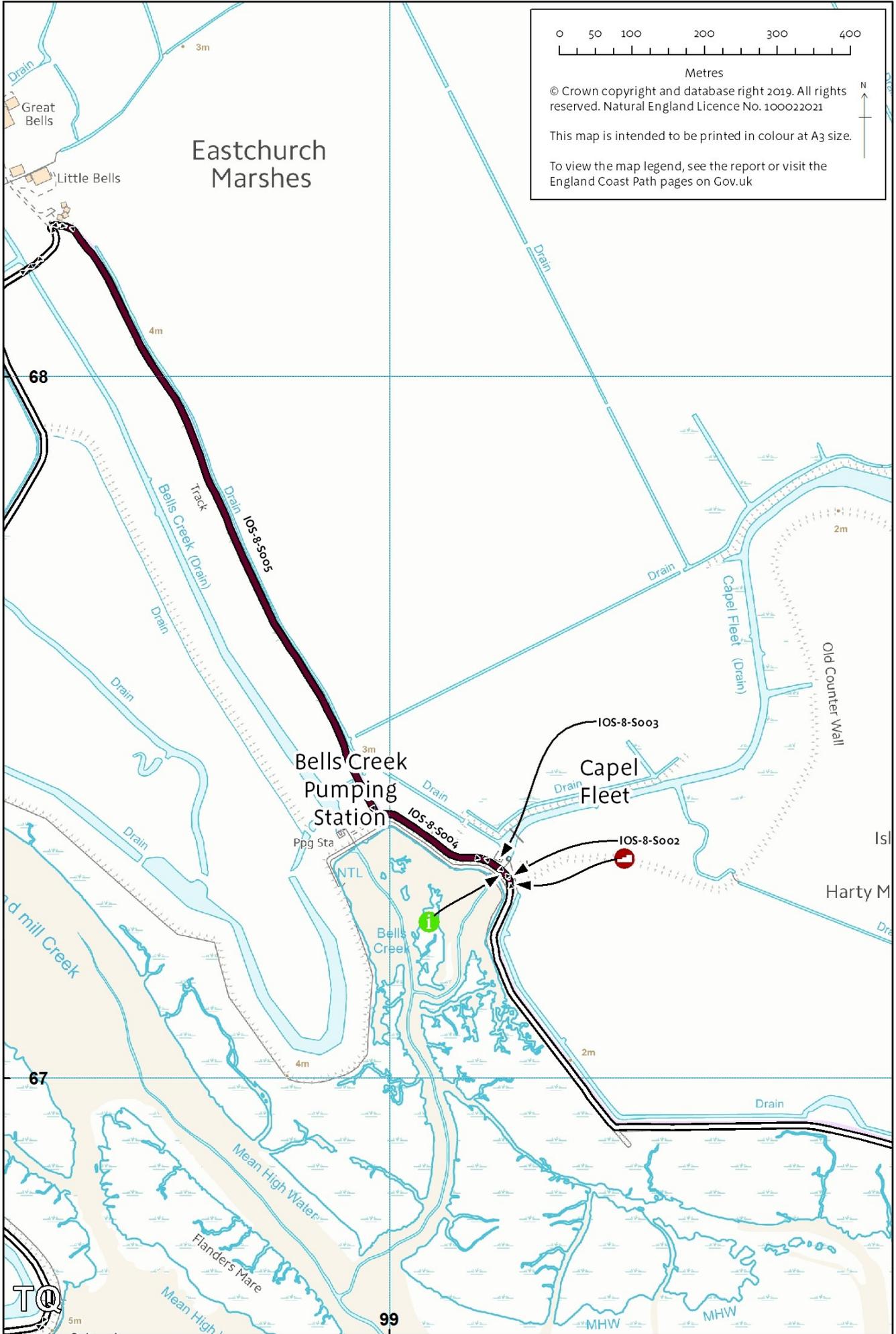
Map IOS 8a: Mocketts, Isle of Harty (west) to Capel Fleet



