

Coastal Access – *Whitstable to Iwade*



Representations with Natural England's comments

January 2021

1. Introduction

This document records the representations Natural England has received on this compendium of reports from persons or bodies to the Secretary of State. It also sets out any Natural England comments on these representations.

2. Background

Natural England's report setting out its proposals for improved access to the coast between Whitstable to Iwade, Kent was submitted to the Secretary of State on Wednesday 21st June 2017. This began an eight-week period during which formal representations and objections about the report could be made. A representation about the report could be made during this period by any person on any grounds and could include arguments either in support of or against Natural England's proposals.

Natural England received 53 representations in total, 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 fifty-one representations made by other individuals or organisations, referred to as 'other' representations. Section 4 contains the supporting documents referenced in the representations.

3. Representation and comment record

Full Representations

Representation number:

MCA\Whitstable to Iwade\R\19\WSI1139

Organisation/ person making representation:

Kent Ramblers Association

Report chapter:

Whole Report

Route section(s):

WSI-2-S035 and WSI-2-S042.

Representation in full

On behalf of the Ramblers I am writing to give our full support to Natural England's report on the Whitstable to Iwade stretch of the England Coast Path published on 21st June 2017.

As stakeholders we have been fully consulted and agree the proposed route.

We particularly welcome the proposed improved access to the banks of the creek at Faversham.

We trust that Natural England will support Kent County Council in their attempt to create a public footpath onto and along the creekside walkways within Faversham Reach and Waterside Close residential estates, between sections WSI-2-S035 and WSI-2-S042.

While we appreciate Natural England's reasons for not choosing this option we would be very sorry to see the route proposed by Natural England as anything other than a temporary arrangement.

Natural England's comments

Natural England welcomes the Ramblers' support of the Whitstable to Iwade report, and we are grateful for their continued positive input into the development of the England Coast Path in Kent.

In relation to Faversham Reach and Waterside Close, we await the result of the January 2018 public inquiry into Kent County Council's proposals to create a public footpath along the Creekside.

Our report signals our intention to submit a variation report under section 55(1) of the 1949 Act to vary the line of the approved England Coast Path to the line of the new footpath should it be established here. Landowners and stakeholders will be consulted during the preparation of this separate variation report and will be given the opportunity to participate in its objections and representations process.

Representation number:

MCA\Whitstable to Iwade\52\WSI1139

Organisation/ person making representation:

Royal Society for the Protection of Birds (RSPB)

Report chapter: N/A

Route section(s)

Representation in full

The RSPB is pleased to have been consulted throughout the different implementation stages of this stretch. We have reviewed the final report and we are content with the proposed path for the stretch from Whitstable to Iwade. We are particularly satisfied that Castle Coote has been restricted from public access as well as most of the saltmarsh and mudflats. We are also pleased to have been made aware that geographic representation of restrictions under Section 25 and 26 will be available on Magic.gov and we would expect the same to be true for the National trail website. We find it important to have accurate map representation available online for those who either prefer to prepare in advance or exhibit a preference in using these communication channels. Given the technological advancements the RSPB also thinks it would be prudent that the ECP considered the development of a mobile application. Nevertheless, given the recreational pressure already present along this stretch the RSPB finds that

interpretation panels and online information might not be sufficient to ensure the access restrictions are properly followed. Measures to ensure compliance with restrictions on the route should be pro-active and the effectiveness of these measures needs to be monitored. Perhaps the ECP could consider wardens as a maintenance expense and therefore contribute to the existing strategic mitigation scheme for recreation in place for the Thames Estuary and Marshes, Medway Estuary and Marshes and The Swale SPA.

Specialist input

Natural England met with [REDACTED] in the early stages of the trail development and with [REDACTED] later on, in regard to our Access and Sensitive Features Appraisal. We also discussed where RSPB's land holdings were affected by the trail, during the development of the proposals.

Natural England's comments

Natural England welcomes RSPB's supportive comments on the trail and its helpful and positive comments throughout the development of the proposals.

It asked if restrictions will be shown on National Trail website maps. Information, including restrictions, will be shown if it helps people make a decision on whether or not to walk a particular stretch of the ECP. However, most restrictions will rely on signage and local management on the ground rather than being shown directly on the website. The National Trails website does however provide a link through to up to date maps showing all restrictions and exclusions in any given area, to allow accurate information to be provided to those planning their visit. See 'is it open all year?' (<https://www.nationaltrail.co.uk/england-coast-path-se/information>) and Natural England's CRoW & Coastal Access Maps webpage <http://www.openaccess.naturalengland.org.uk/wps/portal/oasys/maps/MapSearch>. The National Trails website can also highlight points of interest along the coast, and in light of the RSPB's comments, we can look into whether the 'Bird Wise' messages, currently being developed for the North Kent coast, could be incorporated into a feature on the website about the wildlife interest of the area.

The development of a mobile app for the England Coast Path is an idea that Natural England has considered, and will continue to do so. However, there are technical issues around the constantly evolving operating systems, and the need for regular upgrading to keep this up to date. Consequently, the development of a viable business model for a suitable app will very much depend on future sources of funding.

Natural England's proposals include the establishment of interpretation panels and increased signage at the more sensitive sites along this stretch of coast, such as Castle Coote. We consider that these, along with any additional on-line information about the value of the area, will bolster and improve the current access management measures on this busy stretch of coast and contribute significantly to public understanding and awareness and hence the protection of these sites. Wardens, as suggested by RSPB, would undoubtedly make a significant contribution to engaging the increasing local population of dog walkers and others about the important wildlife of the area, but we would consider that contributing to their ongoing costs would not be a proportionate response to the limited impacts of the England Coast Path. However, the provision of wardens as well as monitoring are fundamental elements of the Thames, Medway and Swale Estuaries – Strategic Management and Monitoring Strategy, funded through contributions from new, local housing developments. Natural England will continue to work with Kent County Council, local authorities and others as a member of the Strategic Plan Partnership Steering Group, to improve access management along this stretch of coast.

Other Representations

Representation number:

MCA\Whitstable to Iwade\R\37\WSI0022

Organisation/ person making representation:

[REDACTED], National Grid

Route section(s):

Chapter 1, Map 1f, Chapter 3, Map 3c, Chapter 4, Map 4a

Summary of representation:

The National Grid are concerned for the health and safety of Kent County Council staff when undertaking any ground works near OHLs as the path crosses under multiple points of the ZV overhead line route.

Natural England's comment:

Natural England has duly noted these concerns and will forward them on to KCC's Public Rights of Way team who undertake ongoing maintenance of the National Trail, once it is open. Should there be any areas of uncertainty, either ourselves or KCC will directly contact National Grid.

Relevant appended documents (see Section 5):

5A: National Grid Asset Map

Representation number:

MCA\Whitstable to Iwade\R\2\WSI0348

Organisation/ person making representation:

[REDACTED]

Route section(s):

WSI-1-S030, WSI-1-S031, WSI-1-S032, WSI-1-S033, WSI-1-S034, WSI-1-S035, WSI-1-S036, WSI-1-S037

Summary of representation:

[REDACTED] feels that the section of beach between Seasalter Beach and Beach Court Park could be made accessible to mobility vehicles by a) replacing proposed new steps at both ends with ramps, and b) hinging the top sections of the groyne so they can be kept open to allow access for mobility vehicles and closed during storm surges-

Natural England's comment:

Natural England welcomes the input from [REDACTED]. We try to avoid creating any new barriers to access by choosing the least restrictive infrastructure or favouring routes that are accessible to the widest range of people (Scheme 4.3.8-11). In this circumstance, Natural England considered how this proposed alignment could be improved to avoid having to step over the groyne tops where they protrude about 6-10 inches above the surface of the compacted shingle beach. We investigated the possibility of lowering the groyne tops but were advised by Canterbury City Council (who manage the coastal defences) of the need to maintain the integrity of the whole groyne structure for coastal protection reasons, which prohibits implementation of Mr Bowman's 'hinging' idea.

In regard to the steps on and off Seasalter beach, we would normally seek to use ramps to access areas of flat surface such as a beach. However, given the retention of the raised

groyne between the two sets of steps, for the reasons given above, the creation of two new ramps would not significantly benefit less able walkers at this point of the trail.

We considered another route around Seasalter Beach, inland of the railway line. This has a number of steps and is significantly longer (1.8km) with much more limited views of the sea. We considered that, on balance, aligning the trail on the existing walked, beach route provided a direct and pleasant route and that those less able would be able to enjoy the majority of the route.

Representation number:

MCA\Whitstable to Iwade\R\11\WSI1257

Organisation/ person making representation:

Whitstable Society

Route section(s):

Chapter 1 WSI-1-S006, WSI-1-S007, WSI-1-S008, WSI-1-S009, WSI-1-S010, WSI-1-S011, WSI-1-S012

Summary of representation:

The Whitstable Society has been working closely with the Whitstable Beach Campaign (WBC). It agrees with, and is fully supportive of, their many communications and representations on this matter. The Whitstable Society concurs fully with the WBC detailed Representation of 16 Aug 2017 and does not duplicate the points made in MCA\Whitstable to Iwade\R\54\WSI1205.

Essentially, the Society asserts that there are no valid grounds for our proposal to exclude access under the Countryside and Rights of Way Act to part of Whitstable Beach (see chapter 1).

Natural England's comment:

Please see our response to representation from Whitstable Beach Campaign (**MCA\Whitstable to Iwade\R\54\WSI1205**)

Representation number:

MCA\Whitstable to Iwade\R\42\WSI 0869

Organisation/ person making representation:

[REDACTED], Seasalter Chalet Residents Association

Route section(s):

Map 1d WSI-1-S052 to S054

Summary of representation:

The Seasalter Chalets Owners Association are in general in support of the Whitstable to Iwade ECP Report. It has however highlighted that the extinguished public footpath should be marked as such and be marked separately to the ECP trail to avoid confusion. (Note: its concern is that the extinguished public footpath that used to run directly in front of the chalets is still marked on the OS map.)

Natural England's comment:

We welcome the support of the Seasalter Chalet Owners Association for the route, and will ensure the England Coast Path will be clearly signed on the proposed alignment here. The England Coast Path will also be added to OS maps, in due course, as a National Trail.

The presence of an extinguished public footpath on the OS map should be raised directly with Ordnance Survey. We understand it has been removed from Kent County Council's definitive map and now needs removing from the latest OS maps. We have passed on the contact details for OS to [REDACTED], so she can get in touch directly.

Representation number:

MCA\Whitstable to Iwade\R\54\WSI1205

Organisation/ person making representation:

[REDACTED], Whitstable Beach Campaign (1 of 3 representations)

Route section(s):

Chapter 1, WSI-1-S001, WSI-1-S002, WSI-1-S003, WSI-1-S004, WSI-1-S005, WSI-1-S006, WSI-1-S007, WSI-1-S008, WSI-1-S009, WSI-1-S010, WSI-1-S011, WSI-1-S012, WSI-1-S025, WSI-1-S026

Summary of representation:

This representation contains a detailed legal submission by [REDACTED], solicitor for Whitstable Beach Campaign (supporting evidence). It maintains that oyster fishing activities by the Whitstable Oyster Company (WOFC) are illegal. Natural England should not therefore be proposing a restricted area around the oyster trestles unless, or until, the WOFC is in possession of a license from the Marine Maritime Organisation (MMO). Their understanding is that the installed equipment is illegally placed whereas the NE's proposed restriction implies that it is legal. They assert that there is no valid reason for this restriction to be included in the NE Report.

It also questions whether Landward Coastal Margin extends across the beach at WSI-1-S025 & S026.

Natural England's comment:

In making our proposals for a restriction immediately around the oyster trestles belonging to the Whitstable Oyster Company, we sought to strike a fair balance between public interests and commercial operational needs (Coastal Access Approved Scheme Chapter 5, p41). The landowner raised concerns regarding the impact of increased public access on the commercial oyster fishing in the area, while local residents were concerned over any restriction on the de-facto access across the intertidal flats. We considered that access on the intertidal area was unlikely to change significantly as a result of our proposals, but that in order to carry out uninterrupted maintenance of the rows of metal trestle, a direction around just the trestles would be appropriate and would be made in line with the 'least restrictive principle' (Coastal Access Approved Scheme Chapter 6.3, p46).

As with any direction, this exclusion 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.

It is not within our remit to decide whether or not the activities of the Whitstable Oyster Company are legal; however, if the activities of the WOFC are, at some point in the future, deemed to be illegal, we will review the restriction around the trestles and remove it if it is no longer appropriate.

An investigation into this issue by the MMO, under its marine licensing remit, is still ongoing. We also understand that a report by the Maritime and Coastguard Agency, looking at navigational risks in relation to oyster farm activity in the Whitstable area, has concluded that the farm's operations pose a low risk to marine navigation.

Under Defra's revised approach to management of fishing activity, all fishing activity and gear types in designated sites for nature conservation importance (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Marine Conservation Zones (MCZs)) are being assessed via a risk-based, prioritised process under the Habitats Regulations or the Marine and Coastal Access Act respectively. In respect to the Whitstable area, we do not know when this will happen.

In regard to Landward Coastal Margin boundary at WSI-1-S025 & 026, we can confirm that it *does* extend up across the beach to the seawall (reference Table 1.2.1 Section Details – Maps 1a to 1g: Whitstable Harbour to Nagden), but is not visible on the map at this scale.

Updated 03/11/20: An MMO investigation into the navigational impacts of the oyster trestles concluded 'that the farm's operations are acceptable as a low risk to marine navigation. It also recommended mitigation to reduce the risk even further, although acknowledging that the farm's owners have already adopted this in some instances'.

A planning enforcement notice was issued on the trestles by the Local Planning Authority (Canterbury City Council), and a public inquiry into this is currently planned for 2021 (having been delayed from 2020).

