



AGENDA

Kent County Council

REGULATION COMMITTEE MEMBER PANEL

Wednesday, 21st November, 2012, at 2.00
pm
Guildhall, Market Place, Faversham ME13
7AG

Ask for: **Andrew Tait**
Telephone **01622 694342**

Tea/Coffee will be available 15 minutes before the meeting

Membership

Mr M J Harrison (Chairman), Mr M J Angell, Mr S J G Koowaree, Mr R F Manning and Mr R A Pascoe

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

1. Membership and Substitutes
2. Declarations of Interest by Members for items on the agenda
3. Public Footpath ZF5, Faversham (Pages 1 - 126)
 - (a) Application to divert part of Public Footpath ZF5, Faversham
 - (b) Application to extinguish part of Public Footpath ZF5 and create by Order a new Public Footpath at Faversham
4. Other items which the Chairman decides are Urgent

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services
(01622) 694002

Tuesday, 13 November 2012

Application to divert part of Public Footpath ZF5, Faversham

Application to extinguish part of Public Footpath ZF5, and create by Order a new Public Footpath at Faversham.

A report by the Corporate Director of Customer and communities to the Kent County Council Regulation Committee on 21 November 2012.

Recommendation:

I recommend

- (i) the County Council make an Order under Section 119 of the Highways Act 1980 to divert part of public footpath ZF5 at Faversham, on the grounds it is expedient to divert the path in the interests of the public and, if necessary, submit the Orders to the Secretary of State for resolution;**
- (ii) the County Council declines to make an Order under Section 118 of the Highways Act 1980 to extinguish part of public footpath ZF5 at Faversham; and**
- (iii) the County Council declines to make an Order under Section 26 of the Highways Act 1980 to create a public footpath at Faversham.**

Local Member:

Mr Tom Gates

Unrestricted

History of Public Footpath ZF5 Faversham

1. The National Parks and Access to the Countryside Act 1949 introduced procedures for recording of public's rights on definitive maps, so called because they can be produced in courts as conclusive evidence of those rights. The 1949 Act also provided for a periodic review of the definitive map and statement. The object of this review was to enable authorities to produce a revised Definitive Map by adding any rights of way omitted from the previous map and by showing any changes (creations, diversion, extinguishment). The first part of the process was to produce a Draft Review Map. This was published by the Kent County Council with a relevant date of 01 October 1970.

2. Public footpath ZF5 was added at the 1970 Draft Review stage, which was part of the periodical review required under the 1949 Act. No documentation has been located to explain who requested its inclusion on the map. No objections were received to its inclusion. The Wildlife and Countryside Act 1981 introduced the legal duty to keep the definitive map and

statement under 'continuous review', and as a consequence the periodical reviews were abandoned.

3. When the 1970 Draft Review was partly abandoned, because there had been no objection to its inclusion, public footpath ZF5 was shown on the Definitive Map and Statement prepared by the County Council with a relevant date of 01 April 1987.

4. Public footpath ZF5 also in part forms part of the Saxon Shore Way – a long distance Kent County Council promoted path. The Saxon Shore Way currently uses a route to the rear of Faversham Reach, rather than continuing along ZF5. At the time of providing a long distance coastal path around the coastline of this County in the late 1970s it was envisaged in general the route would follow existing paths beside our main watercourses. In Faversham the Saxon Shore Way had been intended to follow the line of public footpath ZF5. However, from a site visit it was noted that the path in question was obstructed and it was decided at the time in liaison with Swale Borough Council that an alternative path be used in its stead.

Introduction

5. The County Council is under a duty to protect and assert the rights of the public to the use and enjoyment of the highways for which it is highway authority and to prevent as far as possible the stopping-up or obstruction of those highways. The County Council, therefore has a duty to resolve the obstruction of public footpath ZF5 at Faversham Reach. The residents of Faversham Reach and Faversham Town Council are now fully aware of this issue and the need for resolution.

6. The County Council has received two applications to divert part of public footpath ZF5 at Faversham Reach. The first from Faversham Town Council (as shown in **Appendix A**) which has been made in the interests of the public. The diversion of public footpath ZF5 will allow this path to be opened and available for the public and form part of a continuous creekside path as required by the Faversham Creekside Area Action Plan.

7. The second application has been submitted by the Faversham Reach Residents Association to extinguish part of public footpath ZF5 (as shown in **Appendix B**) on the grounds it is no longer needed for public use, because as an alternative route – to the rear of Faversham Reach – has been used by the public for a significant number of years. A creation they submit, by Order will formalise this arrangement.

Existing and Proposed Routes

8. Public footpath ZF5 is approximately 1450 metres long, of this approximately 445 metres runs alongside Faversham Creek, providing direct views of the Creek – with approximately 90 metres running within the Faversham Reach Estate. A further 820 metres runs through agricultural land with the remainder passing through areas of housing and light industrial units.

9. The Faversham Town Council proposal shows the existing route of public footpath ZF5 by a solid black line between points A-B-C and the proposed diversion is shown by black dashes between points A-D-E-F-G-H-J-K-L-M-C on **Appendix A** to this report.

10. The Faversham Reach Residents Association proposal shows the route of public footpath ZF5 to be extinguished by a solid black line between points A-C-B and the proposed new public footpath to be created by Order is shown by black dashes between points A-D-B on **Appendix B** to this report.

Procedure

11. The County Council may make an Order under Section 119 of the Highways Act 1980 to divert a Public Right of Way if it is satisfied that it is expedient to do so in the interest of the public and the route is not substantially less convenient to the public, having regard to the effect of the diversion on the public enjoyment of the route as a whole.

12. The County Council may make an Order under section 118 of the Highways Act 1980 to extinguish a Public Right of Way if it is satisfied that the path or way is not needed for public use.

13. The County Council may make an Order under Section 26 of the Highways Act 1980 where it appears to a local authority that there is a need for a Footpath and the County Council is satisfied that having had regard to a) the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area, and also b) the effect which the creation of the path or way would have on the rights of persons interested in the land, with account being taken of provisions to payment of compensation as required, that a path or way should be created.

Consultations

14. Consultations have been carried out as required. No objections have been received to either proposal from the Statutory Undertakers. No response was received from The Open Spaces Society.

