

## FORM FOR MAKING REPRESENTATIONS ABOUT A COASTAL ACCESS REPORT

### ANY PERSON MAY MAKE A REPRESENTATION ABOUT A COASTAL ACCESS REPORT.

This form should be completed if you wish to make a representation about the coastal access report which Natural England submitted to the Secretary of State for Environment, Food and Rural Affairs on **Wednesday 21<sup>st</sup> June 2017** under section 51 of the National Parks and Access to the Countryside Act 1949, pursuant to its duty under section 296(1) of the Marine and Coastal Access Act 2009. The report relates to the Kent coast between **Whitstable and Iwade**.

Any representations about the report must be made on this form and received by Natural England no later than **midnight of Wednesday 16<sup>th</sup> August 2017**. If you require more space for your comments, please continue on a separate sheet.

1. Please give the chapter number of the report and number of the map to which the representation(s) relate(s):

Overview: pages 25-26); list of restrictions (page 37): Iron Wharf; and Map H.  
Chapter 2: paragraphs 2.1.12, 2.1.15, 2.1.20 and 2.3.10.

2. If the representation(s) relate to specific land on the map(s), please describe the land here:

Proposed coastal access exclusion at Iron Wharf Boatyard, Faversham Creek.

3. Please tick the appropriate box below to show who is making the representation(s), or on whose behalf you are making the representation(s):

An access authority for an area in which land to which the report relates is situated	<input type="checkbox"/>
A local access forum for an area in which land to which the report relates is situated	<input type="checkbox"/>
The Historic Buildings and Monuments Commission for England (English Heritage)	<input type="checkbox"/>
The Environment Agency	<input type="checkbox"/>
A person specified in Schedule 1 to the Coastal Access Reports (Consideration and Modification Procedure) (England) Regulations 2010 (S.I. 2010/1976)	<input type="checkbox"/>
Other (please give details): Faversham Footpaths Group	<input checked="" type="checkbox"/> x

4. If you have ticked the "other" box above, please also indicate if you are a person with a relevant interest (within the meaning of section 55J(2) of the National Parks and Access to the Countryside Act 1949<sup>(a)</sup>) in land to which the report relates  
[<sup>(a)</sup> Section 55J(2) provides that a person has a relevant interest in land if the person is the owner of the land, holds a term of years absolute in the land, or is in lawful occupation of the land].

**No**

5. Please give details of, and the reasons for, the representation(s) you are making about Natural England's report:

The proposed exclusion from the coastal access provisions is unnecessary, would serve no practical purpose and might have unwelcome unintended consequences.

The Faversham Footpaths Group met NE on several occasions and maintained contact with the officials concerned throughout their consultations. NE were aware of our particular interest in the

area around Faversham Creek but did not at any stage indicate that they were considering this exclusion. Had they done so, we would have argued against this proposal for the following reasons:

- It is clear from paragraphs 25 and 29 of the report of the Inquiry held on 30 November 2005 (copy enclosed), which resulted in public footpath ZF39 being added to the Definitive Map, that, in setting the width of the path at this part of Iron Wharf at between 5 and 10 metres, the Inspector concerned specifically took into account the need to allow for commercial activities.
- In paragraph 4 of the inquiry report it was noted that the owners of Iron Wharf Boatyard – who are unchanged as far as we are aware – accepted that there was a public footpath running along the wharf and that one of the objectors had said in his written statement that “we are not in any way trying to stop walkers crossing the wharf, broadly along the creek’s edge”.
- It is clear from the map attached to the Order that the path was deemed to run along the edge of the Creek.
- The NE report (para 2.1.15) refers to “the winches, machinery and large crane in use alongside Iron Wharf and the potential hazards these could pose to the public”. These ‘potential hazards’ were present when the inspector considered the matter. No evidence has been produced to show that the flexible arrangement resulting from the inquiry has had any detrimental effect on the operations of the boatyard, has hindered any non-commercial activities or has endangered safety. Walkers using the footpath – as the inspector clearly envisaged – have simply followed a route which has avoided any machinery and any work which may be taking place.
- There is no need, therefore, for NE to propose an exclusion from the coastal access provisions on the ground of ‘commercial activities’ or safety.
- Such a provision would have no effect in practice since the right of public access by virtue of the existence of public footpath ZF39 would still apply.
- Moreover, there is little or no logic in highlighting this particular part of the boatyard. Although a mobile crane is usually sited at the western end of the proposed exclusion area, and it is normally necessary for walkers to go round it, the remainder of the area concerned is no more subject to commercial activities than the rest of the quayside and indeed less so than, in particular, the area near the slipway and the Alan Staley boatbuilding premises.
- The structures in the area concerned, old railway wagons, are only temporary structures and the land on which they are sited should not therefore be the subject of a permanent order.
- Specifying an excluded area would be likely to lead to confusion, and possibly conflict, over the right of public access.
- It might encourage the boatyard to be less respectful of the public’s right to walk this section of the public footpath and to be less attentive to, for example, the need to ensure that machinery is not allowed to obstruct the path permanently or unnecessarily.
- We object to the proposed information panels since we believe that they are inappropriate on a public right of way, unnecessary and could be regarded as intimidating.

In other respects we welcome and support NE’s recommendations regarding the route of the Coast Path in the Faversham area.

6. Please list below any documents or evidence you have included in support of the representation(s):	
Copy of Order Decision of Inquiry held on 30 November 2006 concerning the Kent County Council (ZF39, Faversham) Definitive Map Modification Order 1998	
7. Have you made any other representations about the report?	
Yes <input type="checkbox"/>	
No <input type="checkbox"/> x	
8. If you are a person with a relevant interest in land to which the report relates, have you made any objection(s) which relate(s) to that land?	
Yes <input type="checkbox"/>	
No <input type="checkbox"/>	
9. Please complete your details below:	
Name:	Brian Caffarey
Organisation/company (if appropriate):	Secretary, Faversham Footpaths Group
Address (including post code):	130 Athelstan Road Faversham Kent ME13 8QW
Telephone:	01795 530356 or 07810 251591
E-mail:	brian.caffarey1@btopenworld.com
Date:	[ ] July 2017
10. The completed form should be sent to Natural England at:	
Coastal Access Delivery Team – South East, Natural England, Floor 9, International House Dover Place Ashford Kent TN23 1HU	
Or email to: southeastcoastalaccess@naturalengland.org.uk	

a) Section 55J(2) provides that a person has a relevant interest in land if the person is the owner of the land, holds a term of years absolute in the land, or is in lawful occupation of the land.