Relevant appended documents (see Section 5):

5B: Supporting Photographs 1, 2 and 3

5C: Legal submissions by Whitstable Beach Campaign Solicitor; [REDACTED]

Representation number:

MCA\Whitstable to Iwade\R\55\WSI1205

Organisation/ person making representation:

[REDACTED], Whitstable Beach Campaign
(2 of 3 representations)

Route section(s):

WSI-1-S029 to WSI-1-S035

Summary of representation:

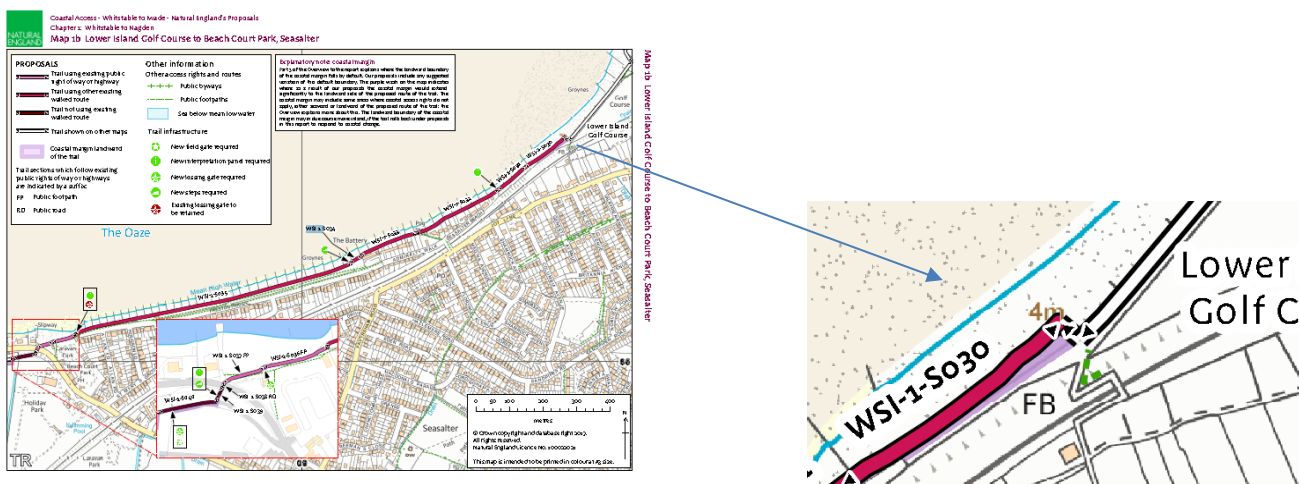
Whitstable Beach Campaigners (WBC) support a route along Seasalter Beach but make the following suggestions:

- a) Additional landward coastal margin is sought between sections WSI-1-S030 and S031 and the railway line, which falls under Village Green status (VG222) and affords continuity of walking and uninterrupted sea views
- b) At WSI-1-S034 and S035: the landward coastal margin should include the triangular section of beach between proposed route and the sea wall. Otherwise, WBC supports the proposed route along this concrete path.
- c) At WSI-1-S035 (western end): Near to proposed information panel, 2 sets of steps have been fenced off therefore restricting access to the beach from the path.
- d) At end of path section WSI-1-S031: The proposed information panel should say that this is a Village Green (VG126) and that local residents may launch boats, etc. Note: this activity has co-existed with recreational use by the general public since the Village Green was registered in the 1960's.

Natural England's comment:

- a) The representation highlights a mapping error on Map 1b. The report identifies the landward extent of the coastal margin as the sea wall (Chapter 1: WSI-1-S030 & S031). Both the beach and the sea wall (by virtue of it being a barrier) are 'default coastal land types' and are therefore automatically included as landward coastal margin (LCM). Map 1b does not currently show this clearly.
The land referred to in the representation is not a default coastal land type and therefore it would not automatically become landward coastal margin. However, it is an existing Village Green and already provides access rights to the local residents of the area.

We recommend that the Secretary of State should approve the amended Map 1b, as shown below:



- b) Landward Coastal Margin proposal, highlighted in Table 1.2.1, for WSI-1-S034 & 035 is to align to a default land type: the seawall. This area of beach is within the LCM but is not visible on Map 1b at this scale.
- c) The fenced off steps mentioned on section WSI-1-S035 would not create any obstruction to the proposed trail alignment. The land manager does not have a duty to provide access to the spreading room and may continue to manage their land as they see fit. Matters relating to means of access to spreading room can be discussed with the access authority (Kent County Council).
- d) We thank WBC for their suggestion on wording notices at section 1.1.20, chapter 1 of the report. Our proposals for information panels to clarify the route and alert walkers to activities taking place on the beach, such as boat launches, may be able to include reference to the Village Green. We will consider this, in terms of design and clarity, when developing the signage.

Relevant appended documents (see Section 5):

- 5D: Extract of NE Map
- 5E: Photographs 4, 5, 6, 7 and 8
- 5F: Plan showing Common Land and Village Greens in Whitstable

Representation number:

MCA\Whitstable to l Wade\156\WSI1205

Organisation/ person making representation:

[REDACTED], Whitstable Beach Campaign

(3 of 3 representations)

Route section(s):

Chapter 1; WSI-1-S040, WSI-1-S041, WSI-1-S042, WSI-1-S043, WSI-1-S044, WSI-1-S045, WSI-1-S046, WSI-1-S047, WSI-1-S048, WSI-1-S049, WSI-1-S050, WSI-1-S051, WSI-1-S052

Summary of representation:

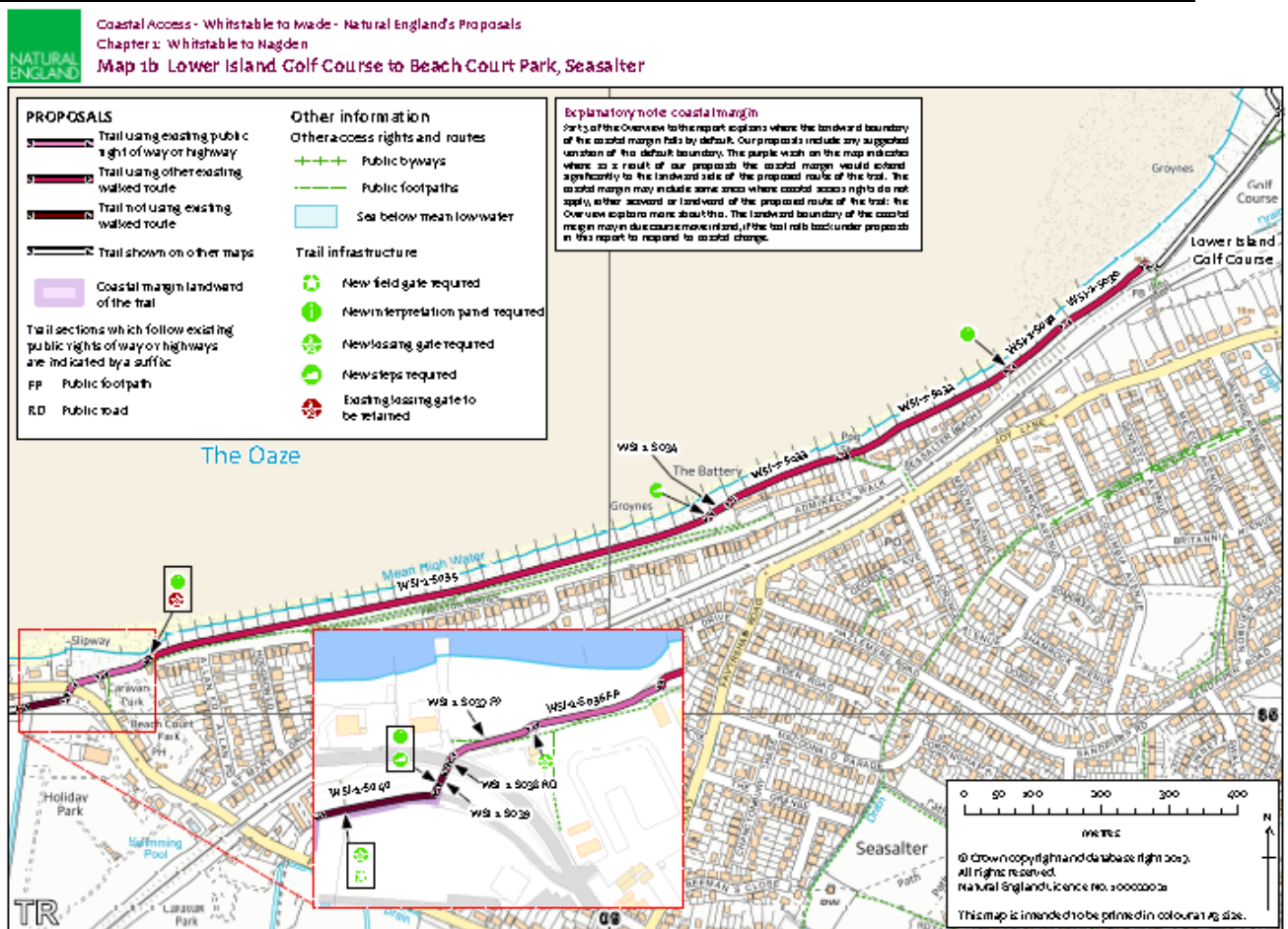
- a) At route section WSI-1-S040 to S041(Map 1b), some existing fencing down a bund, consisting of metal rail and stock wire, is obstructing the route at present.
- b) On route sections WSI-1-S041 to S046, WBC is pleased that seaward areas fall within the coastal margin. Also appreciate landward views of salt marshes and small waterways.
- c) On route sections WSI-1-S045 to S052, enlarged section on map refers to new cycle chicane and information board but could find no explanation of these in report.

Natural England's comment:

- a) We welcome this representation as it has highlighted a mapping error relating to WSI-1-S040 and WSI-1-S041 on Map 1b Lower Island Golf Course to Beach Court Park, Seasalter. In light of this, we have had further discussions with the relevant interest (Environment Agency) who owns the land in question, and two bodies who have way-leave rights over the land (RSPB and Alberta Parks Holidays). They have agreed, in principle, a minor amendment to the proposed alignment, landward coastal margin and infrastructure and we are currently awaiting their legal team's letters to support this change, which we will pass on to you directly we receive them.

This minor realignment does not affect the details listed for WSI-1-S040 and WSI-1-S041 in our report (see Table 1.2.1 Section Details – Maps 1a to 1g: Whitstable Harbour to Nagden), as the surface and landward boundary descriptions do not change. The details of our formal proposals for these sections, outlined in Part 1.3: Chapter 1- Formal Proposals also require no change. However, the map would need amending to show the new alignment of WSI-1-S040 and WSI-1-S041, associated infrastructure and area of landward coastal margin, as shown below.

We recommend that the Secretary of State approves the amended Map 1b below.



Map 1b Lower Island Golf Course to Beach Court Park, Seasalter

- b) We welcome this support.
- c) Chapter 1 of the report (1.1.22) states that an information sign will be erected at the top of each of the steps, asking people to respect the privacy of residents living seaward of the bund by staying on the trail. It does also state that a new chicane barrier to prevent motorcycle use will also be installed here, at the top of the steps between WSI-1-S044 and S045.

Updated 03/11/20: The Environment Agency (and the other adjacent landowners) came back to us to say that they did not own a small parcel of land (14m long) along the

suggested re-alignment. We checked with Land Registry – and the land is not registered. We posted signs on the site to ascertain ownership for a period of 8 weeks. No responses were made to these notices.

Relevant appended documents (see Section 5):

5G: Photographs 9, 10 and 11

Representation number:

MCA\Whitstable to Iwade\R\4\WSI1114

Organisation/ person making representation:

[REDACTED], Faversham Footpath Group

Route section(s):

Chapter 2 Overview WSI-2-S015, WSI-2-S016

Summary of representation:

Faversham Footpath Group (FFG) disagrees with the proposed restriction at Iron Quay because a 2005 Public Rights of Way Inquiry had already identified the need for a footpath wide enough (5 – 10m) to allow flexibility for commercial activity. The group also state that: 'flexible arrangement resulting from the inquiry has had no detrimental effect on the operations of the boatyard, has hindered any non-commercial activities or has endangered safety'. FFG also object to the proposed information panels on the grounds that they are unnecessary, inappropriate on a right of way, and could be regarded as intimidating.

The Faversham Footpath Group also states that Natural England did not involve them in discussions over this proposal to restrict new coastal access rights at Iron Quay.

Natural England's comment:

In arriving at our proposals for a direction to exclude access on this small section of Iron Quay, we sought to strike a fair balance between public interests and commercial operational needs (Coastal Access Approved Scheme Chapter 5, p41). The landowner expressed concern that this particular part of the quayside seaward of WSI-2-S015, is heavily used for commercial boat maintenance and that new coastal access rights to the water's edge would be disruptive to those activities and dangerous.

Our proposed alignment for the trail at WSI-2-S015 utilises an existing public footpath. The public footpath (shown as a blue dotted line on the map below) has a variable width of 5m to 10m wide to allow access through the area, as explained in the representation summary (above). Public access will continue in line with current arrangement through the working boat yard on the PRow, but by excluding access to the coastal margin, we have avoided safety concerns along the quay edge where machinery may be in use. This will be made clear in the direction notice.

We feel that new signage is necessary because many long distant walkers - unlike local people - would be unfamiliar with the special and unusual arrangements in place and that an information board would inform them of the need for vigilance and care while passing through the boatyard.

Natural England does accept that, through oversight, it failed to update Faversham Footpath Group on this proposal to restrict new coastal access rights at Iron Quay. In considering their

views now, we still consider that the direction here is necessary as new public access over the quayside would be incompatible with its commercial use (see above).

Because of the extensive consultation Natural England has held with the Faversham Footpath Group (FFG) over the alignment of the coast path through Faversham, and in view of the fact these discussions did not include this particular direction, the FFG have requested that the Inspector is provided with all of the evidence they have submitted. This has therefore been submitted, as requested, in a separate folder labelled on Huddle: Iron Quay/ Faversham Footpath Group evidence.



Relevant appended documents (see Section 5):

5H: The Order Decision by Kent County Council regarding status of public footpath at Iron Wharf

Representation number:

MCA\Whitstable to Iwade\R\5\WSI0764

Organisation/ person making representation:

[REDACTED]

Route section(s):

Map 2b: WSI-2-S036 to WSI-2-S038

Summary of representation:

The representation supports the alignment of the trail along a right of way around the boundary of Faversham Reach Estate, as cost effective and sensible.

Natural England's comment:

Natural England welcomes the support for this alignment.

Representation number:

MCA\Whitstable to Iwade\R\12\ WSI1271

Organisation/ person making representation:

The Faversham Society [REDACTED]

Route section(s):

Chapter 2 Maps 2a, 2b

Summary of representation:

The Faversham Society works to preserve the heritage and fabric of the historic town of Faversham and its surrounding parishes. Created in response to modernisation and the loss of historic buildings in Faversham, the Society aims to ensure that Faversham's individual sense of place and outstanding heritage features are not lost.

The Faversham Society wishes to express its support for the proposals for the Faversham sections of the England Coast Path as set out in the coastal access report issued by Natural England (maps 2a, 2b and 3a).

Natural England's comment:

Natural England welcomes the support of Faversham Society.

Representation number:

MCA\Whitstable to Iwade\R\13\WSI1184

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2 and Overview

Summary of representation:

This representation states that it broadly reflects the concerns regarding a proposed direction at Iron Quay, adjacent to WSI-2-S015, expressed in the representation (MCA\Whitstable to Iwade\R\4\WSI1114) submitted by the Faversham Footpath Group (FFG).

In addition:

- a) The excluded area between the crane and the White Bridge is already a public footpath (ZF39), and a restriction could deter people from walking on it.
- b) The structures at the eastern end of the quay, opposite WSI-2-S015, are temporary, they don't permanently obstruct the footpath therefore a restriction is unnecessary.
- c) It follows therefore that if there is no restriction, there is no need for any signage to explain it.

Natural England's comment:

- a) The proposed restriction does not include the public footpath but extends from the seaward boundary of the path to the edge of the Creek. See the Restriction map in our comments on MCA\Whitstable to Iwade\R\4\WSI1114). New signs will help clarify the access arrangements in this area.
- b) Access along the footpath is well established and will continue to be used. In regard to the land along the Creekside, Natural England has taken account of the stated land use of the area in developing our proposal for a direction here. We have a duty to review directions regularly and can also review them if the circumstances change. If the land use or other factors affecting the land covered by our proposed direction change in the future, we will take any new circumstances into account at a review.