15. Objections to the proposal submitted by Faversham Town Council have been received from Faversham Reach Residents Association, 14 residents of Faversham Reach and 5 members of the public. Letters of support for the proposal have been received from Swale Borough Council, Swale Footpath Group, The Ramblers', The Faversham Society and a member of the public.

16. Objections to the proposal submitted by the Faversham Reach Residents Association have been received from The Ramblers', Swale Borough Council, Faversham Creek Consortium, The Faversham Society, Faversham United Municipal Charities, Faversham Town Council, Faversham and Swale east Branch Labour Party and 2 members of the public. Letters of support have

been received from Faversham Reach Residents Association, Waterside Residents Association and 9 residents of Faversham Reach.

17. Residents of Faversham Reach have requested that copies of letters of objection and support be attached to this Officers Report. Therefore responses to the Faversham Town Council proposal are attached at **Appendix C**, and responses to the Faversham Reach Residents Association are attached at **Appendix D**.

View of Members

18. Mr Tom Gates and District Councillor Mr Mike Henderson have been consulted. No formal response has been received from either party.

The Case - proposed diversion of public footpath ZF5 (Appendix A)

19. In dealing with the application to divert a Public Right of Way, consideration must be given to the following criteria of Section 119 of the Highways Act 1980:-

- a) Whether it is expedient in the interests of the owner of the land that the right of way in question should be diverted;***
- b) Whether the point of termination of the path will be substantially as convenient to the public given that it is proposed to be diverted to another point on the same or a connecting highway;***
- c) Whether the right of way will not be substantially less convenient to the public;***
- d) The effect that the diversion would have on public enjoyment of the path as a whole;***
- e) The effect on other land served by the existing right of way;***
- f) The effect of any new public right of way created by the order would have on land over which the right is so created and any land held with it.***

I will now take these points and offer my conclusions on them individually:-

- a) Whether it is expedient in the interests of the public that the footpath in question should be diverted;***

20. It is considered expedient to divert the path in the interests of the public. Public footpath ZF5 is currently obstructed by a number of residential dwellings, landscaping and a large concrete wall. This severely restricts the public in exercising their rights. The Faversham Creek Neighbourhood Plan, which following extensive public consultation, workshops and information displays has highlighted a continuous creekside path as one of its main goals. Those using public footpath ZF5 – as it passes through Faversham Reach – are forced to make a detour away from the Creek in order to avoid the obstructions. Diverting the public footpath will remove the path from 5 residential dwellings thereby opening up the route to the public and going some way to providing the continuous creekside path they desire, also complying with the Kent County council's duty to assert and protect.

21. The majority of the objectors state the diversion of public footpath ZF5 is not in the interest of the public for a number of reasons. Firstly that the availability of an alternative route – which forms part of the Saxon Shore Way – running alongside the rear boundary of Faversham Reach provides a better option for the public and the public would therefore be better served if public footpath ZF5 were to be diverted onto this route.

22. This is not considered to be the case and is contrary to the findings of the stakeholder consultation which was held as part of the preparation of the Faversham Creek Neighbourhood Plan, which calls for the “creation of a continuous walking route around the whole creek, extending to connect Upper Brents with the sea wall”.

23. Many of those objecting to the proposal by the Faversham Reach Residents Association have confirmed that they have indeed used the path to the rear of Faversham Reach, however this is not necessarily through choice. The rights of the public have been impaired by the obstruction of public footpath ZF5 for a considerable number of years.

24. It is important to remember that the public already have a right to pass and re-pass on foot using public footpath ZF5 as it passes through Faversham Reach and so the diversion of the public footpath will not create any new rights. These rights already exist. The lack of access between Crab Island and Faversham Reach has meant the public do not necessarily exercise their entitlement to deviate from the line of the public footpath in order to circumnavigate the obstructions and as such do not walk through Faversham Reach. Misleading notices – stating “No public right of way” - at the entrance to Faversham Reach have exacerbated this situation.

25. A number of the objectors have stated that the proposed diversion is not in the public interest because the proposal will only provide an additional 50 metres of creek side walking. Once again this is not considered to be the case. As previously outlined above public footpath ZF5 is currently obstructed in several places by a concrete wall, 5 residential dwellings and areas of landscaping. Therefore diverting public footpath ZF5 will not only open up this route for public use, but will also fulfil the objectives of the Faversham Creek Neighbourhood Plan of a continuous creek side route for the public.

26. This is borne out by the Swale Borough Council who state in their letter of support for this proposal that at every stage of the consultation for the Faversham Creek Neighbourhood Plan both residents and stakeholders expressed a desire to have a continuous circular path that allows residents to walk around the entire head and basin of Faversham Creek, by the waters edge.

b) Whether the point of termination of the path will be substantially as convenient to the public given that it is proposed to be diverted to another point on the same or a connecting highway;

27. The common points of termination (Points A and C) will not be altered and are therefore considered as convenient.

28. It should be noted that the test is '**substantially as convenient**'. This can be seen as meaning 'as good as' or as close to as makes no difference, with convenience meaning 'ease of use'. The proposed route of ZF5 is considered to be 'as good as' the current definitive line. In fact it could be argued that the proposed new route is a vast improvement, as it will make this route available to the public, which is not the case at present.

c) Whether the right of way will not be substantially less convenient to the public;

29. The existing route measures approximately 198 metres (A-B-C) and the proposed measures approximately 230 metres (A-D-E-F-G-H-J-K-L-M-C). The overall increase in length is therefore 32 metres. Public footpath ZF5 – were it to be open and available for public use – is likely to be used primarily as a recreational route, providing the continuous creek side route required by the Faversham Creek Neighbourhood Plan. The additional 32 metres is therefore seen as a relatively small increase being *de minimus* when actually walking the route, adding less than 1 minutes walking time.

30. The majority of the objectors state that the proposed diversion is substantially less convenient to the public because using the new route will involve traversing a ramp.

31. This is not considered to be the case. The current definitive line of ZF5 is obstructed in several places, however the only point at which the public are unable to exercise their entitlement to deviate from the line of the public footpath in order to circumnavigate an obstruction is at the point where the footpath connects with Crab Island. At this point there is a large concrete wall coupled with a drop in ground level of approximately 1 metre. The required ramp will have a gradient of 1 in 12, therefore providing a gentle slope up to the point at where the proposed route enters Faversham Reach and will open up the path to all potential users including people with disabilities and parents with young children in buggies. The 1 in 12 gradient complies with the County Council's obligations under the Equality Act 2010, DEFRA's good practice guidance for local authorities on compliance with the Equality Act 2010 and BT Countryside for All, Standards and Guidelines. A copy of the proposed ramp design is attached at Appendix E.

