

FORM FOR MAKING OBJECTIONS ABOUT A COASTAL ACCESS REPORT

Only owners, tenants and occupiers of affected land may make an objection about a coastal access report.

This form should be completed if you wish to make objections about the coastal access report which Natural England submitted to the Secretary of State for Environment, Food and Rural Affairs on 15 January 2020 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 coast between Iwade in Kent, and Grain in Medway.

Any objections about the report must be made on this form and received by Natural England no later than 11 March 2020. If you require more space for your comments, please continue on a separate sheet.

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

IGR 4: Funton Brickworks to Lower Halstow
 Map IGR 4b: Great Barksore Farm to Lower Halstow

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

Land Occupied by Lower Halstow Yacht Club. Sections IRG-4-S011 to IRG-4-S016

3. Please tick the box below which indicates your interest in the land to which the objection(s) relate(s) and give a brief description of your relevant interest:

Owner	<input type="checkbox"/>
Tenant	<input checked="" type="checkbox"/>
Occupier	<input checked="" type="checkbox"/>

4. You may only make objection(s) on one or more of the grounds below (as set out in paragraph 3(3) of Schedule 1A to the National Parks and Access to the Countryside Act 1949). Please tick the appropriate box(es) to indicate the relevant grounds:

The proposals in the report fail to strike a fair balance ^(a) in such respects as are specified in the objection(s) as a result of one or more of the following:	Tick box
(a) the position of any part of the proposed route (paragraph 3(3)(a))	<input checked="" type="checkbox"/>
(b) the inclusion of proposals (in relation to an area subject to significant coastal erosion, encroachment by the sea or significant physical change due to other geomorphological processes) providing for the route to be determined in accordance with provision made in the proposals (rather than as shown on a map), or the nature of any such proposal (paragraph 3(3)(b))	<input type="checkbox"/>
(c) the inclusion of, or failure to include, proposals for an alternative route, or the position of such a route or any part of it (paragraph 3(3)(c))	<input checked="" type="checkbox"/>
(d) the inclusion of, or failure to include, proposals that certain boundaries of certain areas should coincide with a specified physical feature, or the nature of any such proposal (paragraph 3(3)(d))	<input checked="" type="checkbox"/>

(e) the inclusion of, or failure to include, proposals as to the directions to be made under Chapter 2 of Part 1 of the Countryside and Rights of Way Act 2000 for the exclusion or restriction of a right of access in relation to land to which the report relates, or the terms of any such proposal (paragraph 3(3)(e))	<input type="checkbox"/>
(f) the exercise of a discretion conferred on Natural England by section 301(2) or (3) of the Marine and Coastal Access Act 2009, or the failure to exercise a discretion conferred by section 301(3) of that Act (discretions which relate to a case where the continuity of any part of the coast is interrupted by a river) (paragraph 3(3)(f))	<input type="checkbox"/>
5. Please give details of the objection(s) you are making, and explain why you think that the proposals in the report fail to strike a fair balance as a result of the matter or matters that you have selected above:	
<p>Lower Halstow Yacht Club is a Not for Profit, Community Amateur Sports Club (CASC), leasing the land we occupy on an exclusive use basis.</p> <p>We believe if the path is established through our land it will breach the security, privacy and safety our members currently enjoy.</p> <p>As Natural England have refused any assistance, other than a few signs to maintain our current level of enjoyment of the club, the club will be forced to invest heavily in further infrastructure to protect our members and their property.</p> <p>The club does not have the budget for the considerable costs of providing new fencing, the costs will have to be met directly by our members.</p> <p>Being a CASC we have to meet certain financial rules set by HMRC. With the sudden burden of the additional costs due to the proposed path, and by pushing these costs on to our members, the club is likely to break these HMRC rules, which could deny us from the benefits of CASC status. At a time when similar clubs are struggling to survive, this would seriously impact the financial position of the club. How can this be a fair balance?</p> <p>With reference to the Coastal Access Natural England's Approved Scheme 2013, several sections are relevant to Lower Halstow Yacht Club.</p> <p>10.1.1 'There is no requirement in the 2009 Act for the trail to extend up any river estuary' - when NE do so they have to balance the public gain against the cost of establishing a path in the estuary. <i>Looking at the maps associated with the stretch between Iwade and Lower Halstow and the vast areas of excepted land where the public will not be permitted to go, there is no public gain.</i></p> <p>5.3.3 [sic.] 'we will aim to prevent any coastal business suffering significant loss if income' - <i>as a CASC we are under certain financial constraints set by HMRC and this proposal if implemented will result in considerable financial expenditure by the club to maintain our current level of enjoyment, safety and security, jeopardising our CASC status and the benefits it brings. This could then lead to a loss of income to our landlord if the club were to be unable to meet our rent payments.</i></p> <p>5.4.1 'buildings and the area surrounding buildings (known as curtilage) are excepted from coastal access right' <i>The proposed path runs within a few metres of our windows, surely our curtilage is up to our existing boundary fence along the side of the road, with the proposed path running through our curtilage..</i></p> <p>5.4.2 'these provisions may prevent people reaching the shoreline in some places, if the only means of access is through a garden, park or curtilage of a building'</p> <p>5.4.3 'we will also consider how our proposals may affect the privacy of people in the immediate vicinity of houses, hotels or other residences' and aim to strike a fair balance between those concerns and the interests of the public having rights of access.</p> <p><i>When all three points are read together it is incredulous that NE are proposing this path</i></p>	