- c) With or without a restriction there is a need to explain to walkers, unfamiliar with the unusual arrangements of this particular stretch, that they must exercise caution and vigilance while passing through the boatyard.

For further information on our decision regarding this direction, please see MCA\Whitstable to Iwade\R\4\WSI1114.

Representation number:

MCA\Whitstable to Iwade\R\14\WSI0576

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2 and Overview

WSI-2-S041 (Waterside Close, Faversham)

Summary of representation:

[REDACTED] view is that this is a gated 'live and work in' development, with CCTV required as part of its planning permission. The space is both domestic and commercial and the common land should be regarded as park and gardens because its maintenance and recreational use is paid for by the owners and occupiers through estate charges. There are no public rights of way to the estate. There is concern that unless Waterside Close is regarded as 'excepted land', privacy, houses, and general security will be placed at risk.

Natural England's comment:

This representation states that the gated development at Waterside Close should be considered **excepted land**. It also raises concerns that if coastal access rights apply the current **privacy and security** of the development would be at risk.

A range of similar issues have been raised in 14 other representations from residents of Waterside Close. Our comments on these are outlined below, with any other specific issues commented on under the individual representations.

The development as a whole should be considered excepted land: Waterside Close falls into the coastal margin created by the proposed alignment in Faversham (sections WSI-2-S038 to S040). The wide margin at this point encompasses this gated residential development, which contains a number of houses with walled/fenced gardens, a private entrance road, a creekside walkway and a slipway. The development has one, gated, entrance point which is currently kept open.

We discussed a number of options for the trail alignment with the residents and Waterside Residents Association Ltd (WRAL), between 2015 and 2017. Our proposed inland trail alignment received the most support from home owners and the Residents Association as they would prefer to not have a trail aligned through the estate. However, many residents consider that the private estate should be classed as **excepted land**. Natural England does not have a formal role in identifying excepted land, nor do we map excepted land in our proposals. Ultimately only the courts can decide, if called upon, whether land is excepted or not.

However, during the development of our proposals we advised the residents that whilst much of the estate would be excepted land, in our opinion some of the estate land would not sit comfortably with the categories laid out in Schedule 1 to CROW, as amended. We gave the communal open spaces, walkway and private roads as examples of where we thought this might be the case. The statutory methodology also makes it clear that private roads per se are not excepted land (Coastal Access Approved Scheme: 'Private roads' 8.27.3 p152).

We are aware that many of the residents believe that these communal spaces form part of their gardens but we do not believe this is the case because each house has its own garden that is clearly enclosed land and fits Defra's description in a way the open spaces do not (see Defra guidance). Some residents also consider the open spaces should be classed as a 'park'. Our opinion is that the communal areas within Waterside Close are not a municipal recreation ground or play area, as defined by Defra's guidance and the open spaces within it are not the landscaped grounds associated with just one house, such as a country house. We also do not consider that the whole of the gated community, as defined by its walled boundaries would fulfil the excepted land category of 'land covered by buildings or the curtilage of such land'. While the houses and discrete gardens are undoubtedly excepted land, the term 'curtilage' generally means a small area, forming part and parcel with just one house or building to which it is attached – rather than a collection of houses, such as along Waterside Close.

Of course, landowners may form their own opinions and are within their rights to erect signs identifying areas of excepted land, so long as they are not misleading. Ultimately though, Defra's view is that the interpretation of curtilage, garden and park would be a matter for the Courts to decide if the landowners' view of excepted status were challenged.

Disturbance to events, security and privacy: Waterside Close is a cul-de-sac adjacent to Faversham Creek, with no obvious pedestrian through-route to the countryside north of Faversham town and only one entrance point in and out of the estate. As such, it is unlikely to attract many walkers seeking to walk further along the creekside. Where land such as this falls into the coastal margin, Natural England always looks to adopt the least restrictive option in all cases where intervention is needed (6.1.4 & 6.3). In these circumstances a number of informal management techniques could be employed if access were to increase – primarily the closing of the pedestrian and/or vehicular gate to the development at the estate's one entrance point. Most walkers would also avoid obvious communal gatherings and additional measures such as informal signs or roping off areas temporarily could help alert people to these activities.

The types of management techniques outlined above should be sufficient to alert any walkers here of communal events and avoid significant disruption or disturbance to the peace, safety and security of the area. In light of this, we do not consider a direction to exclude coastal access rights under any of the available criteria (land management, public safety, fire prevention, nature conservation or heritage preservation) is an appropriate or necessary response. In the future, if further concerns do arise, the Waterside Residents Association Ltd or the relevant landowner could contact Natural England to seek a direction on the affected parts of the communal areas.

Health & safety risk on the slipway: Signage already exists on the slipway at Waterside Close to alert people to the presence of deep mud in the creek. The need for a safe and convenient route is highlighted in 4.1.1 of the Scheme – and with the trail some distance inland from the slipway at this point (see discussion above about the anticipated low use of the estate by the public), we do not consider that significant through-traffic will be created close to the slipway. Most people understand that the coast and maritime environments can be dangerous places and Faversham is a maritime town with many quaysides, pontoons and associated hazards along the creek which local people would be familiar with. One of our key principles is that people take primary responsibility for their own safety and for their children (4.2) and that our approach should be risk based and light touch, aiming to minimise any safety measures that would be restrictive on public access or enjoyment.

We recognise that people have got into trouble in the mud here, and within our proposals (chapter 2 and the Overview), we have proposed that there will be *no* new right of access below the Mean High Water mark on the slipway, so as not to encourage access on to the mud. We have proposed a s25A direction to exclude the new access rights from all the intertidal mud of Faversham Creek due to its dangerous and unsuitable nature. Residents can continue to ask

people not to go down onto the mud on the slipway, and Natural England can provide them with 'no access' signs to help further highlight this.

Representation number:

MCA\Whitstable to Iwade\R\15\WSI1114

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2 and Overview

Summary of representation:

[REDACTED] makes the following points that are in addition to those made in Faversham Footpath Group's representation:

- a) NE was too ready to accept Iron Quay owner's case for a restricted area.
- b) [REDACTED] contends that the area of wharf where an exclusion of new coastal access rights are proposed is the area least used for maintenance activities and suggests the owner has future plans to reserve that area for private use.
- c) [REDACTED] is concerned that: 'if the proposed exclusion from the coastal access provisions is implemented and signs erected, that this will lead to greater obstruction of the public footpath and to unnecessary conflict'.

Natural England's comment:

a) In arriving at our proposals for a direction to exclude access on this small section of Iron Quay, we sought to strike a fair balance between public interests and commercial operational needs (Coastal Access Approved Scheme Chapter 5, p41). The landowner expressed concern that this particular part of the quayside, seaward of WSI-2-S015, is heavily used in relation to boat maintenance and that coastal access rights to the water's edge would be disruptive to those activities.

b) Maintenance takes place in all areas of the boatyard; however, the owner's main concerns are at the eastern end - where the restriction is proposed – due to commercial activities at the water's edge. The owner expressed less concern about the western end of the quay which is kept relatively clear. The point was made to the owner that if the commercial operations changed or ceased then Natural England would have to review the need for the direction.

c) The proposed direction only relates to land seaward of the trail/PROW and should not lead to any increased obstruction. Signs will highlight to walkers unfamiliar with the unusual arrangements of this particular stretch, the need to exercise vigilance and flexibility while passing through the boatyard.

Representation number:

MCA\Whitstable to Iwade\R\16\WSI1272

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2 and Overview

WSI-2-S015, WSI-2-S016

Summary of points from representation and Natural England comments:

This representation broadly reflects the concerns expressed in the representation (MCA\Whitstable to Iwade\R\14\WSI1114) submitted by the Faversham Footpath Group (FFG).

However, [REDACTED] representation does include some very detailed information on the unusual arrangements for public access through the boatyard at Iron Quay and some additional points are outlined below:

- a) [REDACTED] states that width of footpath (10-15m) allows walkers to walk along water's edge along both sections of the proposed path (Chapter 2, WSI-2-S015 to WSI-2-S016) which means that any ECP restriction would be meaningless.
- b) The Inspector's decision in 2005 set the width of the path at 10 - 15 m to allow for flexibility around commercial activities. There have been no problems or disputes that have arisen over this.
- c) There is no evidence that the flexible arrangement in place since 2005 has had an adverse effect on either safety, or on any work that has taken place in the boatyard. Also, there is evidence that area of proposed restriction was recently used for a marquee, with a sign on footbridge saying path was temporarily closed, and this suggests a desire to exclude the public so the area can be used for private purposes.
- d) The structures in the area concerned - old railway wagons - are only temporary structures and the area on which they are sited should not therefore be the subject of a permanent order.
- e) Why should Iron Wharf be treated differently to Standard Quay (where the proposal is to create a new path along the working quayside)?

Additional Note

Because of the extensive consultation Natural England has held with the Faversham Footpath Group (FFG) over the alignment of the coast path through Faversham, and in view of the fact that we did not discuss this particular direction with them, [Redacted] – on behalf of the FFG – has requested that all of the evidence submitted with this representation is taken into account.

Natural England's comment:

- a) The public footpath is 12.5m from the water's edge. See map MCA\Whitstable to Iwade\R4\WSI1114). Because the PROW is between 5 and 10m wide, its boundaries are, at the most, 5m either side of the path and therefore do not provide access to the creekside. Conversely, the coastal margin does extend to the water's edge, hence the landowner's concerns.
- b) The eastern end of the footpath does not extend to the water's edge. This means there has been no legal access into the area that the directions to exclude access are proposed. We believe that for this reason no dispute has arisen.
- c) The owner has asked for a restriction on new coastal access rights on this part of the wharf because he believes it will interfere with his commercial operation. Natural England can review restrictions at any time if it is felt that the reasons for the direction to exclude access have changed.
- d) The direction has been proposed based on the reported commercial activities / land use along the water's edge, rather than the position of any temporary structures. If this land use changed significantly then Natural England could review the need for the direction.
- e) Access to the eastern end of Iron Quay is not encouraged - and indeed is difficult - due to commercial activities and its associated equipment. Conversely, there is existing public access to Standard Quay and this is encouraged through information boards about the history of the boats moored at the quayside.

Relevant appended documents (see Section 5):

5I: Public Inquiry 2005 document

5J: Order Decision 2005 Document

5K: Proof of Evidence for Inquiry 2005

Representation number:

MCA\Whitstable to Iwade\R\17\WSI0374

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2 and Overview WSI-2-SO41(Waterside Close, Faversham)

Summary of representation:

Currently, the residents of Waterside Close, Faversham can challenge third parties entering the private, gated estate. New coastal access rights would mean they could no longer do so. This will result in a loss of peace, privacy and security on a private, gated residential estate. Activities in the communal part of the estate (BBQs etc) would be jeopardised if the public had access to the area. The whole estate should be considered a Park and be classed as excepted land.

Natural England's comment:

The issues of **excepted land, privacy, peace and security** have also been addressed in representation **MCA\Whitstable to Iwade\R\14\WSI0576** and we refer you to our comments there.

Representation number:

MCA\Whitstable to Iwade\R\24\WSI0375

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2, Overview and WSI-2-SO41 (Waterside Close, Faversham)

Summary of representation:

The 'common land' of Waterside Close is owned and held in trust for the benefit of the residents. The lack of 'through-access' and the lack of views across the countryside on one side of the development severely reduces the benefit of offering public access on foot, whilst the lack of 'through-access' on the creek-side will detract from any overall sense of enjoyment.

Conversely the presence in Waterside Close of uninvited members of the public will severely dis-benefit and inconvenience Waterside residents, particularly during the weekend and in 'unsocial hours'.

Waterside Close should be classified as 'Excepted Land' and the Report to the Secretary of State to be amended accordingly.

Natural England's comment:

The issues of excepted land, privacy, peace and security have also been addressed in representation **MCA\Whitstable to Iwade\R\14\WSI0576** and we refer you to our comments there.

Representation number:

MCA\Whitstable to Iwade\R\25\WSI0305

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2, Overview and WSI-2-SO41 (Waterside Close, Faversham)

Summary of representation:

The representation raises concern over Waterside Close not being included as excepted land when it is a gated live/work development. The common land should be considered as parks and

gardens, as it is used and maintained by residents, through the Waterside Residents Association Ltd. CCTV is required on site as part of the planning permission.

There is no public right of way through the development and unless the area is considered excepted land the private location, quiet enjoyment, dwellings and business and security will be placed at risk.

Natural England's comment: This representation considers that the gated development at Waterside should be considered as excepted land– as a live/work development and as park and gardens. It also raises concerns that if coastal access rights apply the current privacy and security of the development would be at risk.

The issues of excepted land, privacy, peace and security have been addressed in representation **MCA\Whitstable to Iwade\R14\WSI0576** and we refer you to our comments there.

Representation number:

MCA\Whitstable to Iwade\R26\WSI0789

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2, and WSI-2-SO41 (Waterside Close, Faversham)

Summary of representation:

The representation raises concern over Waterside Close not being included as excepted land when it is a gated live/work development. The common land should be considered as parks and gardens, as it is used and maintained by residents, through the Waterside Residents Association Ltd. CCTV is required on site as part of the planning permission.

There is no public right of way through the development and unless the area is considered excepted land the private location, quiet enjoyment, dwellings and business and security will be placed at risk.

Natural England's comment:

This representation considers that the gated development at Waterside should be considered as excepted land– as a live/work development and as park and gardens. It also raises concerns that if coastal access rights apply the current privacy and security of the development would be at risk.

The issues of excepted land, privacy, peace and security have been addressed in representation **MCA\Whitstable to Iwade\R14\WSI0576** and we refer you to our comments there.

Representation number:

MCA\Whitstable to Iwade\R27\WSI0437

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2, Overview and WSI-2-SO41 (Waterside Close, Faversham)

Summary of representation:

The representation raises concern over Waterside Close not being included as excepted land when it is a gated live/work development. The common land should be considered as parks and

gardens, as it is used and maintained by residents, through the Waterside Residents Association Ltd. CCTV is required on site as part of the planning permission.

There is no public right of way through the development and unless the area is considered excepted land the private location, quiet enjoyment, dwellings and business and security will be placed at risk.

Natural England's comment:

This representation considers that the gated development at Waterside should be considered as excepted land– as a live/work development and as park and gardens. It also raises concerns that if coastal access rights apply the current privacy and security of the development would be at risk.

The issues of excepted land, privacy, peace and security have been addressed in representation **MCA\Whitstable to Iwade\R14\WSI0576** and we refer you to our comments there.