32. In addition one of the objectors has stated that the proposed route affects the resident's rights to operate the main gates to the estate and which would pose a serious problem for unaccompanied wheel chair users and exposes them to considerable road safety issues immediately outside the gates to Faversham Reach.

33. DEFRA's good practice guidance for local authorities on compliance with the Equality Act 2010 states "A Highway Authority has a duty, under the Highways Act 1980, to assert and protect the right of the public to use and enjoy a highway. The equality Act 2010 – formally Disability Discrimination Act 1995 (DDA) – adds a further dimension, by requiring broadly – that in carrying out their functions, public authorities must make reasonable adjustments to ensure it is not impossible or unreasonably difficult for people with disabilities to benefit from those functions as others would do, or to show that there are good reasons for not doing so."

34. It is worth taking into consideration the reason for the line of the proposed route leading up to and through the entrance of Faversham Reach. The definitive line currently passes through the centre of a number of parking spaces – making them unusable, without further obstructing the line of the footpath – across an area of planted shrubs and through the wall adjacent to the vehicular entrance to Faversham Reach. The proposed new route has been aligned to avoid these obstructions and remove the necessity of creating another gap in the boundary wall of Faversham Reach. Any gate on a proposed right of way should be two-way and easily operated by all users. The gate in question is rather imposing and designed to deter the public from entering Faversham Reach. The objection in this case is a valid one and as such the County Council will require the removal of the pedestrian gate should the application ultimately prove successful.

35. Although the kerb is not particularly high it is accepted that this could cause problems for those with limited mobility it is therefore proposed that it should be replaced by a drop kerb conforming to the obligation under the Equality Act 2010, DEFRA's good practice guidance for local authorities on compliance with the Equality Act 2010 and BT Countryside for All, Standards and Guidelines.

36. The concerns raised, in relation to the potential for the public to come into contact with large vehicles is a valid one. The current definitive line is currently obstructed at this point by a large concrete wall. Between Points M-C on the original proposed route there is a narrow walkway, however this does narrow considerably towards its end and then stops at the old boat yard entrance. The proposed route reconnects with the unaffected section of ZF5 on the outside of this entrance. As an alternative to this option a gap could be created in the obstructing concrete wall, with the proposed diversion reconnecting with ZF5 at this point, thus removing any safety concerns.

37. It should be noted that the "substantially as convenient" test and the "not substantially less convenient" test above differ materially, in that the former test requires the new point of termination to be at most only marginally less convenient, whereas the latter allows a greater degree of inconvenience, albeit not a substantial one, with convenience meaning 'ease of use'.

d) The effect that the diversion would have on public enjoyment of the path as a whole;

38. Public enjoyment of the path as a whole will not be affected, in fact it could be easily argued that the mere fact that the diversion will open up the route to the public will therefore make the proposed route more enjoyable. The current route of public footpath ZF5 runs through Faversham Reach providing – on that section which remains unobstructed – superb views of Faversham Creek, these views will continue to be available on the proposed route

39. The majority of the objectors have stated the proposed diversion has a negative impact on public enjoyment for a number of reasons. Firstly that the public would prefer to walk along the route running to the rear of Faversham Reach – along which the promoted Saxon Shore Way long distance route runs and that the proposal will only increase the public's view of the creek by approximately 50 metres.

40. This is not considered to be the case and is contrary to the findings of the stakeholder consultation which was held as part of the preparation of the Faversham Creek Neighbourhood Plan, which calls for the “creation of a continuous walking route around the whole creek, extending to connect Upper Brents with the sea wall”. This shows a clear desire by the public for a continuous creekside walk.

41. It should be noted that any comparison must be made between the line of public footpath ZF5 recorded on the Definitive Map and the line on which it is proposed to divert public footpath ZF5. The fact that there is an alternative route being used by the public is not relevant in terms of applying the tests as laid down in the Highways Act 1980.

42. As previously stated the public already have a right to pass and re-pass on foot using public footpath ZF5 as it passes through Faversham Reach and so the diversion of the public footpath will not create any new rights through Faversham Reach. What the diversion will do is open up this path and re-establish the public's rights to pass and re-pass in this area.

43. Many of the objectors have stated that the proposed diversion will place users of the route into direct conflict with vehicles within Faversham Reach as there are no specified walkways. Users of public rights of way are expected to do so with due care and attention, as are those in charge of motor vehicles when entering an area of shared use with pedestrians - as is the case with many of the rights of way in Kent. It is important to remember when considering the implications of the proposed diversion on the public's contact with vehicles that the public already have the right to pass and re-pass on foot within Faversham Reach. There are no new rights being created by this proposal.

44. Many of the objectors have raised concerns for the safety of the public and in particular children who are brought into close proximity with the Marina and deep water. At this point (Point G-H) the proposed diversion only deviates

slightly from the definitive line. This is in fact one of the only sections of ZF5 as it passes through Faversham Reach that remains unobstructed. There is therefore no additional risk to users of the proposed route compared with the definitive route. Public footpath ZF5 as a whole has over 440 metres of creek side path.

e) The effect on other land served by the existing public right of way;

45. The effect of the diversions will have no impact on other land served by the existing right of way.

f) The effect of any new public right of way created by the order would have on land over which the right is so created and any land held with it;

46. No additional new rights would be created by the Order, those rights are merely being diverted – public footpath ZF5 already passes through Faversham Reach. There will therefore be no effect on land over which the right is so created.

Other objections

47. In addition to the objections detailed above some of the objectors have also commented on the fact that Crab Island – on which the ramp will be constructed – is a registered Village Green and as such the construction of the ramp would be unlawful. This is not considered to be the case, legislation allows for any works to be undertaken as long as they provide for the better enjoyment of the green. The erection of the ramp will ultimately provide the public with direct access from public footpath ZF5 onto the Village Green – and vice versa – as part of the desired continuous creek side route.