through the yacht club at all as it fails to meet the schemes expectations.

When the path leaves the club's ground to the West it is skirting the arable fields of Harvel Farm that can be very muddy and follows the fence line along two sides of the garden of the adjoining house encroaching on their privacy.

4.3.1 'the route should be reasonably direct and pleasant to walk' *The proposed route is far from direct, heading a considerable distance North before returning to the road just a short distance from where it started. The alternative Saxon Shore route is direct and does not go across muddy arable fields.*

We have commented on each section as it is broken down on Map IRG 4b:

IRG-4-S011

Route passes through trailer storage area between our main entrance gate and start of seawall. Where will these trailers go?

Indicative coastal access proposals for land owned by IGR2761 April 2019 shows: "Proposed new or changed infrastructure." Not showing on current plan.

IRG-4-S012

On 18th April 2019 we were offered a new vehicle access gate by Francesca Sanchez, "We are therefore offering to install a new vehicle gate on the road near your buildings" This seems to have been ignored in the final plan.

IRG-4-S013

This section runs through the curtilage of our buildings and very close to stored members kayaks and canoes. As these are lightweight, easily transportable and easily sold they are targets for thieves. They are stored here behind our storage container to keep them out of sight. The path exposes them to view and risk of theft. The proposed route then passes the windows of our club house and toilet and shower encroaching on the privacy of our members.

IRG-4-S014

This section runs alongside our grassed picnic and barbeque area. Members children use this area as a play area whilst their parents are preparing to use their boats and working on their boats during the winter (when boat movement operations are not taking place). The club is currently a safe fenced area for children with no public access. If this route is approved, as NE have refused to provide any additional fencing, it will present considerable safeguarding issues for our members children.

With this section of path being in close proximity of Lower Halstow Village, it is bound to become a popular dog walking route. In fact, we have heard it mentioned that this section will make an excellent circular route linking up with the existing Saxon Shore Path back to the Village. The locals do not seem to share NE's concern over the short road section of the Saxon Shore Route. Anyone that has ever walked on the seawall to the West of Lower Halstow Village will be aware of the amount of dog excrement laying around. This will not be acceptable on our land and with no provision to deal with this in the documentation we would like to know what NE plan to do to keep dogs off our grassed picnic and children's play area. We would be very surprised if signs will make any difference. Dogs cannot read and I doubt that their owners will take any notice.

During the summer, there is often a large group of youths that trespass on the adjoining land owned by Lower Halstow Sailing Limited. They are very noisy whilst there, and when

they depart, they normally leave a large amount of litter. Our current boundary fence and locked gate currently keeps them off our land, but if access is opened up, they will no doubt move into our property. The club does not have any form of rubbish collection and members take their own rubbish away with them. Whilst they do not fit the profile of the “normal Coast Path user,” they will in fact be Coast Path users. Why should the club be responsible for clearing up after them, when it is problem that doesn’t exist now for the club?

