

# Coastal Access – Iwade to Grain length IGR8



## Representations with Natural England's comments

**November 2020**

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### 1. Introduction

This document records the representations Natural England has received on the proposals in length report IGR8 from persons or bodies. It also sets out any Natural England comments on these representations.

Where representations were made that relate to the entire stretch for Iwade to Grain they are included here in so far as they are relevant to length IGR8 only.

### 2. Background

Natural England's compendium of reports setting out its proposals for improved access to the coast from Iwade to Grain, comprising an overview and twelve separate length reports, was submitted to the Secretary of State on 15 January 2020. This began an eight-week period during which representations and objections about each constituent report could be made.

In total, Natural England received five representations pertaining to length report IGR8, of which two were made by organisations or individuals 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 are reproduced in Section 3 in their entirety, together with Natural England's comments. Also included in Section 3 is a summary of the three representations made by other individuals or organisations, referred to as 'other' representations.

### 3. Representations and Natural England's comments on them

## Length Report IGR8

#### *Full representations*

**Representation number:**

MCA/IGR8/R/1/IGR2397

**Organisation/ person making representation:**

Ramblers [redacted], Coastal Access Officer for Kent

**Route section(s) specific to this representation:**

Report IGR 8

**Other reports within stretch to which this representation also relates:**

N/A

**Representation in full**

The Ramblers fully support the proposed route along this section of the Coast Path. [Redacted] is particularly pleased to see that the route is close to the coast at Gillingham Pier, St Mary's Island and Rochester Riverside. [Redacted] understands that, although desirable, it is not practical to align the route along the riverside at The Historic Dockyard at this time.

**Natural England's comments**

We have welcomed the positive engagement from [redacted] during the development of our proposals.

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**Representation number:**

MCA/IGR Stretch/R/1/IGR2405

**Organisation/ person making representation:**

Historic England [redacted], Assistant Inspector of Ancient Monuments

**Route section(s) specific to this representation:**

Whole Stretch

**Other reports within stretch to which this representation also relates:**

IGR 1, IGR 2, IGR 3, IGR 4, IGR 5, IGR 6, IGR 8, IGR 9, IGR 10, IGR 11, IGR 12. There are more specific comments on the four scheduled monuments which appear in reports IGR 6, IGR 8, IGR 9 and IGR 12.

**Representation in full**

Historic England are making a representation about this report as we are a statutory consultee, and advise in particular on proposals that affect designated monuments (e.g. scheduled monuments, listed buildings). Please find our advice and recommendations below.

We do not have any objections to the Iwade - Grain proposal as we think it is in general a low impact proposal that will cause little to no harm to heritage significance. However the advice below does highlight those more historically sensitive areas of the route; whether other permissions/consents may be required for works in them (e.g. Scheduled Monument Consent); and advice on how to limit harm to the historic environment in general.

The path as proposed passes through the following scheduled monuments:

- World War II Heavy Anti-aircraft gunsite (TS3) at Wetham Green, 460m north of Red Brick Cottage (List Entry Ref: 1020387)
- Chatham Lines, section at Chatham Gun Wharf (List Entry Ref: 1021379)
- Cockham Wood Fort (List Entry Ref: 1003362)
- Coastal Artillery Defences on the Isle of Grain (List Entry Ref: 1019955)

The path also passes over or near the following listed structures:

- Passes over grade II Rochester Bridge (List Entry Ref: 1086431)
- Passes close to a number of grade II listed anti-tank cubes (List Entry Ref: 1393814) and pillboxes (List Entry Refs: 1393816 & 1393815) and the grade II Grain Crossing Signalling Box (List Entry Ref: 1415162)

The path also goes through the following conservation areas:

- Lower Halstow, Swale
- Upnor
- Chatham historic dockyard
- Brompton lines
- Star hill to Sun Pier, Medway
- Frindsbury and Manor Farm

The above summary provides an overview of all designated assets that have the potential to be impacted by the proposal (although we think the actual impact is likely to be low-nil).

