

# FAVERSHAM FOOTPATHS GROUP

To: Regulation Committee Member Panel – 22 February 2016

## PROPOSED PART EXTINGUISHMENT OF PUBLIC FOOTPATH ZF5 AT FAVERSHAM REACH ESTATE AND CREATION OF A PUBLIC FOOTPATH BESIDE FAVERSHAM CREEK LINKING PUBLIC FOOTPATH ZF5 AT CRAB ISLAND WITH PUBLIC FOOTPATH ZF32 AT HAM MARSHES

The Faversham Footpaths Group wishes to express its full support for the proposals before the Regulation Committee Member Panel.

The main arguments in favour of the proposals are well summarised in paragraph 2.0 on page 5, and in paragraph 5 of Appendix D (pages 187-8), of KCC officials' report, so we will not repeat them here. We also think that that the report is very persuasive in explaining in detail (on pages 188-196) why the various objections carry little weight.

We simply wish to emphasise the following points:

- It is very important that the opportunity is grasped this time to make a decision which will eventually resolve these long-standing issues regarding public access to Faversham Creek
- While the delay following the decision of the previous panel has been unfortunate, it has proved beneficial in certain respects. First, the subsequent public inquiry put to rest all arguments about the existence of, and public need for, the footpath. It also established that there was no reason why the footpath could not be diverted to avoid the houses in Faversham Reach. KCC has a legal duty to remedy the obstruction: the only issue now, therefore, is not whether the footpath should be diverted but how it should be done.
- Second, the present proposals are a substantial improvement on those before the earlier Panel. The path would take the most direct and attractive route along the Creekside and would enable the residents, if they so wished, to close off the rest of their estates to the public. It also remedies the long-standing failure to implement the s.106 agreement to create a public footpath at Waterside Close.
- Third, this whole issue now needs to be considered in the context of Natural England's work to devise a route for the England Coast Path

round the Creek. There can be little doubt, in our view, that they will favour the route before the Panel. Paragraph 2.0 (fifth bullet point) on page 5 of the officials' report says, rightly in our opinion, that the proposed option "provides access that most closely reflects the Government's desire to provide access around the coast of England on foot". Given that a perfectly usable path already exists along almost the entire waterfront of Faversham Reach and Waterside Close, and that only a relatively small amount of work is required to make it complete and to connect it at either end, it is extremely unlikely in our view that Natural England will propose any other route. Accordingly, it would be logical for the Panel to choose the same route for the diversion of footpath ZF5.

- A very important point – which ought to weigh heavily with the residents of both estates – is that, if the coast path were to run inland, the communal areas between the coast path and the shoreline would be classed as coastal margin and be fully accessible to the public. The report states on page 194 (paragraph 41) that "It is not at all clear if NE will consider that the communal areas of Faversham Reach or Waterside Close are excepted areas or form part of the coastal access margin." It is right that NE have yet to express a view on this, but none of the exceptions set out in their Coastal Access Scheme would seem to remotely apply to these communal areas. We believe it is therefore in the residents' interests to support the proposed route for the diversion of footpath ZF5 and for the coast path.
- The report states that officials' preferred options for the work needed to divert the footpath are estimated to cost £92k (or less). Charitable contributions would meet £36.5k of this cost. Natural England have said that they will contribute to the cost if this route is chosen for the England Coast Path. Contributions have also been promised, or can be expected, from a number of other bodies, including KCC, Swale Borough Council and Faversham Town Council. There can be no reasonable doubt that the cost can be met. The overall cost would represent good value in restoring a missing link in an otherwise unbroken path running all the way from the Inner Basin of Faversham Creek round to Hollowshore and Oare and, as such, form an important part of the revitalisation of Faversham Creek.

Faversham Footpaths Group  
17 February 2016

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