Relevant appended documents (see Section 5):

5L: Additional information to question five regarding an invasion to [REDACTED] privacy and security

5M: Map of representor's residence

Representation number:

MCA\Whitstable to Iwade\R28\WSI0637

Organisation/ person making representation:

[REDACTED] and [REDACTED]

Route section(s):

Chapter 2, Overview and WSI-2-SO41
(Waterside Close, Faversham)

Summary of representation:

The representation raises concern over Waterside Close not being included as excepted land when it is a gated live/work development. The common land should be considered as parks and gardens, as it is used and maintained by residents, through the Waterside Residents Association Ltd (WRAL).

The Close was granted planning permission in 1997 as business units with associated residential development and was designed and is used as a live/work location. The communal land is owned by residents, through WRAL and is secured through a gated entrance, Security via CCTV is required as part of the planning permission.

There is no public right of way through the development and unless the area is considered excepted land the private location, quiet enjoyment, dwellings and business and security will be placed at risk.

Natural England's comment:

This representation considers that the gated development at Waterside should be considered as excepted land– as a live/work development and as park and gardens. It also raises concerns that if coastal access rights apply the current privacy and security of the development would be at risk.

The issues of excepted land, privacy, peace and security have been addressed in representation **MCA\Whitstable to Iwade\R14\WSI0576** and we refer you to our comments there.

Relevant appended documents (see Section 5):

5N: Photo: Entrance to Waterside Close

Representation number:

MCA\Whitstable to Iwade\R30\WSI0701

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2 Overview WSI-2-SO41 (Waterside Close, Faversham)

Summary of representation:

The representation raises concern over Waterside Close not being included as excepted land when it is a gated live/work development. The common land should be considered as parks and gardens, as it is used and maintained by residents, through the Waterside Residents Association Ltd (WRAL).

The Close was granted planning permission in 1997 as business units with associated residential development and was designed and is used as a live/work location. The communal land is owned by residents, through WRAL and is secured through a gated entrance, Security via CCTV is required as part of the planning permission.

The slipway is hazardous for children from neighbouring housing, with deep water and dangerous mud. Children have been in trouble even though warned by resident and emergency services have had to be called to assist people in difficulty. Residents cannot be expected to maintain safety for the general public.

There is no public right of way through the development and unless the area is considered excepted land the private location, quiet enjoyment, dwellings and business and security will be placed at risk.

Natural England's comment:

This representation considers that the gated development at Waterside should be considered as excepted land – as a live/work development and as a park or garden. It also raises concerns about the safety of the slipway and residents' responsibilities and that if coastal access rights apply the current privacy and security of the development would be at risk.

The issues of **excepted land, health & safety** of the slipway, **privacy, peace** and **security** have been addressed in representation **MCA\Whitstable to Iwade\R14\WSI0576** and we refer you to our comments there.

Relevant appended documents (see Section 5):

5O: 8 Photos of Waterside Close

Representation number:

MCA\Whitstable to Iwade\R\32\WSI1149

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2, Overview and WSI-2-S015, WSI-2-S016

Summary of representation:

[REDACTED] welcomes the coast path proposals overall but objects to the proposal for restriction at Iron Wharf. Most of the comments made by [REDACTED] are reflected in submissions by Faversham Footpath Group (FFG) and [REDACTED].

[REDACTED] does make the additional point that: 'there is little logic in highlighting this particular part of the boatyard. Although a mobile crane is usually sited at the western end of proposed exclusion area, and it is normally necessary for walkers to go around it, the remainder of the area concerned is no more subject to commercial activities than the rest of the quayside'.

Natural England's comment:

Please see our response to MCA\Whitstable to Iwade\R\4\WSI1114 and MCA\Whitstable to Iwade\R\16\WSI1272.

In addition: The whole of the boatyard is subject to commercial activity and the 5 -10m wide footpath has been adopted to allow flexibility for this. At the western end (WSI-2-S016), the edge of the creek is generally clear and there is space for the footpath to run along it. However, at the eastern end (WSI-2-S015), the owner feels that public access would be more likely to disrupt the commercial activity.

Representation number:

MCA\Whitstable to Iwade\R\33\WSI0798

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2 Overview WSI-2-SO41 (Waterside Close, Faversham)

Summary of representation:

The representation raises concern over Waterside Close not being included as excepted land when it is a gated live/work development. The common land should be considered as parks and gardens, as it is used and maintained by residents, through the Waterside Residents Association Ltd (WRAL). The Close was granted planning permission in 1997 as business units with associated residential development and was designed and is used as a live/work location. The communal land is owned by residents, through WRAL and is secured through a gated entrance, Security via CCTV is required as part of the planning permission.

There is no public right of way through the development and unless the area is considered excepted land the private location, quiet enjoyment, dwellings and business and security will be placed at risk.

From a personal perspective [REDACTED] is a lone parent with a view to [REDACTED] own safety as a lone parent and that of [REDACTED] who suffers with acute paranoid schizophrenia. As [REDACTED] finds being amongst strangers both stressful and frightening, the importance of being part of a secure, small community was pivotal in the decision to purchase the property. Waterside Close offers only limited exposure to a few neighbours and

the wellbeing of both [REDACTED] and [REDACTED] will be significantly jeopardised should the present arrangements with regard to the right of access be altered.

Natural England's comment:

The issues of excepted land, personal safety and privacy, peace and security have been addressed in representation **MCA\Whitstable to Iwade\R14\WSI0576** and we refer you to our comments there.

In addition, Natural England recognises [REDACTED] concerns over the reasons for purchasing the property here and the relative safety that the area provides for her and her son. The proposed alignment of the England Coast Path is quite a distance inland and away from the development at Waterside Close and [REDACTED] property. With the lack of through-route along the creek to the countryside beyond, we do not envisage a significant increase in walkers along the Creekside walkway.

We consider that access management techniques, alongside the current CCTV, could be used effectively to help maintain the quiet cul-de-sac nature of this development, primarily by closing the pedestrian entrance gate at the one entrance point to Waterside Close.

Representation number:

MCA\Whitstable to Iwade\R51\WSI0297

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2 and Overview WSI-2-SO41 (Waterside Close, Faversham)

Summary of representation:

- *Excepted land and domestic curtilage*
The representation contains a detailed review and opinion making the case that the whole residential development of Waterside Close is excepted land, under Schedule 1 to CROW. Concerns are noted about the lack of clarity of Schedule 1.
- *Security and Privacy*
The representation highlights the premium paid on homes in a gated community, and concerns over a right of public access so close to No 2 Waterside Close's front door. Increasing crime rates of late have led to upgrading a CCTV system and concerns that this investment will be redundant if people have the right of access and cannot be asked to leave the development. An increase in antisocial behaviour, especially regarding dog mess and litter is a concern regarding who will manage and maintain the area in good condition.
- *Health and Safety*
The dangerous nature of the creek mud is raised, as a number of incidents of children falling through the railings or people getting into difficulties on the muddy slipway have been reported, with children often using the area unattended by adults. Concerns raised over no health and safety assessments, despite pointing out these concerns, and considers this goes against the Coastal Access scheme (paragraph 4.1.1).
- *Recreational benefit*
The representation states that balance has not been met in this instance, as views of car parks, car wash and junk yards are not likely to provide any recreational benefit for the public. In addition, the whole process of the ECP has been confusing, time consuming and distressing, and the objector's interests have not been adequately considered.

Natural England's comment:

The issues of excepted land, safety, privacy, peace and security have also been addressed in representation **MCA\Whitstable to Iwade\R14\WSI0576** and we refer you to our comments there.

In addition, we are sorry that [REDACTED] found the consultation process confusing as every effort was made to meet and discuss our developing thinking on this stretch of the coast with both residents and the Waterside Residents Association Ltd.

Relevant appended documents (see Section 5):

5P: Additional Points

5Q: Proof of Shared Ownership

5S: NE list categories of excepted land

5T: CROW list of excepted land

5U: Photos

5V: Kent Police Crime Statistics of Area

Representation number: MCA\Whitstable to Iwade\R\53\WSI0726

Organisation/ person making representation: [REDACTED]

Route section(s): Chapter 2 and Overview WSI-2-SO41 (Waterside Close, Faversham)

Summary of representation:

The representation raises concern over Waterside Close not being included as excepted land when it is a gated live/work development. The common land should be considered as parks and gardens, as it is used and maintained by residents, through the Waterside Residents Association Ltd (WRAL).

The Close was granted planning permission in 1997 as business units with associated residential development and was designed and is used as a live/work location. The communal land is owned by residents, through WRAL and is secured through a gated entrance, Security via CCTV is required as part of the planning permission. It was never intended for general public access and there is no public right of way through the development.

Waterside Close should be excepted land to preserve the privacy, security and original ethos of the development.

NE Comment:

The issues of excepted land, privacy and security have been addressed in representation

MCA\Whitstable to Iwade\R\14\WSI0576 and we refer you to our comments there.

Representation number:

MCA\Whitstable to Iwade\R\23\WSI0762

Organisation/ person making representation:

[REDACTED]

Route section(s):

WS1-2-S036FP, WS1-2-S037FP (Faversham Reach)

Report; Chapter 2, map 2b

Also citing: Overview; Section 10, 'The Swale Estuary' p36 and Annex C 'Excepted land' p46 map reference 2b

Summary of representation:

The representation supports the proposed route (Chapter 2, map 2b). However, the following concerns are raised:

- The entirety of Faversham Reach development should be regarded as Excepted Land as it is a gated development where we both live and work. We share the estate land as an extension to our homes and gardens both for recreational use and as access for business. We also jointly ensure it is a safe and well-maintained area we can enjoy and be proud of in order to access our individual homes, businesses and gardens.
- If the whole of Faversham Reach is not considered as Excepted land the consequence will be that for all 15 owners of the homes and businesses our security, private/peaceful location and enjoyment of this land and estate is placed at risk.

Also noted:

- The communal land of the estate is owned by residents and secured by 2 gates at the only entrance.
- The cost of managing the communal land is met from residents through the estate service charges.

Natural England's comment:

A range of similar issues were raised by six residents of Faversham Reach. We have addressed the main concerns below, and commented on any specific issues under the relevant representation.

The whole development should be considered excepted land: Faversham Reach falls into the coastal margin created by the proposed alignment in Faversham (sections WSI-2-S036 and S037). The wide margin at this point encompasses this gated residential development, which contains a number of houses with walled/fenced gardens, a private entrance road, a creekside walkway and open space and a small marina. The development has one, gated, entrance point which is currently kept open.

We discussed a number of options for the trail alignment with the residents and Faversham Reach Residents Association Ltd (WRAL), between 2015 and 2017. Our proposed inland trail alignment received the most support from home owners and the Residents Association as they would prefer to not have a trail aligned through the estate. However, many residents consider that the private estate should be classed as excepted land. Natural England does not have a formal role in identifying excepted land, nor do we map excepted land in our proposals. Ultimately only the courts can decide, if called upon, whether land is excepted or not.

However, during the development of our proposals we advised the residents that whilst much of the estate would be excepted land, in our opinion some of the estate land would not sit comfortably with the categories laid out in Schedule 1 to CROW, as amended. We gave the communal open spaces, walkway and private roads as examples of where we thought this might be the case. The statutory methodology also makes it clear that private roads per se are not excepted land (Coastal Access Approved Scheme: 'Private roads' 8.27.3 p152).

We are aware that many of the residents believe that these communal spaces form part of their gardens, but we do not believe this is the case because each house has its own garden that is clearly enclosed land and fits Defra's description in a way the open spaces do not (see Defra's guidance in Annex A). Some residents also consider the open spaces should be classed as a 'park'. Our opinion is that the communal areas within Faversham Reach are not municipal recreation grounds or play areas, as defined by Defra's guidance and the open spaces within it are not the landscaped grounds associated with just one house, such as a country house. We also do not consider that the whole of the gated community, as defined by its walled boundaries would fulfil the excepted land category of 'land covered by buildings or the curtilage of such land'. While the houses and discrete gardens are undoubtedly excepted land, the term

'curtilage' generally means a small area, forming part and parcel with just one house or building to which it is attached – rather than a collection of houses, such as along Faversham Reach.

Of course, landowners may form their own opinions and are within their rights to erect signs identifying areas of excepted land, so long as they are not misleading. Ultimately though, Defra's view is that the interpretation of curtilage, garden and park would be a matter for the Courts to decide if the landowners' view of excepted status were challenged.

Disturbance to privacy and security: Faversham Reach is a cul-de-sac adjacent to Faversham Creek, with no obvious pedestrian through-route to the countryside north of Faversham town and only one entrance point in and out of the estate. As such, it is unlikely to attract many walkers seeking to walk further along the creekside. Where land such as this fall into the coastal margin, Natural England always looks to adopt the least restrictive option in all cases where intervention is needed (6.1.4 & 6.3). In these circumstances a number of informal management techniques could be employed if access were to increase – primarily the closing of the vehicular gate to the development at the estate's one entrance point, roping off areas where boat maintenance occurs on the central quay or alerting people to hazards over boats mooring or casting off. Most walkers would also avoid any obvious communal gatherings and additional measures such as informal signs could help alert people to these activities.

The types of management techniques outlined above should be sufficient to alert any walkers here of management operations or communal events and avoid significant disruption or disturbance to the peace, safety and security of the area. In light of this, we do not consider a direction to exclude coastal access rights under any of the available criteria (land management, public safety, fire prevention, nature conservation or heritage preservation) is the appropriate or necessary response. In the future, if further specific concerns do arise, the Faversham Reach Residents Association Ltd or the relevant landowner could contact Natural England to seek a direction to restrict or exclude access on the affected parts of the communal areas.

A future variation report: The Whitstable to Iwade coastal access proposals are for a trail alignment inland of Faversham Reach. The reference to a future Variation report is dependent on whether Kent County Council establishes a public footpath along the creek here, an issue that is being considered at a public inquiry in January 2018.

From September 2015, Natural England talked with Faversham Creek Residents Association Ltd as we considered the options in this area, which included a creekside alignment for the trail. We also discussed a number of mechanisms to address their concerns over this route. During this same period, a long-running debate about an obstructed creekside right of way (ZF5) in Faversham Reach and plans for new Orders was also underway through Kent County Council, with significant infrastructure investigations needed to understand the costs and feasibility of some parts of this proposed public right of way.

At the time of publication, we considered that, as things stand, an alignment inland of the development struck the best balance in terms of criteria described in chapter 4 of the Coastal Access Scheme, especially taking account of the significant but unconfirmed costs involved (4.3.11). However, if KCC's proposed creekside public footpath is established, this would create two options for walkers – one along the creek and the other inland. In practice, the creekside footpath would likely be used in preference – and in our view it would more clearly meet the Chapter 4 criteria, as a direct route (section 4.3.2) with views of the sea/creek (section 4.6). In our view, the potential to improve the clarity and experience of the trail by moving it onto an existing walked route (section 4.7) and at the same time minimising the associated margin, warrants a variation report to the Secretary of State. This intention is highlighted in the Coastal Access report (Chapter 2, Future changes – paragraph 2.1.25).