48. Many of the objectors have stated that the overall cost to the public of this proposal should prohibit it from being considered as an option. The overall cost is not a matter for the County Council to take into consideration when determining this application. All costs – including those associated with bringing the new route into a condition suitable for public use – will be borne by the applicant.

49. Some of the objectors are concerned that the proposal will add a public footpath through a private and quiet residential estate, which is likely to increase instances of noise, security and vandalism. Many are particularly concerned with the security of boats moored in the marina – which they say was not constructed with the anticipation of public access. As previously detailed above there are no new public rights being created through Faversham Reach, the rights already exist – and did so prior to the construction of the residential properties and the associated marina - albeit that those rights are obstructed and the public deterred from exercising them by the unwelcoming gates and notices stating “Private. No public right of way”.

50. One of the objectors has provided photographs of some recent vandalism where a hedge adjacent to another section of public footpath ZF5

has been set fire. Although the County Council understands and sympathises with the concerns of the residents of Faversham Reach it is important to remember that the County Council has a duty to assert and protect the public rights, including those rights through Faversham Reach. The nature of the obstructions to public footpath ZF5 mean that to make the public's rights available on the definitive line would be practically impossible.

51. Finally several of the objectors have raised concerns about how the proposed diversion will impact on the value of their properties. As understandable as this is to the property owners, this cannot be taken into consideration when considering this proposal. As previously stated public rights already exist through Faversham Reach, in fact, 5 of the residential properties have been built directly on the line of the public footpath and as such these properties could be considered to be blighted.

The Case – proposed extinguishment of public footpath ZF5 (part)

52. In dealing with an application to extinguish a Public Right of Way, consideration must be given to the following criteria of section 118 of the Highways Act 1980:

- (a) Whether it is expedient to extinguish the path on the ground that it is not needed for public use;***
- (b) The extent to which it appears that the path would, apart from the Order, be likely to be used by the public;***
- (c) The effect which the extinguishment would have as respects land served by the path or way.***

I shall now take these points and conclusions upon them individually:

- (a) Whether it is expedient to extinguish the path on the grounds that it is not needed for public use;***

53. The applicants have submitted that part of public footpath ZF5 is not needed for public use because there is an alternative route running to the rear of Faversham Reach – along which the Saxon Shore Way is aligned – and that this – alternative - path has been used by the public for a significant number of years.

54. The objectors, however, have made it clear that this section of public footpath ZF5 is most definitely needed by the public. Many of the objectors have stated that the only reason for using the alternative route – to the rear of Faversham Reach – is because the definitive route has been obstructed by a number of residential dwellings and concrete walls and they have therefore been “pushed away from the creek side alongside a high concrete wall, creating an extensive loop around industrial works to regain the creek side path.”

55. The majority of the objectors, including Swale Borough Council, have stated that during the consultations, workshops and information events held as part of the preparation of the Faversham Creek Neighbourhood Plan the one

initiative most strongly supported by both stakeholders and Faversham residents was the desire for a continuous circular path that allows residents and visitors alike to walk around the entire head and basin of the Creek by the waters edge.

56. It is therefore very clear that this section of public footpath ZF5 is not only needed by the public but there is also great public demand for it to be made available for them to use.

(b) The extent to which it appears that the path would, apart from the Order, be likely to be used by the public;

57. Public footpath ZF5 is currently obstructed – as it passes through Faversham Reach – by five residential dwellings, a concrete wall, a brick wall and areas of landscaping. This coupled with the lack of access between Crab Island and Faversham Reach has meant the public do not necessarily exercise their entitlement to deviate from the line of the public footpath in order to circumnavigate the obstructions and as such do not walk through Faversham Reach. Misleading notices – stating “No public right of way” - at the entrance to Faversham Reach have exacerbated this situation.

58. An alternative route does exist and has been used by the public for a significant number of years, as a means of circumnavigating Faversham Reach and the obstructions on ZF5.

59. The majority of the objectors have stated that although they do use the alternative route – to the rear of Faversham Reach – this is only because they have been “forced” to do by the obstruction of ZF5. They further add that the alternative route is behind an ugly concrete wall, and for 25% of its length is behind industrial building, residential garages and the concrete wall. All have expressed the desire to use ZF5 were it to be open and available to the public.

60. It should be noted that despite the alternative route not being recorded on the Definitive Map and Statement as a public footpath, there is no doubt that public rights exist over this route. This has been almost unanimously acknowledged by all parties.

(c) The effect which the extinguishment would have as respects land served by the path or way;

61. The extinguishment of public footpath ZF5 would not have a negative impact upon land served by the right of way.

The Case – proposed creation by Order of public footpath

62. In dealing with an application to Create by Order a Public Right of Way, consideration must be given to the following criteria of section 26 of the Highways Act 1980:

(a) The extent to which the path would add to the convenience or enjoyment of a substantial section of the public or convenience of persons residing in the area;

(b) The effect which the creation of the path or way would have on the rights of persons interested in the land, account being taken of the provisions as to compensation.

I will now take these points and my conclusions upon them individually: -

(a) The extent to which the path would add to the convenience or enjoyment of a substantial section of the public or convenience of persons residing in the area;

63. The proposed new route is currently used by the public, and has been for a considerable number of years, this has been acknowledged by all parties. It is therefore considered that the new route will undoubtedly enhance the convenience and enjoyment of the public and persons residing in the area, but it's not an addition to what they already have, albeit unformalised.

(b)The effect which the creation of the path or way would have on the rights of persons interested in the land, account being taken of the provisions as to compensation;

64. The landowners – Faversham Reach Residents Association – has stated it would defray any claims for compensation.

Recommendations

65. Despite there being a number of objections to the proposal I recommend the County Council makes an Order under Section 119 of the Highways Act 1980 to divert; part of Public Footpath ZF5 at Faversham, on the grounds it is expedient to divert the path in the interests of the public and, if necessary, submit the Orders to the Secretary of State for resolution.

66. I recommend the County Council declines to make an Order under Section 118 of the Highways Act 1980 to extinguish part of Public Footpath ZF5 at Faversham and declines to make an Order under Section 26 of the Highways Act 1980 to create a Public Footpath at Faversham.

Appendix A - Map showing the route and proposed diversion of public footpath ZF5

Appendix B - Map showing the route proposed extinguishment of public footpath ZF5 and the proposed creation by Order of a new public footpath.