In terms of the scheduled monuments, Scheduled Monument Consent (SMC) would only be required if any new installations (e.g. signage) are to be placed in the scheduled area; or if the introduction of new paths/use of existing paths through the scheduled area will involve any additions (e.g. new surfacing) or any ground disturbance (e.g. digging to create/resurface paths). If this is the case, Natural England will need to apply for SMC to Historic England in advance of any works in the scheduled areas commencing.

You should consult the local conservation officer with regards to impact upon the setting of grade II listed buildings or conservation areas. Finally, you should also consult the county archaeologist about impacts to non-designated archaeology.

### **Natural England's comments**

We welcome the positive engagement from Historic England during the development of our proposals – and their supportive comments. Throughout this process we have consulted with Historic England, as well local officers at Kent County Council regarding Historic Environment Records (in line with para 4.9.5 Coastal Access Scheme) to ensure that our proposals would not have a detrimental effect on designated and local heritage assets.

Report IGR 8 passes through one designated Scheduled Monument (Chatham Lines, section at Chatham Gun Wharf) in addition to passing over one grade II listed structure (Rochester Bridge) and through the Chatham Historic Dockyard conservation area. There are no proposals to disturb the ground within the Chatham Lines Scheduled Monument, however we do propose to attach new waymarking signs to existing posts within the boundary of the Scheduled Monument. Therefore we will liaise with Historic England regarding whether a consent will be needed prior to establishment of the proposals between The Strand Leisure Park and Frindsbury. There are no proposals to install new infrastructure on Rochester Bridge.

Within the Chatham Historic Dockyard Conservation Area, our proposals will include installing new signs on an existing walked route. Medway Council, the relevant Access Authority establishing the trail, if approved, will therefore liaise with their team responsible for the conservation area, to ensure that the design and location of the signs are in keeping with the designation.

## ***Other representations***

### **Representation ID:**

MCA/IGR8/R2/IGR2964

### **Organisation/ person making representation:**

Savills (MDL Marinas Group Limited)

### **Name of site:**

Land at Chatham Marina

### **Report map reference:**

Map IGR 8c: St Mary's Island to Dock Road

### **Route sections on or adjacent to the land:**

IGR-8-S040 to IGR-8-S043

### **Other reports within stretch to which this representation also relates:**

#### **Summary of representation:**

Savills act for the leaseholder of this land: MDL Marinas Group Ltd (MDL). Savills acknowledges that there has been adequate consultation during this process, as detailed discussions have taken place between both them and Natural England, and also between Natural England and the freeholder, the Chatham Maritime Trust (CMT). Savills notes that Chatham Marina will not be impacted by the route itself as it is aligned along an existing walked route and will be adequately waymarked. They also welcome the incorporation of the CMT's Estate Regulations into the Coast Path proposals in the form of the proposed 'dogs on leads' and 'no fishing' restrictions (see Directions Map IGR 8B).

However, Savills has highlighted that whilst the majority of the marina does not fall within the coastal margin, the Lock Office and the associated car park do fall within the default coastal margin, as this land is seaward of the trail. It is Savills' and MDL's opinion, that all their landholdings, particularly the office and car park fall within the category *land covered by buildings or the curtilage of such land*, as listed in figure 1 of the Coastal Access Scheme and they consider that this land is therefore excepted from coastal access rights. They would like this confirmed in writing and annotated on any relevant plans/maps.

#### **Natural England's comment:**

Our proposed alignment runs along an existing walked pavement owned by Medway Council. The only MDL Marinas Group Ltd (MDL) landholding that falls in the seaward coastal margin adjacent to sections IGR-8-S040 to IGR-8-S043 is a Lock Office and a car park for use by the patrons of the marina. We would not expect any England Coast Path users to want to enter the carpark or Lock Office for recreational purposes, particularly as it is behind a hedge and a controlled access barrier.