IRG-4-S015

IRG-4-S016

At the boundary of the club property, we have a locked pedestrian gate alongside a locked vehicle access gate. During January 2018 the club was a victim of a burglary and the egress route from the site was along the sea wall via the vehicle access gate that was broken down. Club equipment was obviously removed along the seawall on a wheeled trolley. The wheel tracks were clearly visible. During a discussion on the 15th January 2018 with Graeme Quinnel of NE, he advised that a pedestrian only access would be provided that would block wheeled access. The Indicative coastal access proposals for land owned by IGR2761 April 2019 shows “Proposed new or changed Infrastructure” at this point. The current plan shows a Red “Existing Pedestrian Gate to be retained.” If NE are not going to replace this as previously agreed to prevent wheeled access. This gate being Club property will remain locked shut.

Just inside the gate the club’s electricity is delivered via a pole on the seawall. The meter and isolator are mounted in a box approx. 1.5m above ground level. There has been no mention how NE will protect this from interference by unauthorised persons.

6. You may propose modifications of the proposals in the report, if you think that the modifications would remedy, or mitigate the effects of, the failure to strike a fair balance to which your objection(s) relate(s), and that the proposals as so modified would satisfy the requirements of paragraph 3(6) of Schedule 1A to the National Parks and Access to the Countryside Act 1949^(b). Do you wish to propose any modifications?

Yes

No

7. If yes, please give details of the modifications, and state why you think that they would remedy, or mitigate the effects of, the failure to strike a fair balance to which your objection(s) relate(s), and why the proposals as so modified would satisfy the requirements of paragraph 3(6) of Schedule 1A to the National Parks and Access to the Countryside Act 1949:

The section of the proposed path through Lower Halstow Yacht Club runs within 100m of the existing Saxon Shore Way. The report does not seem as though the short section along the road was given reasonable consideration of methods of connecting it to the next section at Bassar Hill. The report also states as a reason for not using this route “it avoids the trail and coastal margin affecting additional businesses and properties, both inland of Sheerness Road and everything seaward of the road.” This comment is totally irrelevant as the entire coastline of section IGR 4-S008 to IGR 4-S024 is shown on Map IGR 4A as either “Sensitive Wildlife, Section 26 (3)(a), No Public Access, Year Round” or Unsuitable for Public Access, Section 25A, No Public Access, Year Round.” So, members of the public would have no justifiable reason to access land between these points.

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8. Please list below any documents or evidence you have included in support of the objection(s):

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9. Have you made any other objection(s) about the report?

Yes

No

10. Have you made any representations about the report?

Yes

No

11. Please complete your details below:

Name:	
Organisation/company (if appropriate):	Lower Halstow Yacht Club
Address (including post code):	
Telephone:	
E-mail:	
Date:	

12. The completed form should be sent to Natural England at:

*England Coast Path Delivery Team (South East)
Natural England
International House
Floor 9
Dover Place
Ashford
Kent
TN23 1HU*

or to southeastcoastalaccess@naturalengland.org.uk

(a) A fair balance means a fair balance between the interests of the public in having rights of access over land, and the interests of any person with a relevant interest in the land (see paragraph 1(b) of Schedule 1A to the National Parks and Access to the Countryside Act 1949 and section 297(3) of the Marine and Coastal Access Act 2009).

(b) See paragraph 3(5) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. The requirements of paragraph 3(6) of that Schedule are that the modified proposals are practicable; take account of the matters mentioned in sections 297(2) and (where appropriate) 301(4) of the Marine and Coastal Access Act 2009 (matters to which Natural England and the Secretary of State must have regard when discharging the coastal access duty); and are in accordance with the scheme approved under section 298 of that Act (the scheme in accordance with which Natural England must act when discharging the coastal access duty) or, where that scheme has been revised, the revised scheme.