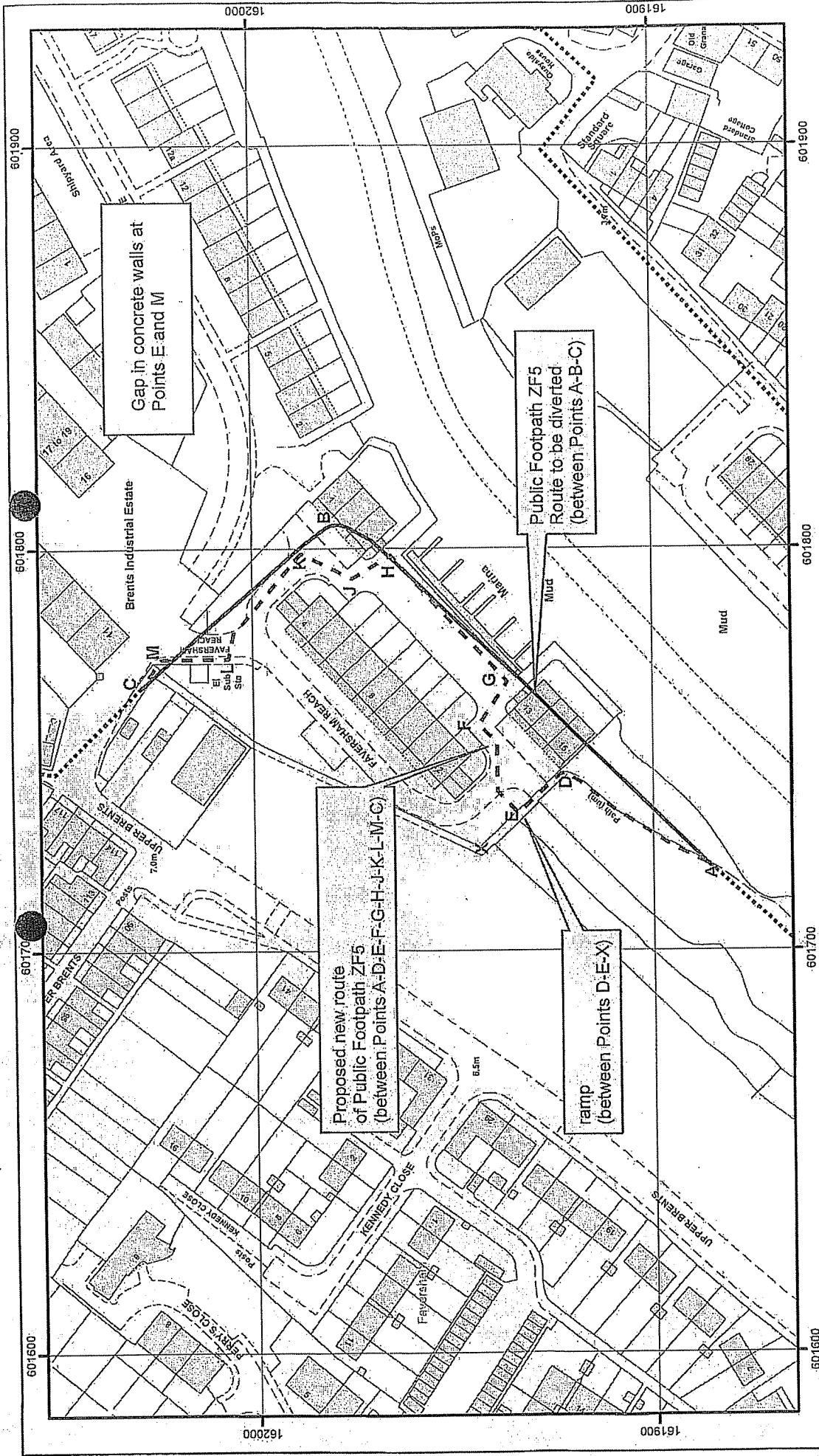
Appendix C – Responses to the proposal submitted by Faversham Town Council

Appendix D – Responses to the proposal submitted by Faversham Reach Residents Association.

Appendix E – Proposed ramp design.

Contacts: Sonia Coventry 01622 221512

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Gap in concrete walls at Points E and M

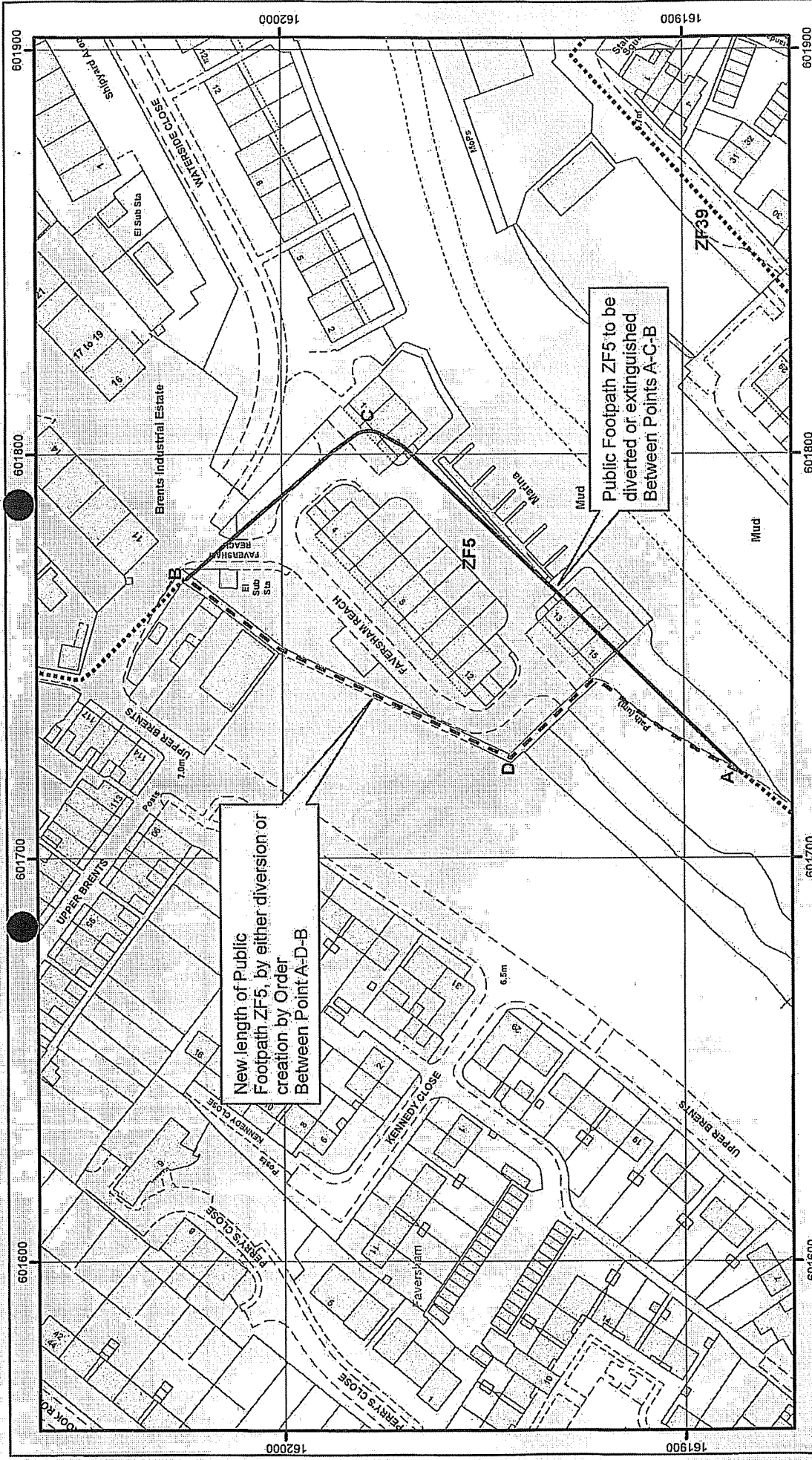
Proposed new route of Public Footpath ZF5 (between Points A-D-E-F-G-H-J-K-L-M-C)