If the SoS agrees KCC's Orders and ZF43 is established along the creekside, the variation report that Natural England undertakes will again involve consulting with those landowners and other interests affected. This consultation would continue the discussions we have had with Faversham Reach Residents Association and other residents

No Public Right of Way through the development: Some residents consider there is no public right of way within Faversham Reach. We consider there is a public footpath (ZF5) that enters the residential development (see Map 2b of the proposals) and the pedestrian gate at the entrance accommodates this access down to the creekside. Natural England does not consider that the introduction coastal access rights is likely to bring about significant new use of this public footpath or the wider development or impinge on the residents and boat owner's current management and enjoyment of the development.

Representation number:

MCA\Whitstable to Iwade\R\34\WSI0749

Organisation/ person making representation:

[REDACTED]

Route section(s):

The private live-work development known as Faversham Reach, entered via the Brents Industrial estate bounded by route section WS1-2-S036FP, WS1-2-S037FP.

Summary of representation:

The representation supports the proposed route (Chapter 2, map 2b). However, the following concerns are raised:

- The entirety of Faversham Reach development should be regarded as excepted land as it is a gated development where we both live and work. The common land is used by all residents for recreational purposes such as barbeques, a children's play area and maintenance of boats (see photos).
- It was designed as a private estate – as live in workshop business units. By the nature of this open plan design if as a whole it is not regarded as excepted land [REDACTED] believes that the security and wellbeing of the residents and their properties and boat area will be highly compromised. It was not originally designed as a public area.

Also noted:

- The cost of managing the communal land and lighting is met from residents through the estate service charges.

Natural England's comment:

The issues of excepted land, security and wellbeing have been addressed in representation

MCA\Whitstable to Iwade\R\23\WSI0762 and we refer you to our comments there.

Relevant appended documents (see Section 5):

5W: 2 Photographs of activities within the communal area of Faversham Reach

Representation number:

MCA\Whitstable to Iwade\R\35\WSI0565

Organisation/ person making representation:

[REDACTED]

Route section(s):

Report; Chapter 2, map 2b

The private live/work development "Faversham Reach" with an entry via the Brents Industrial estate and site boundary sections **WS1-2-S036FP** and **WS1-2-S037FP** respectively.

Summary of representation:

The representation supports the proposed route (Chapter 2, map 2b).

The concerns relate to the Nagden to Hollowshore /Chapter 2 proposal, under 2.1.25, for a possible variation report should the Secretary of State decide to realign the coastal path:

- Faversham reach is a private development accommodating homes and businesses.
- Residents own all the common areas such as lawns, trees, other buildings, roads and pavements and the mooring areas along the creek. These are used for recreational purposes of all residents. Residents also pay for all maintenance and repairs in the common areas.
- Faversham Reach development should be regarded as excepted land.
- The footpath or “the obstructed public right of way” mentioned by you has not been in existence for almost 100 years, when a shipyard was established on these grounds, and it is still doubtful that this was indeed a public footpath; in many old documents only a towpath is indicated.
- As owners we do not wish to have our privacy, security and that of our property, such as homes and boats endangered.

Natural England’s comment:

The issues of excepted land, privacy & security and the presence of a public right of way have been addressed in representation **MCA\Whitstable to Iwade\R\23\WSI0762** and we refer you to our comments there.

Representation number:

MCA\Whitstable to Iwade\R\36\WSI0841

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2, map 2b

The private live-work development known as Faversham Reach, entered via the Brents Industrial estate bounded by route section **WS1-2-S036FP and WS1-2-S037FP**

Summary of representation:

The representation supports the proposed route (Chapter 2, map 2b), with the following reservations

- the whole Faversham Reach development should be regarded as excepted land due to its being a gated live/work development. The owners and occupiers regard the common land as being within the curtilage as a garden for recreational use and access for business use.
- The communal land of Faversham Reach, including the entrance, is owned by the freehold owners, through Faversham Reach Residents Association Ltd and has gates at the entrance. The owners meet all costs related to Faversham Reach through the estate service charges.
- The common areas including the road, lawns and walkways are used by the residents for access to the development and to the gardens of the dwellings as well as for recreational and business purposes. The residents jointly maintain the grounds for the benefit of their quiet enjoyment.

Natural England’s comment:

The issue of excepted land has been addressed in representation **MCA\Whitstable to Iwade\R\23\WSI0762** and we refer you to our comments there.

Representation number:

MCA\Whitstable to Iwade\R\38\WSI0973

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2, Map 2b

The private live-work development known as Faversham Reach, entered via the Brents Industrial estate bounded by route section **WS1-2-S036FP - WS1-2-S037FP**.

Summary of representation:

The representation supports the route proposed in Chapter 2 map 2b, but with the following reservations:

- the whole of the Faversham Reach development should be regarded as excepted land due to its being a gated live/work development. All the owners and occupiers regard the common land as being within the curtilage as a garden for recreational use and access for business use.
- The communal land of Faversham Reach, including the entrance, is owned by the freehold owners, through Faversham Reach Residents Association Ltd and has gates at the entrance. Together, the owners and equal shareholders, meet all costs related to Faversham Reach through the estate service charges.
- The common areas including the road, lawns and walkways are used by the residents for access to the development and to the gardens of the dwellings as well as for recreational and business purposes. The residents jointly maintain the grounds for the benefit of their quiet enjoyment.
- Unless Faversham Reach as a whole is regarded as excepted land we, the owners of the dwellings and businesses, will have our private location, quiet enjoyment, dwellings and businesses and general security placed at risk

Natural England's comment:

The issues of excepted land, privacy, enjoyment and security have been addressed in representation **MCA\Whitstable to Iwade\R123\WSI0762** and we refer you to our comments there.

Representation number:

MCA\Whitstable to Iwade\R45\WSI1249

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2 map 2b

Faversham Reach is an enclosed, private live-work development of 15 dwellings, entered from Upper Brents and the Brents Industrial Estate and skirted by route sections WSI-2-S036FP and WSI-2-S037FP, which also pass along Faversham Reach-owned land.

Summary of representation:

The representation supports the route proposed in Chapter 2 map 2b, but objects to two aspects of the proposals.

(1) that Faversham Reach development area should be considered as coastal margin and subject to open access. They maintain that the whole Faversham Reach development should be regarded as excepted land, due to it being a gated live/work development. We regard the communal land (roads, lawns, walkways and) within the development as being within the curtilage as a garden for residents' recreational use and access for personal and business use. Shareholders meet all costs related to managing these communal areas.

Unless Faversham Reach as a whole is designated as excepted land we, as the owners of one of the dwellings and of a quayside business, will have our private location, quiet enjoyment, dwelling and business and general security placed at risk.

(2) They also object to Natural England's proposal to adopt the route of Kent County Council's proposed imposition of a footpath along the Creek side of the Faversham Reach development, if that succeeds, as a variation of NE's currently proposed coastal path route.

The representation details concerns over the infringements to privacy and amenity that KCC's proposed public footpath (and the England Coast Path adoption of) would bring to their house and garden, as a consequence of any new ramp associated with KCC's PROW application.

As owners of the commercially operated Thames Sailing Barge 'Repertor' (moored at the quayside alongside Nos 13, 14 and 15 Faversham Reach) the representation raises that commercial operations, viability and safety of the vessel and the public would be adversely affected by the proposed footpath – due to ready, unsupervised and dangerous access to the boat from the new path along the creek edge, especially during casting off. Any associated fencing to separate people would restrict boat operations and safety. Any part of the path along the Creekside would prevent the use of other parts of the paved quayside areas for regular maintenance, servicing and treating of sails.

Natural England's comment:

The issue of excepted land, security, boat operations and the possible future variation report have been addressed in representation **MCA\Whitstable to Iwade\R\23\WSI0762** and we refer you to our comments there.

Relevant appended documents (see Section 5):

5X: 9 Photographs of boating activities along the walkway and communal area of Faversham Reach

Representation number:

MCA\Whitstable to Iwade\R\43\WSI0497

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2, Overview, WSI-2-S041 (Waterside Close, Faversham)

Summary of representation:

The representation raises concern over Waterside Close not being included as excepted land when it is a gated live/work development. The common land should be considered as parks and gardens, as it is used and maintained by residents, through the Waterside Residents Association Ltd (WRAL).

The Close was granted planning permission in 1997 as business units with associated residential development and was designed and is used as a live/work location. The communal land is owned by residents, through WRAL and is secured through a gated entrance, Security via CCTV is required as part of the planning permission.

There is no public right of way through the development and unless the area is considered excepted land the private location, quiet enjoyment, dwellings, business and security will be placed at risk.

There is a pontoon at the rear of number [REDACTED], where the [REDACTED] boat is moored. By opening the fenced end of the walkway to the public the concern would be the security of the boat being severely compromised. When this fence was down temporarily, they experienced break ins on the boat and are concerned that they would not be able to challenge anyone loitering if it is a public right of way. More money would be needed for CCTV to monitor comings and goings and they feel they would have to erect fencing along the quayside.

Natural England's comment:

The issues of excepted land, privacy and security have been addressed in representation **MCA\Whitstable to Iwade\R\14\WSI0576** and we refer you to our comments there.

In addition, this representation raises specific concerns that the proposals aim to open up the end of the walkway within Waterside Close to through-traffic to neighbouring parts of the creek and how this might affect the security of their moored vessel on the Quayside. Our proposals do not include any works to open up the walkway to the surrounding countryside, as the proposed alignment here (WSI-2-S038-041) is inland of this gated community.

Representation number:

MCA\Whitstable to Iwade\R\44\WSI0823

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2, Overview, WSI-2-S041 (Waterside Close, Faversham)

Summary of representation:

The representation raises concern over Waterside Close not being included as excepted land when it is a gated live/work development. The common land should be considered as parks and gardens, as it is used and maintained by residents, through the Waterside Residents Association Ltd (WRAL).

The Close was granted planning permission in 1997 as business units with associated residential development and was designed and is used as a live/work location. The communal land is owned by residents, through WRAL and is secured through a gated entrance, Security via CCTV is required as part of the planning permission.

There is no public right of way through the development and unless the area is considered excepted land the private location, quiet enjoyment, dwellings and business and security will be placed at risk.

Natural England's comment:

The issues of excepted land, privacy and security have been addressed in representation

MCA\Whitstable to Iwade\R\14\WSI0576 and we refer you to our comments there.

Relevant appended documents (see Section 5):

50: 8 Photos of Waterside Close (only first three photographs apply to this representation).

Representation number:

MCA\Whitstable to Iwade\R\46\WSI1265

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2, Overview, WSI-2-S041 (Waterside Close, Faversham)

Summary of representation:

The representation raises concern over Waterside Close not being acknowledged as excepted land when it is a gated live/work development. The common land should be considered as parks and gardens, as it is used and maintained by residents, through the Waterside Residents Association Ltd (WRAL).

The Close was granted planning permission in 1997 as business units with associated residential development and was designed and is used as a live/work location. The communal land is owned and maintained by residents.

There is no public right of way through the development and unless the area is considered excepted land the quiet enjoyment, businesses and security will be impacted.

Natural England's comment:

The issues of excepted land, privacy and security have been addressed in representation **MCA\Whitstable to Iwade\R\14\WSI0576** and we refer you to our comments there.

Representation number:

MCA\Whitstable to Iwade\R\48\WSI1284

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 2, Overview WSI-2-S015, WSI-2-S016 (Iron Quay)

Summary of representation:

[REDACTED] does not believe that an exclusion should be at Iron Wharf as it may cause confusion and there have never been health and safety problems prior. He argues that even if there were to be commercial activity on the actual path, it is obvious to walkers where the path goes.

Natural England's comment:

In arriving at our proposals for a direction to exclude access on this small section of Iron Quay, we sought to strike a fair balance between public interests and commercial operational needs (Coastal Access Approved Scheme Chapter 5, p41). The landowner expressed concern that this particular part of the quayside seaward of WSI-2-S015, is heavily used for commercial boat maintenance and that new coastal access rights to the water's edge would be disruptive to those activities and dangerous.

Our proposed alignment for the trail at WSI-2-S015 utilises an existing public footpath. The public footpath (shown as a blue dotted line on the map below) has a variable width of 5m to 10m wide to allow access through the area, as explained in the representation summary (above). Public access will continue in line with current arrangement through the working boat yard on the PRow, but by excluding access to the coastal margin, we have avoided safety concerns along the quay edge where machinery may be in use. This will be made clear in the direction notice.

We feel that new signage is necessary because many long distant walkers - unlike local people - would be unfamiliar with the special and unusual arrangements in place and that an information board would inform them of the need for vigilance and care while passing through the boatyard.

Relevant appended documents (see Section 5):

5Y: Copy of Order Decision of Inquiry held on 30 November 2006 concerning the Kent County Council (ZF39, Faversham) Definitive Map Modification Order 1998

Representation number:

MCA\Whitstable to Iwade\R\18\WSI1114

Organisation/ person making representation:

[REDACTED] Faversham Footpath Group

Route section(s):

Chapter 3 and Overview WSI-3-SO47

Summary of representation:

The Faversham Footpath Group (FFG) comment on Natural England's proposals for improving road safety at Oare Creek, route section WSI-3-SO47.

'We would like to emphasise the desirability of providing safe refuges/passing places for walkers on this stretch of road. This will be even more desirable if the proposed planning application to double the capacity of the recycling plant at the end of this road is approved. This would lead to a marked increase in the number of vehicles using this very narrow road. However, there is, in our view, no alternative but to use this road as part of the Coast Path route'.

Natural England's comment:

We welcome FFG's support for our proposals to improve safety on this stretch with the addition of safe refuges/passing places.

Representation number:

MCA\Whitstable to Iwade\R\3\WSI1032

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 3 WSI-3-S048

Summary of representation:

The report notes in section 3.1.7 that the footpath here runs along a narrow road beside Oare Creek that is used by commercial vehicles, with insufficient safe passing places for all users. The purpose of this representation is to alert Natural England to a proposal by East Kent Recycling, whose waste recycling vehicles currently account for the bulk of the commercial traffic, to increase their waste handling to 160 lorry movements per day, Monday to midday Saturdays and in exceptional circumstances on Sundays and bank holidays. This will clearly impact the safety of pedestrians along this section of the coastal path. Documents relating to their application can be seen on the Oare Parish Council website at oarepc.kentparishes.gov.uk. A number of other local people have also submitted representations.