Natural England does not have a definitive role in identifying excepted land as ultimately only the courts can decide, if called upon, whether land is excepted or not. The categories of excepted land are however designed to be easy to understand for land managers and readily identifiable on the ground for access users. With that in mind, land managers and landowners are within their rights to erect signs indicating the extent of excepted land, so long as they are not misleading. We do not think that it will be necessary for MDL to erect such signs as in our opinion the public will be inclined to avoid the area, however should MDL believe that the car park forms part of the Lock Office's curtilage, we would not challenge it.

Savills would like the carpark and the office to be marked as excepted land on relevant plans and maps. With regard to our report to the Secretary of State, we do not include proposals about the extent of excepted land – excepted land is an automatic consequence of land use – and therefore it is not necessary to mark it on the proposal maps. Furthermore, these report maps do not include seaward coastal margin and are not likely to be used as walking maps by the public. Path users are more likely to rely on OS 1:25,000 Explorer Series maps for details about where they can go.

The decision as to how to depict on the Explorer Series maps the England Coast Path and the 'coastal margin' created on approved stretches by the Access to the Countryside (Coastal Margin) (England) Order 2010 resulted from detailed discussions with the Coastal Access National Stakeholder Group. This group, representing a balance of interests including user, conservation and land manager representative organisations, considered it imperative that the route of the England Coast Path and the coastal margin should both be depicted.

The depiction of coastal margin on OS digital and paper products with a magenta wash comes with a clear, concise explanation in the key: "All land within the 'coastal margin' (where it already exists) is associated with the England Coast Path and is by default access land, but in some areas it contains land not subject to access rights - for example cropped land, buildings and their curtilage, gardens and land subject to local restrictions including many areas of saltmarsh and flat that are not suitable for public access. The coastal margin is often steep, unstable and not readily accessible. Please take careful note of conditions and local signage on the ground."

The National Stakeholder Group acknowledged that it would not be feasible to remove the magenta wash from the myriad of excepted land parcels falling within the coastal margin, nor would it be practical to annotate the maps to identify excepted land. This was for two reasons:

1. It would be impossible to identify all excepted land for consistent removal.
2. Land use can change and as a result land can move in and out of excepted land categories.

As a result, removing or identifying excepted land on the maps would be misleading as people would assume that because some excepted land was identified/excluded, all of the remaining marked coastal margin must have access rights. By having all the coastal margin depicted on OS maps with the magenta wash it is obvious that this is not the case.

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**Representation ID:**

MCA/IGRStretch/R/2/IGR2959

**Organisation/ person making representation:**

[Redacted]

**Name of site:**

Whole route

**Report map reference:**

Whole route

**Route sections on or adjacent to the land:**

N/A

**Other reports within stretch to which this representation also relates**

IGR 1, IGR 2, IGR 3, IGR 4, IGR 5, IGR 6, IGR 8, IGR 9, IGR 10, IGR 11, IGR 12.

**Summary of representation:**

The reports only makes passing reference to cycling. Unlike other parts of the Thames and the Kent coast, there is no official cycling trail along the shoreline between Whitstable and Dartford. National Cycle Network 1 is mainly away from the shore, except in Riverside Country Park. The England Coast Path route should be open to cycling, unless there is a good reason otherwise. Barriers should be removed along the route and surfaces could be improved in the long term. Making the route better for cycling would make it better for disabled access.

**Natural England's comment:**

Right to cycle

In line with the Coastal Access duty to create clear and consistent public access rights along the coast for open-air recreation on foot, our reports to the Secretary of State set out proposals for a walking route only. Coastal access rights include most types of recreation on foot or by wheelchair including walking, climbing and picnicking. However, there are general restrictions on the scope of coastal access rights which are called “national restrictions”, for example the coastal access rights do not normally include camping, horse riding or cycling. This does not prevent such recreational uses taking place by virtue of an existing right, with the landowner’s permission or by traditional tolerance (sections 2.4.1 and 2.4.2 of the Coastal Access Scheme). Where there are existing higher rights along our proposed trail (such as the existence of bridleways, cycle tracks, public highway), we have highlighted those additional rights in the proposals table and associated maps within each of the 12 reports.