ramp (between Points D-E-X)

Public Footpath ZF5 Route to be diverted (between Points A-B-C)

<p>Key</p> <ul style="list-style-type: none"> — Route to be diverted - - - New length of route □ □ □ □ □ Unaffected Routes 		<p>APPENDIX A</p> <p>Highways Act 1980, Section 119 Proposed diversion of Public Footpath ZF5 (part) Faversham.</p>	
<p>Countryside Access Service</p>		<p>Produced by the KCC Countryside Access Service © Crown Copyright and database right 2012. Ordnance Survey 100019238</p>	
<p>Created by: SC</p>	<p>Checked by: SC</p>	<p>Reference: PROWZF5/1340</p>	<p>1:1,250</p>

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<p>Key</p> <ul style="list-style-type: none"> — Route to be diverted - - - New length of route Unaffected Routes 		<p>APPENDIX B</p>		
				<p>Highways Act 1980, Section 26, 118 Proposed extinguishment of Public Footpath ZF5 (part) Proposed Creation by Order of Public Footpath Faversham</p>
<p>Countryside Access Service</p>		<p>Created by: SC</p>	<p>Checked by: SC</p>	<p>Reference: PROWIZF5</p>
<p>Produced by the KCC Countryside Access Service © Crown Copyright and database right 2012. Ordnance Survey 100019238</p>		<p>Scale: 1:1,250</p>		

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APPENDIX C

Responses to the proposal submitted by Faversham Town Council

FAVERSHAM REACH RESIDENTS ASSOCIATION LIMITED

13, Faversham Reach,
Upper Brents,
Faversham,
Kent. ME13 7LA

Tel. 01795 590175
helenalbery@yahoo.co.uk

Ms Sonia Coventry
Public Rights of Way Officer
Countryside Access Service
Invicta House
County Hall
Maidstone
Kent ME14 1XX



18th July 2012

Dear Madam,

Public Footpath ZF5, Faversham Reach, Faversham

The Residents Association company understands that Faversham Town Council have applied to divert footpath ZF5 onto a different route through Faversham Reach.

The company intend to oppose this application and when we receive a formal notice of this application we will respond in a formal manner.

Several residents also intend to oppose the application.

Yours faithfully,

A handwritten signature in blue ink that reads 'H. Albery'.

Mrs. H. Albery (Secretary)

For and on behalf of Faversham Reach Residents Association Limited.

Sonia Coventry
KCC Public Rights of Way
Invicta House
County Hall
Maidstone
Kent ME14 1XX

1 Faversham Reach
Upper Brents
Faversham
Kent ME13 7LA

21. 08. 12.

Dear Ms. Coventry

Proposal to divert part of Public Footpath ZF5 in Faversham, Borough of Swale.

Your Ref: PROW/ZF5/1340

Thank you for your correspondence dated 01 August 2012 concerning the Faversham Town Council Application which my wife and I note with interest. Whilst we support the principle of diversion of the footpath we would suggest a different route, namely the Saxon Shore Way which runs around the outside of Faversham Reach.

We understand that Faversham Reach Residents Association Limited (FRRRA) will make an application under s119 of the Highways act 1980 to secure this outcome.

On this basis, my wife and I (Margaret & Donald Haile) as homeowners of number 1 Faversham Reach **object** to the Town Council's proposal (KCC ref: PROW/ZF5/ 1340) to divert ZF5.

In response to the questions asked on your consultation form:

- 1) The proposed diversion is not in the interests of Mr & Mrs Haile. The land over which the proposed diverted ZF5 would run is owned by FRRRA. The owner does not consent to the proposed route of ZF5. It would run through the heart of a quiet residential development causing inconvenience, security risk and health and safety concerns. The marina and private moorings do not have provisions as to the security of the boats moored there. Additionally, the proposed ramp would require a breach in the existing estate wall which would reduce the car parking availability within the development and potentially increase the flood risk. Mr & Mrs Haile would prefer that ZF5 be diverted along the Saxon Shore Way. That land, we understand, is owned by Swale Borough Council.
- 2) The proposed diversion is not in the public's interest. We consider it would be better for the public if ZF5 was routed along the Saxon Shore Way, a nationally accepted walking route. It is routed around the side of what is now Faversham Reach. However it does not currently enjoy right of way status. We consider it would be in the public's interest to secure this amenity for the public. To do so would require little or no cost and the existing path has already been improved to secure disability access.
- 3) The proposed diversion is substantially less convenient for the public than the diversion proposed by FRRRA because it involves traversing a ramp with a 1 in 12 gradient whereas the Saxon Shore Way is accessible for all.