Natural England's comment:

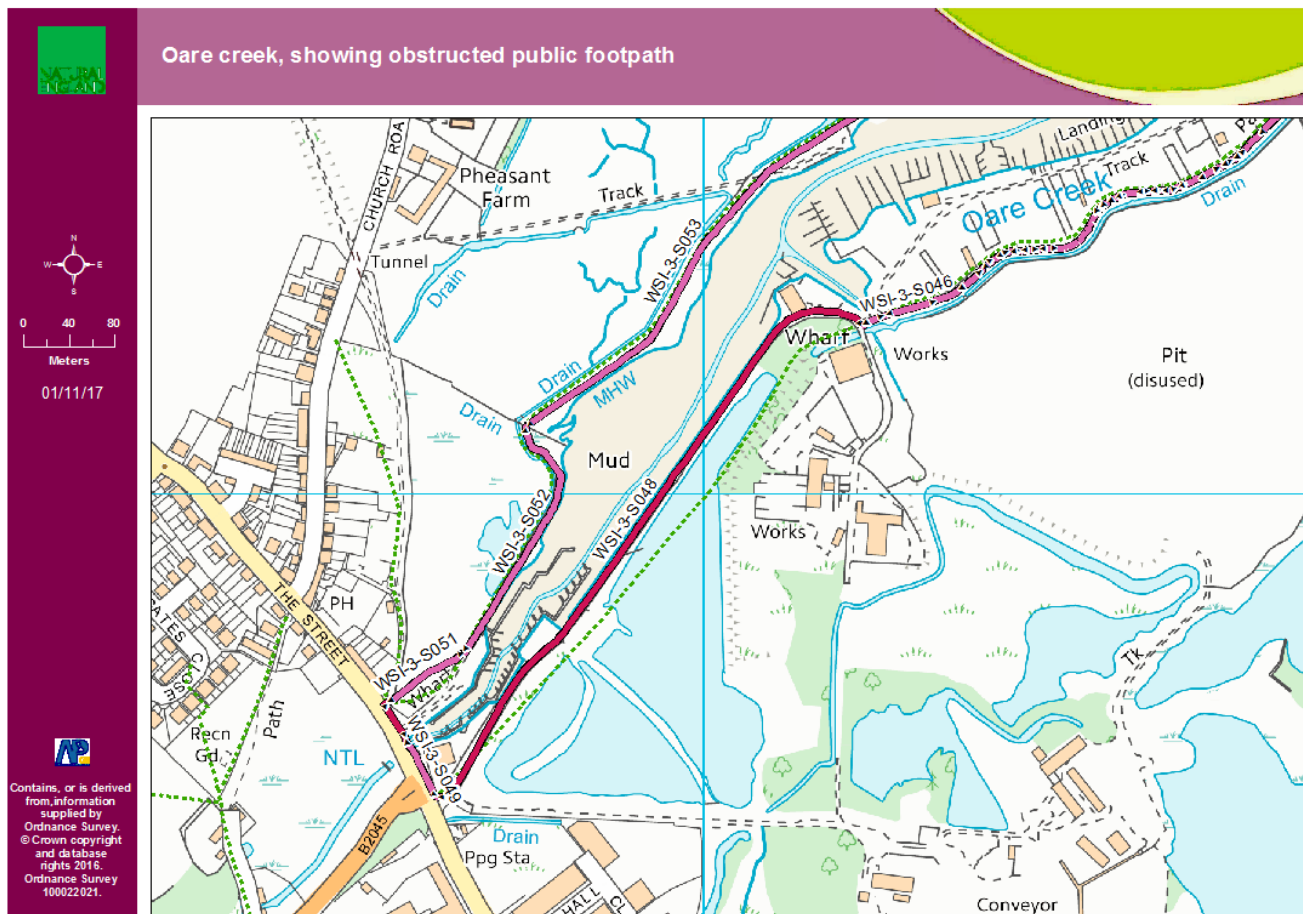
14 representations were received about WSI-3-S048. We have addressed the common issues below and commented on any specific concerns under the relevant representation.

Safety and the proposed planning application: Our proposals for this stretch of the trail are based on current estimated levels of traffic of 80 lorries per day. We have proposed to enhance the current safety of this stretch of private road by establishing new refuge points for people to step off the road in the most exposed places. This stretch of the trail is aligned to the promoted Saxon Shore Way, and we have worked with Kent County Council over this mitigation. We consider the enhancement will make the road safer for walkers of the trail and the existing Saxon Shore Way.

East Kent Recycling's planning application was submitted to Kent County Council on 14 August 2017, after our proposals were published. It estimates a doubling of lorry movements. The application will be determined by 08/01/18. If the planning application is successful and lorry traffic set to increase, Natural England will consider whether or not its present proposals are sufficient to ensure safety for users of the trail – or whether other measures could alleviate safety concerns associated with more frequent lorry use. If the current route cannot be made safe, we would look to establish a temporary diversion of the trail followed by a variation report

to establish another route. The only available route may be some distance inland, creating significant coastal margin in the area.

On an additional note, the line of a PROW has been obstructed by a lake/gravel pit and the private road in question has been used by pedestrians, over the years, as an alternative route. Kent County Council is currently consulting with the landowner ([REDACTED]) to look at other long-term solutions and although the reinstatement of the original footpath is unlikely, the possibility of establishing a separate pedestrian route alongside the road or diverting lorries onto a different route altogether, is being considered.



Updated 03/11/2020: A developer (East Kent Recycling) incorporated the need for refuge bays along this road into their planning application for a waste recycling centre nearby. Planning permission was granted, with conditions to create the refuge bays, on 19 December 2019. The works were not carried out within the stated deadline – but we still anticipate these will be undertaken by the developer, prior to opening the trail. If not, NE may need to fund these works.

Representation number:

MCA\Whitstable to Iwade\R\7\WSI0802

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 3 WSI-3-S048

Summary of representation:

Concern by resident over volume of lorry traffic posing danger to pedestrians, particularly in light of planning application that would double the number of trucks using the route. Although this resident supports the coast path, [REDACTED] is particularly concerned that there are no safe

places for walkers along this stretch of road and that the report proposals to create refuge points will not be sufficient in the event of the planning application being successful.

Natural England's comment:

Please refer to our comments on safety in representation **MCA\Whitstable to Iwade\R\3\WSI1032.**

Relevant appended documents (see Section 5):

5Z: 3 Photographs of path and lorry traffic

Representation number:

MCA\Whitstable to Iwade\R\8\WSI1270

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 3 WSI-3-SO48

Summary of representation:

This resident supports the coast path but shares similar concerns with other local people about safety, including the speed of lorries using the road that take up most of the width, the number of people, including groups of bird watchers, who use the road, and the absence of any alternative route for walkers to take means they have to use the road.

Natural England's comment:

Please refer to our comments on safety within representation **MCA\Whitstable to Iwade\R\3\WSI1032.**

Representation number:

MCA\Whitstable to Iwade\R\10\WSI0803

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 3 WSI-3-SO48

Summary of representation:

[REDACTED] wishes to raise the issue of lorry use on this stretch of private road. [REDACTED] states that the original footpath is now covered by a lake and that the volume of traffic, set to increase even further, is a serious danger to members of the public. [REDACTED] emphasises the popularity of the area for bird watchers, dog walkers, and other walkers.

Natural England's comment:

Please refer to our comments on representation **MCA\Whitstable to Iwade\R\3\WSI1032.**

Representation number:

MCA\Whitstable to Iwade\R\20\WSI1274

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 3 and WSI-3-SO48

Summary of representation:

[REDACTED] is concerned over future safety on this section if the recycling plant does have approval to increase capacity. [REDACTED] goes on to say that emergency vehicles may not

have room to travel down this section if there is an increase in traffic and that although there is no other way to access this part of the coast, there is the possibility of re-routing lorries to the east of Kent Recycling.

Natural England's comment:

Please refer to our comments on safety in representation **MCA\Whitstable to Iwade\R\3\WSI1032.**

In regard to emergency access, this is an issue for Kent County Council to consider in the current planning application and for East Kent Recycling.

Representation number:

MCA\Whitstable to Iwade\R\21\WSI1275

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 3 and WSI-3-SO48

Summary of representation:

Concerns over future safety of walkers on this section due to an increase in lorries using the road to reach the recycling plant. [REDACTED] is worried that due to safety issues, ramblers and future coastal walkers will not use the path and therefore it will ultimately become by default a private access road for EKR and Brett Quarries.

Natural England's comment:

Please refer to our comments on safety and possible future variation report in representation **MCA\Whitstable to Iwade\R\3\WSI1032.**

Relevant appended documents (see Section 5):

5AA: email to [REDACTED] (NE) about their group and strive to work against the expansion of the recycling site

Representation number:

MCA\Whitstable to Iwade\R\22\WSI1276

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 3 and WSI-3-SO48

Summary of representation:

[REDACTED] has present and future safety concerns due to Recycling Plant expansion. The budget proposed would not adequately make the footpath safe. Speed of traffic is too fast on this section. The pathway should not be extended to banks due to nesting birds and general wider wildlife considerations.

Natural England's comment:

Please refer to our comments on safety in representation **MCA\Whitstable to Iwade\R\3\WSI1032.**

In addition, regarding budget constraints – Natural England's proposed creation of refuge points on the road will be funded as part of the trail establishment works, if the route is approved. The costing and design for the refuge was undertaken and agreed with Kent County Council.

On wildlife considerations, Natural England has considered the impacts of refuge creation and do not consider such works would have an adverse effect on the road verge or creek banks here – despite being close to a Site of Special Scientific Interest. However, if the planning

application is successful and traffic increases, more extensive refuge or mitigation work may be necessary and if this is the case, Natural England will review its access and sensitive features appraisal to take account of any further potential impacts on wildlife.

Representation number:

MCA\Whitstable to Iwade\R\29\WSI1277

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 3 WSI-3-SO48

Summary of representation:

the increase of lorry traffic resulting from East Kent Recycling's expansion plans will endanger the safety of walkers on this stretch.

Natural England's comment:

Please refer to our comments on safety in representation **MCA\Whitstable to Iwade\R\3\WSI1032.**

Representation number:

MCA\Whitstable to Iwade\R\31\WSI1278

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 3 WSI-3-SO48

Summary of representation:

[REDACTED] concern is that our proposal to provide refuge points is very minimal and that future safety risks remain – particularly given East Kent's planning application to increase its capacity. These issues should be discussed with East Kent Recycling as soon as possible.

Natural England's comment:

Please refer to our comments on safety in representation **MCA\Whitstable to Iwade\R\3\WSI1032.**

Representation number:

MCA\Whitstable to Iwade\R\39\WSI1279

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 3 WSI-3-SO48

Summary of representation:

[REDACTED] expresses concern over current safety along this stretch of road, and also over the future viability of the route if lorry traffic increases.

Natural England's comment:

Please refer to our comments on safety in representation **MCA\Whitstable to Iwade\R\3\WSI1032.**

Representation number:

MCA\Whitstable to Iwade\R\40\WSI1280

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 3 WSI-3-SO48

Summary of representation:

[REDACTED] expresses concern over current safety along this stretch of road, and also over the future viability of the route if lorry traffic increases.

Natural England's comment:

Please refer to our comments on safety in representation **MCA\Whitstable to Iwade\R\3\WSI1032**.

Representation number:

MCA\Whitstable to Iwade\R\41\WSI1281

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 3 WSI-3-S048

Summary of representation:

[REDACTED] expresses concern over current safety along this stretch of road, and also over the future viability of the route if lorry traffic increases. [REDACTED] also mentions a loan by KCC for the expansion of the plant.

Natural England's comment:

Please refer to our comments on safety in representation **MCA\Whitstable to Iwade\R\3\WSI1032**. Regarding the loan, this is not felt to be directly relevant to the ECP proposals.

Representation number:

MCA\Whitstable to Iwade\R\47\WSI1283

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 3 WSI-3-S048

Summary of representation:

[REDACTED] contends that this section is not safe for current and future use. [REDACTED] goes on to say that the footpath is not identified along this access road and that HGVs are using a public right of way. Also that the footpath should not be extended to the banks due to nesting birds and wider wildlife considerations

Natural England's comment:

Please refer to our comments on safety and the right of way in representation **MCA\Whitstable to Iwade\R\3\WSI1032**. Regarding her HGV comment: the nearby PROW has been obstructed and the road has been used by pedestrians as an alternative route.

On wildlife considerations, Natural England has considered the impacts of refuge creation and do not consider such works would have an adverse effect on the road verge or creek banks here – despite being close to a Site of Special Scientific Interest. However, if the planning application is successful and traffic increases, more extensive refuge or mitigation work may be necessary and if this is the case, Natural England will review its access and sensitive features appraisal to take account of any further potential impacts on wildlife.

Representation number:

MCA\Whitstable to Iwade\R\49\WSI1285

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 3 WSI-3-S048

Summary of representation:

[REDACTED] is concerned that the line of the original PROW does not now exist and the alternative route along the road is dangerous for pedestrians.

Natural England's comment:

Please refer to our comments on safety and the right of way in representation **MCA\Whitstable to Iwade\R\3\WSI1032.**

Representation number:

MCA\Whitstable to Iwade\R\50\WSI1286

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 3 WSI-3-S048

Summary of representation:

The proposed route of the coastal path along the road is hazardous to pedestrians.

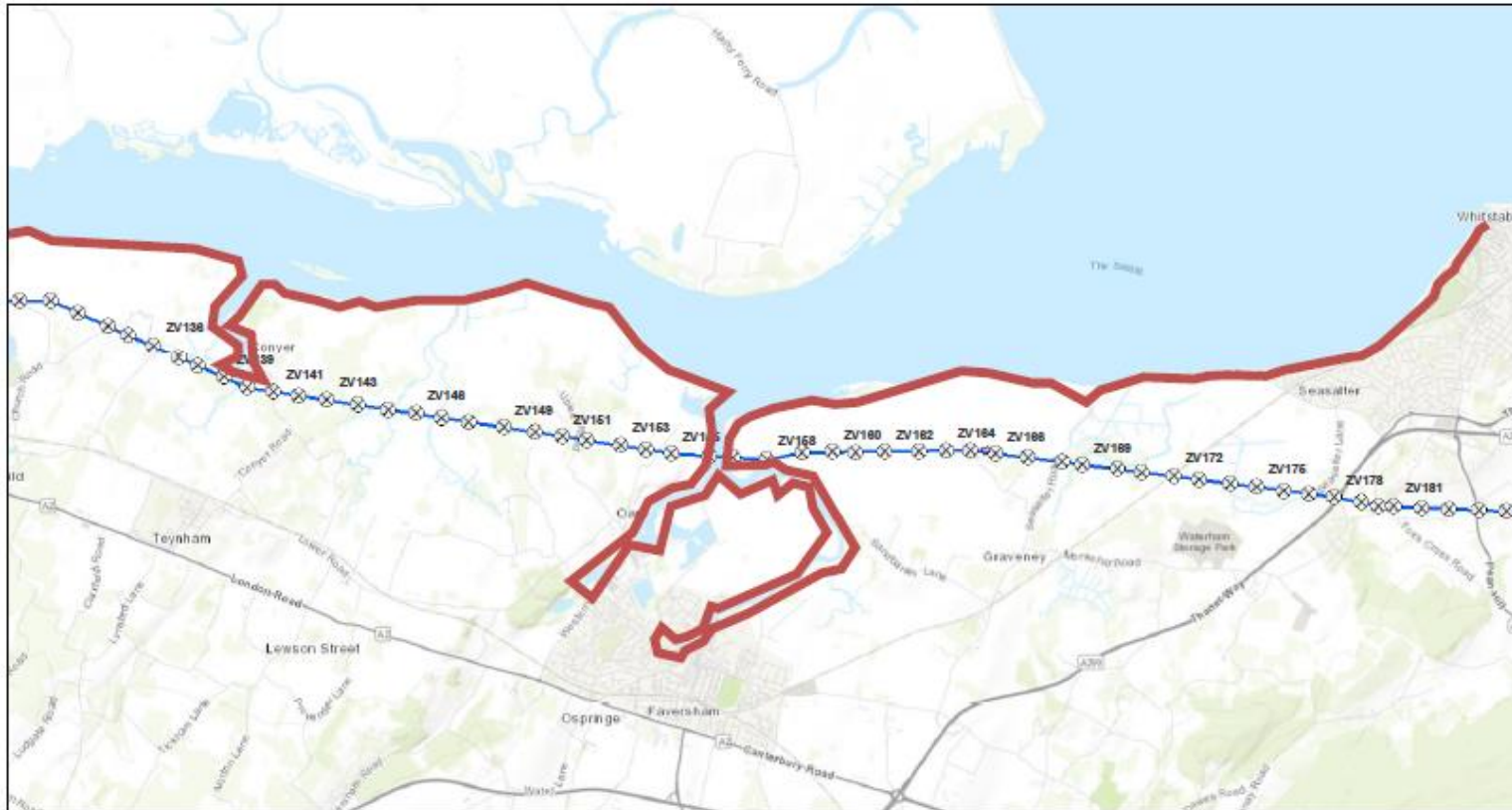
Natural England's comment:

Please refer to our comments on safety in representation **MCA\Whitstable to Iwade\R\3\WSI1032.**

4. Supporting Evidence

5A: National Grid Asset Map

ArcGIS Web Map



August 14, 2017
Substation_Site
Towers
OHL (Over-head Line)
400

1:72,224
0 0.5 1 2 mi
0 1.25 2.5 5 km

Sources: Esri, HERE, DeLorme, Intermap, Incent P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS

Web AppBuilder for ArcGIS

Background Mapping information has been reproduced from the Ordnance Survey map by permission of Ordnance Survey on behalf of The Controller of Her Majesty's Stationery Office. © Crown Copyright Ordnance Survey National Grid Electricity - 100024261, National Grid Gas - 100024886.