Map IOS 8a: Mocketts, Isle of Harty (west) to Capel Fleet

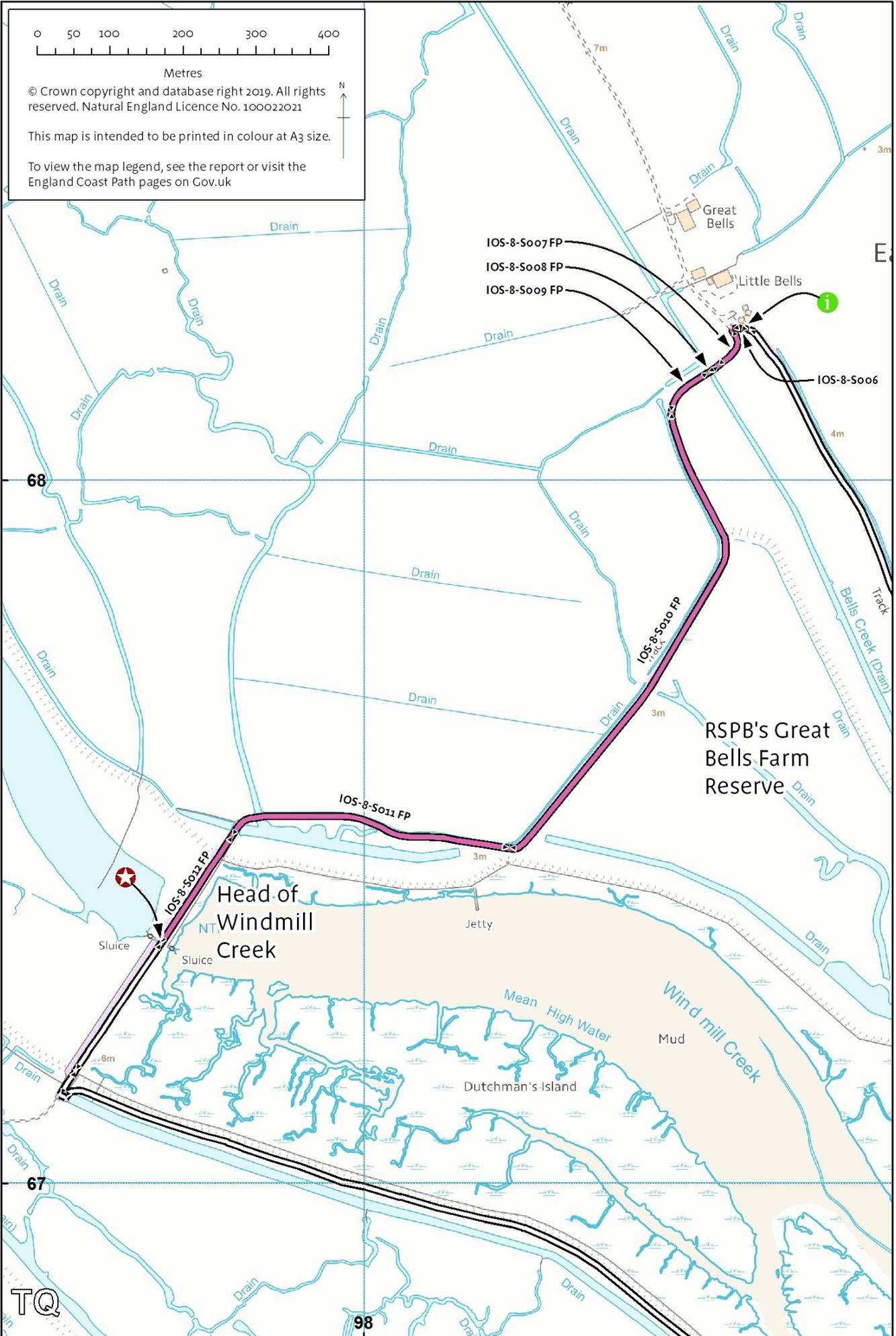
TQ

00



Map IOS 8b: Capel Fleet to Little Bells

Map IOS 8c: Little Bells to Windmill Creek



Directions Map IOS 8A

These directions only affect land where coastal access rights apply and will not affect existing rights of access, such as on public rights of way.