- 4) The proposed diversion would be less preferable in terms of public enjoyment of the route than FRRRA's proposed diversion: as set out above. The public would surely prefer to walk along the Saxon Shore Way where there is no vehicular access rather than up a ramp into Faversham Reach gaining, at best, some 50 metres of limited Creek view. The remainder being within the confines of houses and perimeter fencing within the estate and over an area of roadway used by vehicles including delivery and public utility vehicles with several areas having limited visibility.
- 5) The points of termination are the same.

Finally, a further important point to consider is the difficulty and substantial cost to the public of securing the Town Council's proposed diversion when compared with that being proposed by FRRRA.

The land to the southwest of Faversham Reach, on which it is proposed to construct a substantial ramp, is understood to be a town or village green registered as VG236. The construction of a ramp on the green we believe would be unlawful under the 19th century statutes which protect town and village greens. The Commons Act 1876 provides s29 that, in respect of a green, 'any erection thereon or disturbance or interference with or occupation of the soil' shall be a public nuisance (and therefore unlawful). The construction of a ramp would clearly fall within that section.

Even supposing that the construction of a ramp was lawful, it would still be expensive and unnecessary given the existence of the FRRRA's alternative diversion proposal. Given also the context of the current recession and many other priorities which KCC no doubt faces in terms of expenditure, this must be a relevant consideration when considering which proposal to take forward.

We would therefore invite KCC to prefer the proposed diversion of FRRRA as the more 'expedient' proposal. However if KCC is undecided Mr & Mrs Haile would suggest that both the proposal of FRRRA and the Town Council's proposal be submitted to an inspector for simultaneous consideration so that he/she can determine which of them is the most expedient.

Yours sincerely



Donald Haile

2 FAVERSHAM REACH
UPPER BRENTS
FAVERSHAM
KENT ME13 7LA
01795 – 591191

mikepalmer500@gmail.com

Sonia Coventry
KCC Public Rights Of Way
County Hall
Maidstone, Kent, ME14 1XX



August 24, 2012

Dear Ms Coventry,

Proposal to divert part of public footpath ZF5 in Faversham
Reference: PROW/ZF5/1340

I am the owner of 2 Faversham Reach and am pleased that Kent County Council wish to change the existing situation of the ZF5 footpath notionally running through my property; this is clearly an anomaly.

Indeed it seems peculiar that it was not addressed when Pollock's shipyard was closed and Faversham Reach was developed in the early 1990s. I purchased my house in 2003, and Thorneloe & Co, my solicitor has confirmed that the local authority searches revealed no Public Rights of Way at that time. It seems that errors were made in the administration of this service in this case and in others.

So I strongly support the principle of diversion.

But I believe the best solution is to divert the path onto the route of the Saxon Shore Way, which runs around the outside of Faversham Reach. I understand that Faversham Reach Residents Association Limited (FRRRA) will make an application under s119 of the Highways Act 1980 to propose this alternative.

On this basis I object to the Town Council's proposal to divert ZF5. Referring the questions asked on your consultation form:

1. Landowners' interests

- Faversham Reach is a quiet and secure environment in which to live; as a gated cul-de-sac it is easy to control access as well as being a safe environment for children to play. In 2003, following several acts of vandalism to boats by persons climbing around the wall, additional security grills were fitted by FRRRA at each end of the quays (Planning Permission was granted by Swale BC). Since then there has only been one incident, and it has been the habit of residents to challenge the occasional incursions from people who may wish to make mischief. Clearly this will change if the footpath is diverted: any person will have the right to enforce their right of way.

**2 FAVERSHAM REACH
UPPER BRENTS
FAVERSHAM
KENT ME13 7LA
01795 – 591191**

mikepalmer500@gmail.com

- For these reasons I feel that the Town Council proposal will cause me considerable inconvenience and decreased security. I moor my boat next to my house and am concerned about the increased risk of vandalism. This proposal will cause me significant loss of amenity.
2. **The Public Interest:** the proposal is not in the public's best interest because:
- **Creek side experience.** The proposed path will increase the public's ability to view the Creek by under 50metres – only 30% of the diverted route.. This seems poor use of public money in view of the costs of diverting the existing Saxon Shore Way path to allow the construction of the 2 metre wide ramps, provision of railings, breaching and forming the new wall entrance etc.
 - **Danger to pedestrians.** The proposed diversion of Faversham Town Council is over an area of roadway used by vehicles, including delivery and public utility vehicles; unfortunately there are several areas with limited visibility in the estate on the creek side.
 - **Convenience..** The proposed diversion is inconvenient for the public because it involves traversing the proposed ramp. In contrast, the Saxon Shore Way path is flat and accessible for all after Faversham Town Council's recent improvements.
3. **Practical concerns.**
- I have received advice that the land to the southwest of Faversham Reach, on which it is proposed to construct the substantial ramp, is a 'village green' registered as VG236. The construction of a ramp on the green would be unlawful under the 19th century statutes which protect town and village greens.
 - Even supposing that the construction of a ramp were lawful, it would still be expensive and unnecessary given the existence of FRRRA's alternative diversion proposal.

I believe the diversion would be better for all if ZF5 were routed along the Saxon Shore Way, a solution which requires little or no additional expenditure. This long distance path is routed around the side of Faversham Reach but this section does not currently enjoy right of way status. I think it would be in the public's interest to secure this amenity for the public.

I would therefore invite KCC to prefer the proposed diversion of FRRRA as the more 'expedient' proposal.

Yours sincerely



Michael Palmer

Coventry, Sonia - CC CS

From: Coventry, Sonia - CC CS
Sent: 09 October 2012 11:50
To: 'mikepalmer500'
Subject: RE: Proposed diversion of footpath ZF5 - example of vandalism

Dear Mike

I acknowledge receipt of you email and the attached pictures. This information will be added to the file and made available to the those attending the Panel meeting on 06 November and the Panel members, so this information can be taken into consideration at the meeting.