5B: Supporting Photographs 1, 2 and 3

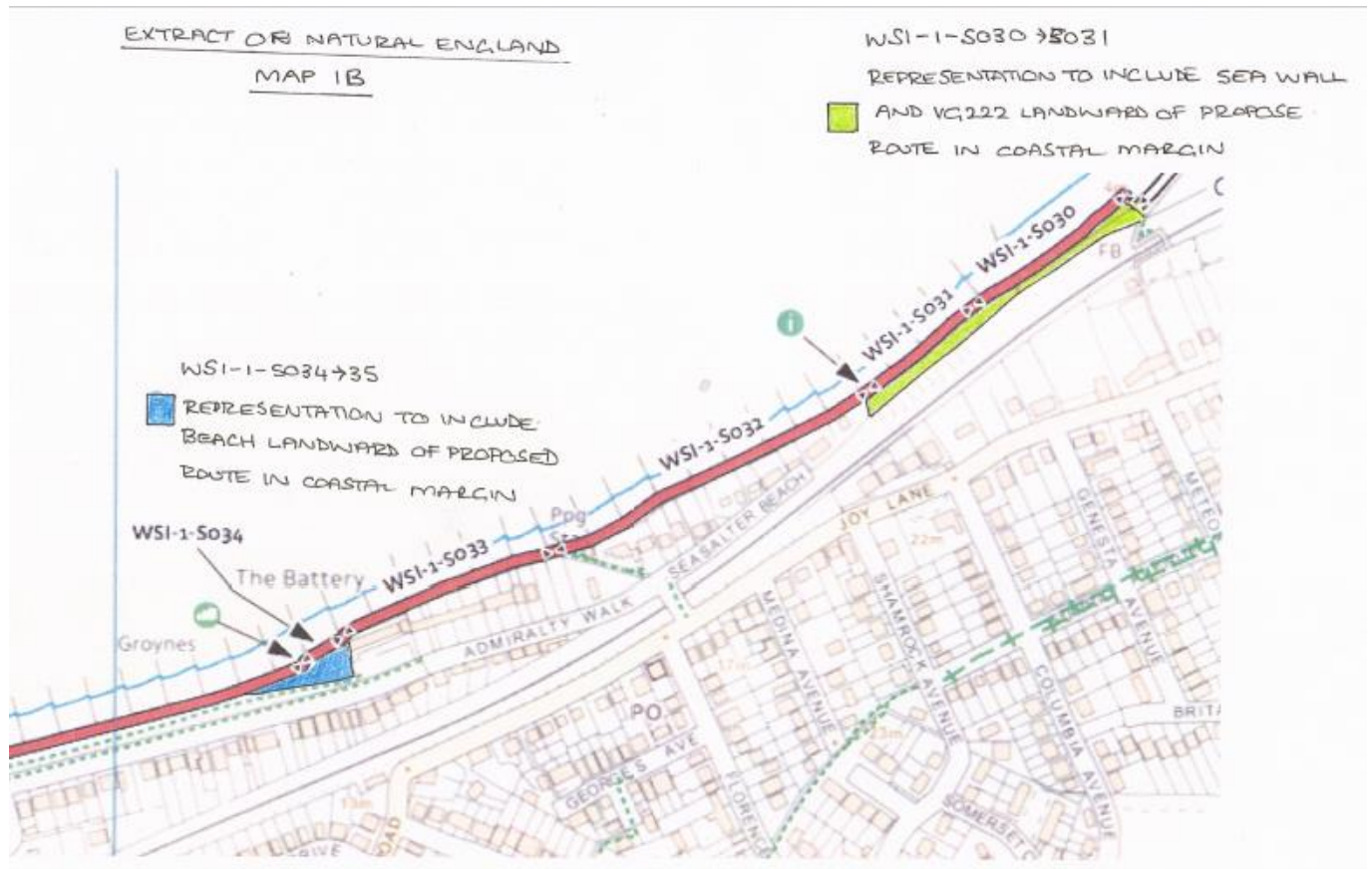




5C: Legal submissions by Whitstable Beach Campaign Solicitor; [REDACTED]

[REDACTED due to legal information]

5D: Extract of NE Map 1b



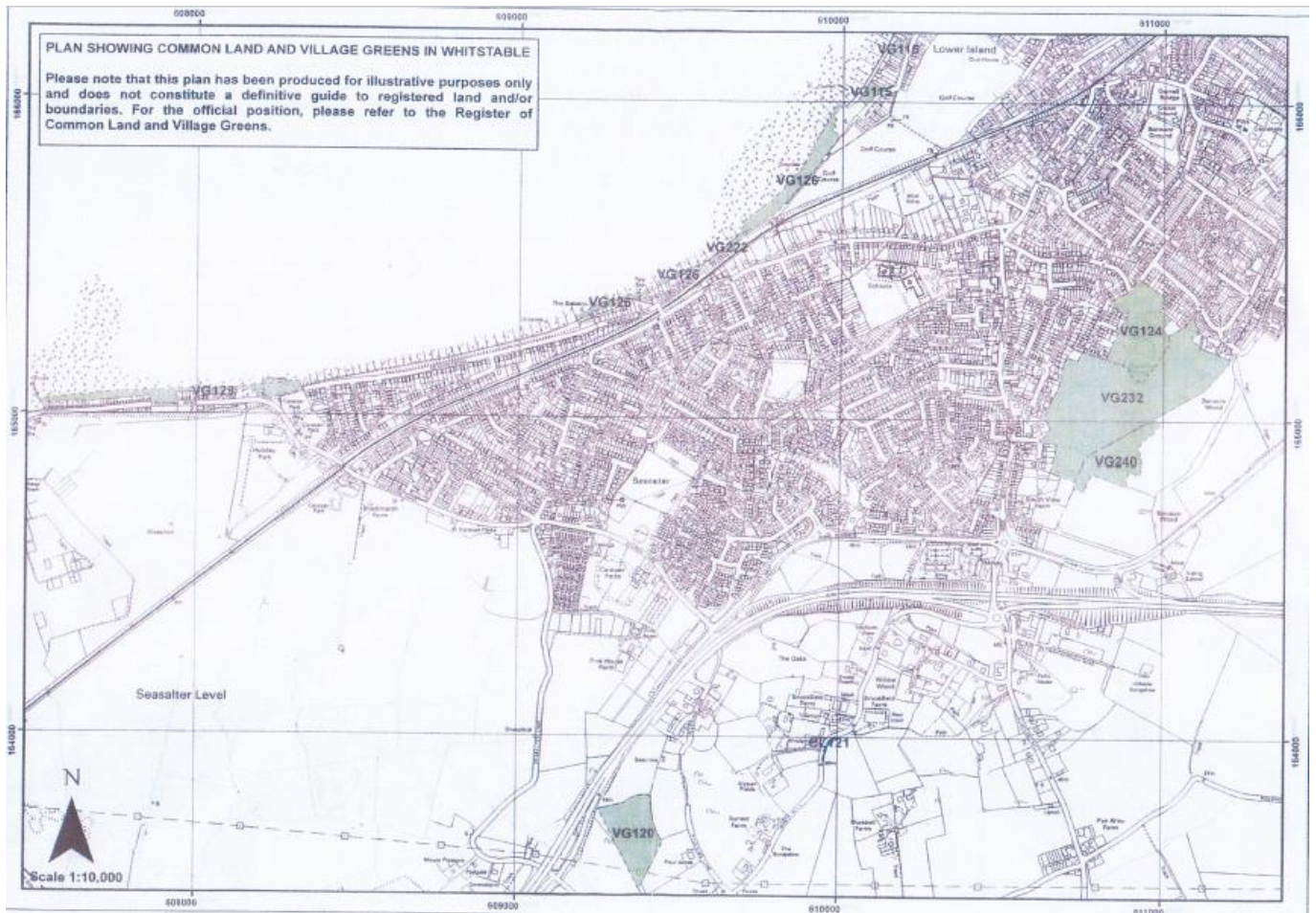
5E: Photographs 4, 5, 6, 7 and 8







5F: Plan showing Common Land and Village Greens in Whitstable.



5G: Photographs 9, 10 and 11





5H: The Order Decision by Kent County Council regarding status of public footpath at Iron Wharf

[REDACTED due to personal information in text]

5I: Public Inquiry 2005 document

[REDACTED due to personal information in text]

5J: Order Decision 2005 Document

[REDACTED due to personal information in text]

5K: Proof of Evidence for Inquiry 2005

[REDACTED due to personal information in text]

5L: Additional information to question five regarding an invasion to [REDACTED] privacy and security

Representation About Coastal Access Report.

Waterside Close 9WS1-2-5041

Additional Information – Question 5/ continued

The private ownership of Waterside Close has enabled and given security and privacy to both my house, _____ and its land - 'curtillage'

Given the particular position of I _____, the proposed coastal access will be an invasion on my privacy and security and be a loss of personal enjoyment.

5M: Map of Representors Residence

[REDACTED due to personal information]

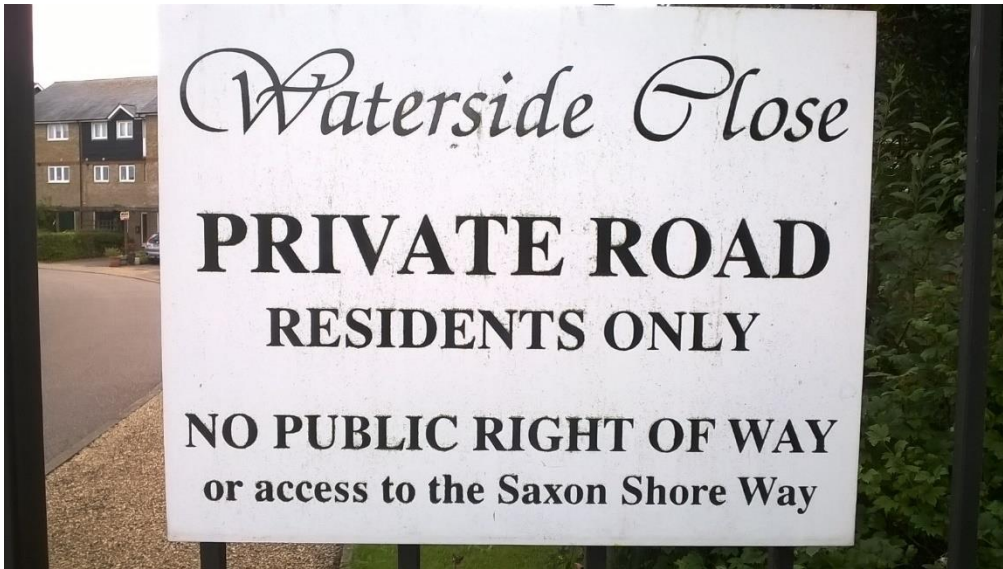
5N: Photo: Entrance to Waterside Close



5O: 8 Photos of Waterside Close









5P: Additional Points

[REDACTED due to personal information]

5Q: Proof of Shared Ownership

[REDACTED due to personal information]

5S: NE list categories of excepted land

June 2012

DOCUMENT

www.naturalengland.org.uk/coastalaccess

Coastal Margin: Categories of Excepted Land

Coastal access rights apply within the coastal margin (including along the coast path itself) unless the land falls into a category of excepted land or is subject to local restrictions, exclusions or diversions. This note explains the categories of excepted land. For information about local restrictions, exclusions and diversions please check our [interactive access maps](#). For information about any other aspect of our programme for improving public access to the coast, please visit our [coastal access pages](#) on the Natural England website.

Under Schedule 1 to the Countryside and Rights of Way Act 2000, some categories of land are completely excluded from the coastal access rights, even if they fall within the coastal margin:

- land covered by buildings or the curtilage of such land;
- land used as a park or garden;
- land used for the getting of minerals by surface working including quarrying (except, under certain circumstances, the removal of sand or shingle from an area of foreshore or beach);
- land used for the purposes of a railway (including a light railway) or tramway;
- land covered by pens in use for the temporary detention of livestock;
- land used for the purposes of a racecourse or aerodrome;
- land which is being developed and which will become excepted land under certain other excepted land provisions;
- land covered by works used for the purposes of a statutory undertaking (other than flood defence works or sea defence works), or the curtilage of such land;
- land covered by works used for an electronic communications code network or the curtilage of any such land;
- land the use of which is regulated by byelaws under section 14 of the Military Lands Act 1892 or section 2 of the Military Lands Act 1900;
- land which is, or forms part of, a school playing field or is otherwise occupied by the school and used for the purposes of the school; and
- land which is, or forms part of, a highway (within the meaning of the Highways Act 1980) – see below.

Some other land categories are excepted by default, but the England Coast Path may cross them on an access strip – in which case the strip itself is not excepted from the coastal access rights, but the rest of the land is:

- land on which the soil is being, or has at any time within the previous 12 months been, disturbed by any ploughing or drilling undertaken for the purposes of planting or sowing crops or trees;
- land used for the purposes of a golf course;

5T: CROW list of excepted land

DOCUMENT 3.

74

c. 37

Countryside and Rights of Way Act 2000

SCHEDULES

Section 1(2).