In preparing the report, we met with local stakeholders to explore any issues and opportunities the England Coast Path presented. This included the Kent Countryside Access Forum (KCAF) and Medway Local Access Forum, who did not raise any specific aspirations about establishing new cycling rights along this stretch of coast. We also raised the potential for the dedication of higher rights with land owners affected by the trail. Whether or not to dedicate higher rights in this way is a decision for the landowners, not Natural England.

Nonetheless, we note [redacted]’s points and have forwarded them to both the Medway and Kent Access Fora for their consideration, in relation to implementing their Rights of Way Improvement Plans. Any new rights to cycle along the England Coast Path in future would need to be negotiated with the relevant landowners before proceeding with either a direction to relax general restrictions, or a dedication under S16 of the CROW Act.

#### Barriers to access

In developing our proposals for the England Coast Path we seek to balance the key principles set out in the statutory criteria for establishing the trail, namely: closeness to the sea (or estuary), sea views, safety and convenience (see section 4.1 of the Coastal Access Scheme). In doing this we always seek to avoid creating any unnecessary new barriers to access by choosing the least restrictive infrastructure that is practical in the circumstances.

Where there is a choice of routes (and taking into account the key principles outlined above), we will generally favour the one that is accessible to the widest range of people or most easily adapted for that purpose (section 4.3.8 of the Coastal Access Scheme). In addition, and where appropriate, our proposals include further targeted adjustments to make the trail more accessible for people with reduced mobility, such as removing barriers to access such as replacing stiles with kissing gates or replacing kissing gates with gaps (section 4.3.10 of the Coastal Access Scheme). Land management requirements and local circumstances sometimes prohibit the removal of all gates, and we have indicated where we intend to remove barriers to access in the Accessibility section of each of the 12 reports.

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#### **Representation ID:**

MCA/IGRStretch/R/3/IGR0008

#### **Organisation/ person making representation:**

The Disabled Ramblers/ [redacted]

#### **Name of site:**

Whole route

#### **Report map reference:**

Whole route

#### **Route sections on or adjacent to the land:**

N/A

#### **Other reports within stretch to which this representation also relates**

IGR 1, IGR 2, IGR 3, IGR 4, IGR 5, IGR 6, IGR 8, IGR 9, IGR 10, IGR 11, IGR 12.

**Summary of representation:**

[Redacted] notes that it was really encouraging to read of the positive changes being proposed to improve access for mobility vehicles as well as why it is not possible to improve matters in certain places. [Redacted] appreciates that Natural England will consider more accessible options when change is made to some sections of the route in the near future.

[Redacted] was also really pleased to read of the inclusion of some step-free routes that will be sign-posted to get around some unavoidable barriers and she thanks Natural England for our hard work on this, and for helping to open up the opportunities available to those with limited mobility.

**Natural England's comment:**

Accessibility

We welcome the positive engagement from [redacted] during the development of our proposals and the supportive comments made by The Disabled Ramblers' Association.

In developing our proposals for the England Coast Path we seek to balance the key principles set out in the statutory criteria for establishing the trail, namely: closeness to the sea (or estuary), sea views, safety and convenience (see section 4.1 of the Coastal Access Scheme). In doing this we always seek to avoid creating any unnecessary new barriers to access by choosing the least restrictive infrastructure that is practical in the circumstances.

Where there is a choice of routes (and taking into account the key principles outlined above), we will generally favour the one that is accessible to the widest range of people or most easily adapted for that purpose (section 4.3.8 of the Coastal Access Scheme). In addition and where appropriate, our proposals include further targeted adjustments to make the trail more accessible for people with reduced mobility, such as removing barriers to access and leaving gaps or signposting step-free routes (section 4.3.10 of the Coastal Access Scheme). We have indicated where we intend to remove barriers to access in the Accessibility section of each of the 12 reports.

In regard to the mention of future changes to the route, this comment is likely to be related to the potential roll-back identified in the reports. With any new route, Natural England and the relevant Access Authority (Medway Council) would seek to identify the most accessible route, balanced against the key principles described above, for the new trail alignment.