SCHEDULE 1

EXCEPTED LAND FOR PURPOSES OF PART I

PART I

EXCEPTED LAND

1. Land on which the soil is being, or has at any time within the previous twelve months been, disturbed by any ploughing or drilling undertaken for the purposes of planting or sowing crops or trees.
2. Land covered by buildings or the curtilage of such land.
3. Land within 20 metres of a dwelling.
4. Land used as a park or garden.
5. Land used for the getting of minerals by surface working (including quarrying).
6. Land used for the purposes of a railway (including a light railway) or tramway.
7. Land used for the purposes of a golf course, racecourse or aerodrome.
8. Land which does not fall within any of the preceding paragraphs and is covered by works used for the purposes of a statutory undertaking or a telecommunications code system, or the curtilage of any such land.
9. Land as respects which development which will result in the land becoming land falling within any of paragraphs 2 to 8 is in the course of being carried out.
10. Land within 20 metres of a building which is used for housing livestock, not being a temporary or moveable structure.
11. Land covered by pens in use for the temporary reception or detention of livestock.
12. Land habitually used for the training of racehorses.
13. Land the use of which is regulated by byelaws under section 14 of the Military Lands Act 1892 or section 2 of the Military Lands Act 1900.

1892 c. 43.
1900 c. 56.

PART II

SUPPLEMENTARY PROVISIONS

14. In this Schedule—

“building” includes any structure or erection and any part of a building as so defined, but does not include any fence or wall, or anything which is a means of access as defined by section 34; and for this purpose “structure” includes any tent, caravan or other temporary or moveable structure;

1990 c. 8.

“development” and “minerals” have the same meaning as in the Town and Country Planning Act 1990;

5U: 4 Photographs







5V: Kent Police Crime Statistics of Area

[Home](#) > [Kent Police](#) > [Swale - Davington Priory](#) >

Crime map

[View A-Z list of crime locations](#)

Click on the dots on the map for information about individual crimes.

All crime (48) ▼
reported in May 2017 ▼

© Mapbox, © OpenStreetMap

[View the stop and search map for Swale - Davington Priory](#)

236 incidents of crime occurred in Kent Police that could not be mapped to a specific location. [Why?](#)

[Home](#) > [Kent Police](#) > [Swale - Davington Priory](#) >

Crime map

[View A-Z list of crime locations](#)

Click on the dots on the map for information about individual crimes.

All crime (22) ▼

reported in May 2016 ▼



[View the stop and search map for Swale - Davington Priory](#)

130 incidents of crime occurred in Kent Police that could not be mapped to a specific location. [Why?](#)

[Home](#) > [Kent Police](#) > [Swale - Davington Priory](#) >

Crime map

[View A-Z list of crime locations](#)

Click on the dots on the map for information about individual crimes.

All crime (22) ▼

reported in May 2016 ▼



[View the stop and search map for Swale - Davington Priory](#)

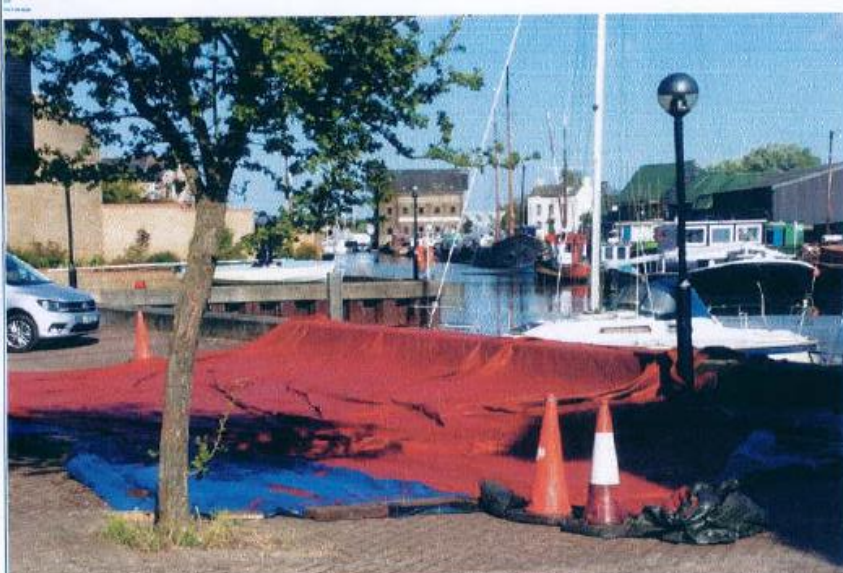
130 incidents of crime occurred in Kent Police that could not be mapped to a specific location. [Why?](#)

5W: 2 Photographs of activities within the communal area of Faversham Reach



MOTO RUMI SCOOTER CLUB MEETING
FAVERSHAM REACH JUNE 2017

Doc No 4.



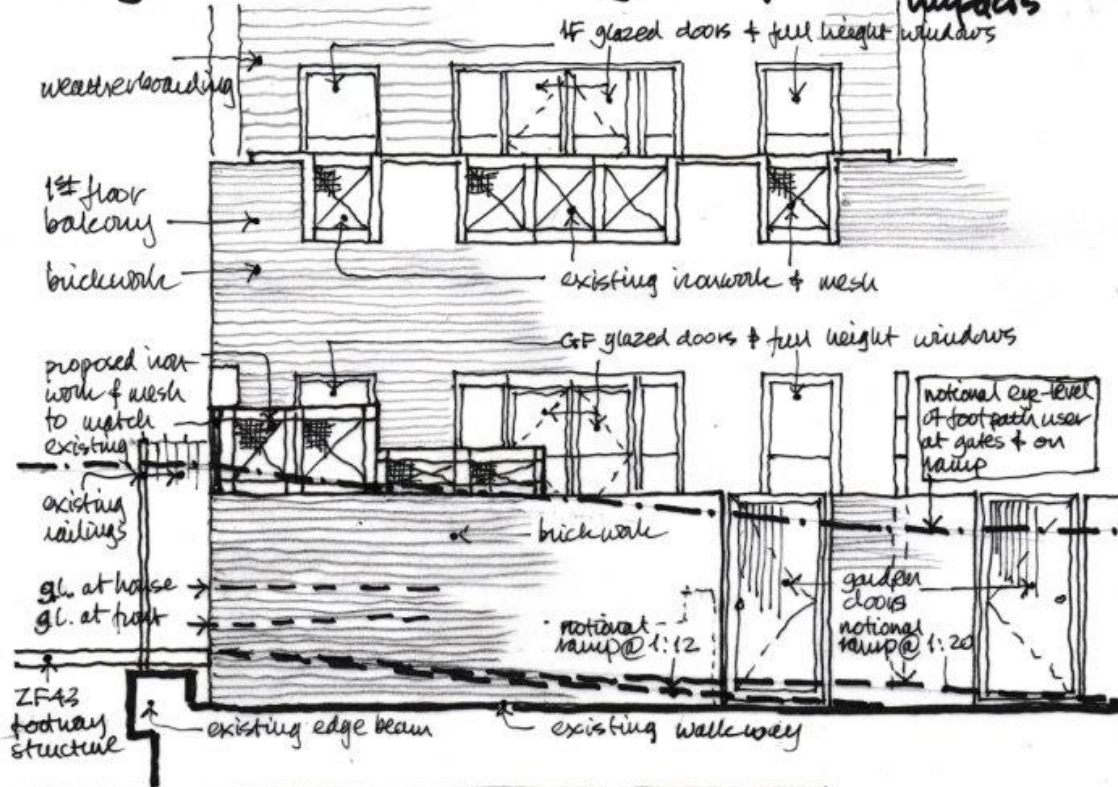
THIS SHOWS PAINTING THE
SAILS OF THE RESIDENT'S BARGE,
AND EXTRA PARKING FOR RESIDENTS
VISITORS. JUNE 2017

5X: 9 Photographs of boating activities along the walkway and communal area of Faversham Reach

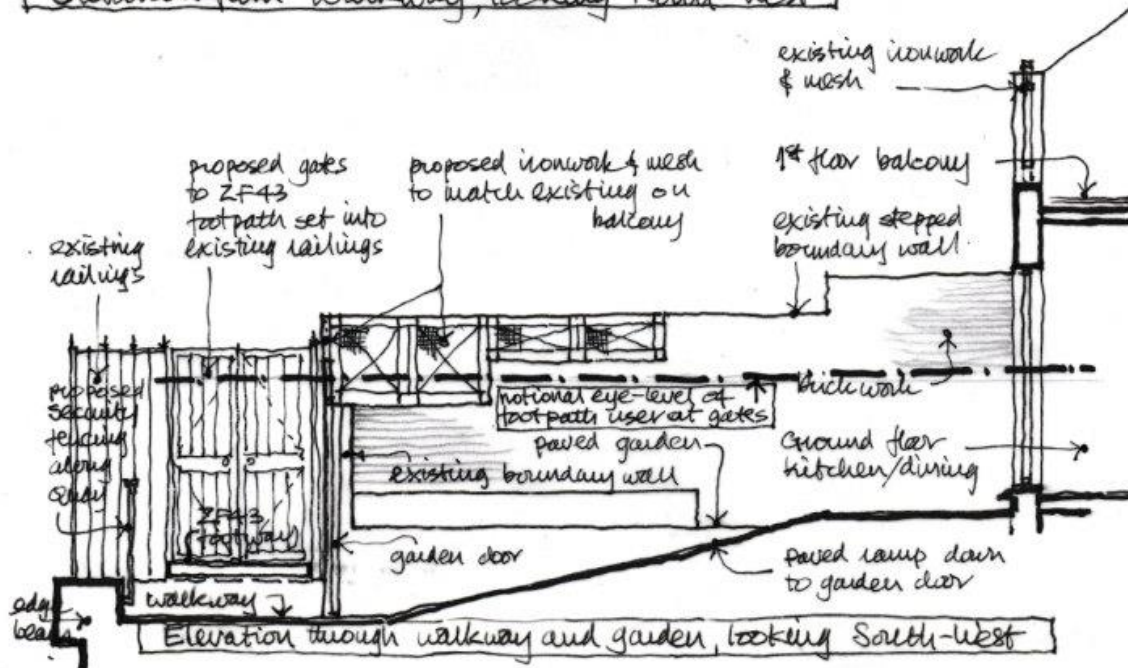


[REDACTED] due to containing personal information

15 Faversham Reach: Scale approx 1:50 27 Jan '17
 Mitigation of ZF43 Amenity/Visual/Environmental impacts



Elevation from walkway, looking North-West



Elevation through walkway and garden, looking South-West





5Y: Copy of Order Decision of Inquiry held on 30 November 2006 concerning the Kent County Council (ZF39, Faversham) Definitive Map Modification Order 1998

[REDACTED due to personal information]

5Z: 3 Photographs of path and lorry traffic



[REDACTED DUE TO PERSONAL DETAILS]



5AA: email to [REDACTED] (NE) about their group and strive to work against the expansion of the recycling site

17

M Gmail

COPY 1 AUGUST 2017

1 message

Tue, Aug 1, 2017 at 1:30 PM

Re. The Saxon Shore Way Coastal Footpath at OARE. FAVERSHAM. KENT. and "East Kent Recycling"

Further to our telephone conversation yesterday concerning the re-routeing of the Saxon Shore Coastal Footpath through a lake at the village of Oare, I confirm to you the outcome of our conversation.

1. The site is owned by Bretts Quarries.
2. Brett Quarries appear to have had the coastal footpath re-routed off what is the access road for the marina on the north side of Oare Creek.
3. The new route is through a lake to the north of the access road. The length of the footpath through the lake is approx. 200 metres.
4. 4 years ago Brett Quarries leased some land to "East Kent Recycling Company" where waste material is delivered by currently 60 lorries a day along this access road (that was once the footpath), from approx. 7am to 6pm. 60 lorries a day is permitted by their current Planning Agreement.
5. The re-cycling site is directly opposite Church Road in the village of Oare and has caused massive problems for the residents with the noise of the lorry movements and heavy machinery that is on the site, the light pollution from spotlights that illuminate the whole site when dark and shine into the windows of the houses in Church Road, (one resident has told us she now keeps her curtains drawn to block it), and the escape of dust and material off the site into the surrounding fields, Oare Creek and onto the boats in the marina.
6. EKR also have a second business where they lease space for other haulage companies to park/store their lorries when not in use and these lorries are jet washed clean. The dirt and any toxic materials jet washed off these lorries will eventually leach into Oare Creek. There is no restriction on the number of lorries being cleaned/stored here, so the total of 60 permitted is already being exceeded and is not under any planning control so the total number of lorry movements is known only to "East Kent Recycling".
7. EKR are already in breach of their current Planning Consent as they are storing / recycling materials off the area of land that they have permission to use. ie. they are expanding without permission. We have informed Swale Planning Department who have stated they do not have the financial resources to take legal action and enforce their own Planning Legislation. This could result in Swale Planning Department being found legally negligent in failing to protect the Oare residents by implimenting Planning laws designed specifically to protect them.
8. EKR have been given a concession by the council to recycle asbestos which they bring to this site to store until they enough to recycle at a profit. Asbestos is possibly the most toxic, carcinogenic building material ever used and can only be removed by specialist contractors. It is being imported into this site and stored next to what is supposed to be the Saxon Shore Way. Please note item 5 about the escape of materials from this site which is already happening. God help us if this includes asbestos. Some individuals in the village are, at their own expense, instructing "Environmental Consultants" to undertake an air pollution survey to find out exactly what is in the material / dust that is escaping from this site.
9. EKR are preparing a second Planning Application to double the size of this recycling operation to include 160 lorries a day on this access road that was once the Saxon Shore Way, construct new 8 metre high buildings and install a new massive tumbling machine to process concrete etc.
10. We have formed an action group call "The Oare Environmental Protection Group" to fight this trashing of the countryside, our village and the Saxon Shore Way and polluting the environment for profit.

<https://mail.google.com/mail/?ui=2&ik=6be9066a63&jsver=1KukmJVEMCA.en.&view=pt&search=sent&th=15d9dc714fea9e4a&siml=15d9dc714fe...> 1/2

1?
1. EKR is owned by [redacted] who in the last 2 years was fined over £2100 for fly tipping timber by the A2 and burning it.
10 weeks after his conviction, Kent County Council awarded EKR a grant of many thousands of pounds of council tax payers money to grow his "recycling business" on this site, which seems very unusual?
Personally I think when large sums of money are available it changes the way those people see things.

We live in a beautiful part of the north Kent coast and people who not live here are trashing it. Could you please get involved in our fight against this.
Its the public who are losing here all for the profit of one or two people and the laws that are supposed to protect us are broken daily.

I confirm that you have stated that Natural England will immediately start to deal with the local authorities here about the route of the Saxon Shore Way footpath and hopefully re-instating it.

I confirm that you want us to inform Natural England as soon as EKR submit their Planning Application and provide the Planning Application

reference number, at which point Natural England will get involved. We will send this information to "consultations@naturalengland.org.uk".

Thank you for your concerns and advice about this. In Oare we are getting cranked up fight this and welcome any support you can offer us.

If you need any more information or wish to come to our next meeting please call me on 07920 320 336 or 01795 229 611.