Regards

Sonia

Sonia Coventry
Public Rights of Way Officer (Definition)
Countryside Access Service

Customer and Communities
Kent County Council
Invicta House
Maidstone
Kent ME14 1XX

Direct Tel: 01622 221512

Fax: 01622221636

Email: sonia.coventry@kent.gov.uk

www.kent.gov.uk/explorekent

Please help save paper by not printing this email unless absolutely necessary

From: mikepalmer500 [mailto:mikepalmer500@gmail.com]
Sent: 08 October 2012 18:50
To: Coventry, Sonia - CC CS
Cc: Mike Maloney; helenalbery@yahoo.co.uk; Don & Margaret Haile; Wade, Chris - CC CS
Subject: RE: Proposed diversion of footpath ZF5 - example of vandalism

Dear Sonia

These photos, taken today, illustrate an act of vandalism that has occurred recently about 35 metres north-east of point C of the proposed diversion. This stretch of hedge was torched recently on the Saxon Way footpath.

Please will you append it to my letter of objection to the proposal by Faversham Town Council. It provides evidence that there is a real risk of vandalism to property should ZF5 be diverted through Faversham Reach.

Obviously this act had taken place before the closing date for objections, so I request that the photos be made available to those who are considering this matter.

Please would you acknowledge receipt.

Best wishes





Sonia Coventry,
KCC Public Rights of Way,
Invicta House,
County Hall,
Maidstone,
Kent ME14 1XX



M D Spicer,
3 Faversham Reach,
Upper Brents,
Faversham,
Kent ME13 7LA

25 August 2012

**Proposal to divert part of
Public Footpath ZF5 in Faversham, Borough of Swale
Reference: PROW/ZF5/1340**

Dear Ms. Coventry,

thankyou for your correspondence dated 1 August 2012 concerning the Faversham Town Council Application which I note with interest. I do support the principle of diverting Public Footpath ZF5 (but **not** through Faversham Reach). I would suggest a different route, namely the Saxon Shore Way which runs around the perimeter of Faversham Reach. I am also aware that Faversham Reach Residents Association Limited (FRRRA) will make an application under s119 of the Highways Act 1980 to secure this outcome.

On this basis and as house owner of 3 Faversham Reach I **strongly object** to the Town Council's proposal (KCC ref: PROW/ZF5/1340) to divert ZF5.

In response to the questions asked on your consultation form:

- 1) The proposed diversion is not in the interests of Mr M D Spicer. The land over which the proposed diverted ZF5 would run is owned by FRRRA. The owner does not consent to the proposed route of ZF5. It would run through the heart of a quiet residential development causing inconvenience, security risk and health and safety concerns. The marina and private moorings do not have provisions as to the security of the boats moored there. Additionally, the proposed ramp would breach the existing perimeter wall and further reduce residents car parking and potentially increase the risk of flooding. Mr Spicer would prefer ZF5 be diverted along the Saxon Shore Way. That land, I understand, is owned by Swale Borough Council.
- 2) The proposed diversion is not in the public's interest. I consider it would be better for the public if ZF5 was routed along the Saxon Shore Way, a nationally accepted walking route. It is routed around the perimeter of Faversham Reach. However, it does not currently enjoy Right of Way status. I consider it would be in the public's interest to secure this amenity for the public. To do so would require little or no cost as the existing path has already been improved to secure disability access.
- 3) The proposed diversion is substantially less convenient for the public than the diversion proposed by FRRRA because it involves traversing a ramp with a 1 in 12 gradient, whereas the Saxon Shore Way is accessible for all.

- 4) The proposed diversion would be less preferable in terms of public enjoyment of the route than FRRA's proposed diversion as set out above. The public would surely prefer to walk along the Saxon Shore Way where there is no vehicular access rather than up a ramp into Faversham Reach gaining, at best, some 50 metres of limited creek view. The remainder being within the confines of houses and perimeter fencing within the estate and over an area of roadway used by vehicles including delivery and public utility vehicles with several areas having limited visibility.
- 5) The points of termination are the same.

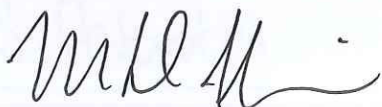
Finally, a further important point to consider is the difficulty and substantial cost to the public of securing the Town Council's proposed diversion when compared with that being proposed by FRRA.

The land to the southwest of Faversham Reach, on which it is proposed to construct a substantial ramp, is understood to be a Town or Village Green registered as VG236. The construction of a ramp on the Green we believe would be unlawful under the 19th century statutes which protect Town and Village Greens. The Commons Act 1876 provides S29 that, in respect of a Green, 'any erection thereon or disturbance or interference with or occupation of the soil' shall be a public nuisance (and therefore unlawful). The construction of a ramp would clearly fall within that section.

Even supposing that the construction of a ramp was lawful, it would still be expensive and unnecessary given the existence of the FRRA's alternative diversion proposal. Given also the context of the current recession and many other priorities which KCC no doubt faces in terms of expenditure, this must be a relevant consideration when considering which proposal to take forward.

We would therefore invite KCC to prefer the proposed diversion of FRRA as the more 'expedient' proposal. However, if KCC is undecided Mr Spicer would suggest that both the proposal of FRRA and the Town Council's proposal be submitted to an inspector for simultaneous consideration so that he/she can determine which of them is the most expedient.

Yours sincerely



Malcolm Spicer

BY FAX
EMAIL & POST

Amelia Bannock and Russell McCann
4 Faversham Reach
Faversham
Me13 7LA
07889676802

24th August 2012

Sonia Coventry
KCC Public Rights of Way
County Hall
Maidstone
ME14 1XX



Dear Ms Coventry,

Proposed Diversion of Path ZF5 Your Ref:PROW/ZF5/1340

We are opposed to this proposed diversion of the above mentioned path and support the redirection of the path around the outside wall of Faversham Reach or across the adjacent green.

The proposed diversion is not in the landowners interest

The proposed route is over land that is owned by Faversham Reach Residents Association Ltd. of which we are shareholders and this is not a satisfactory solution for any of the parties involved or to be of particular benefit to members of the public.

The route would pass close to the doors of my garage and over some of the parking spaces on the estate creating a hazard for walkers and drivers.

I looked at the original planning permission and it is a condition of planning that these spaces remain. The displaced parking would result in additional parking on Upper Brents that is already a congested area particularly for larger vehicles leaving the industrial estates.

There are also issues regarding health and safety and security at the marina area of the proposed walk.

The existence of this path was not disclosed by either Swale Council or KCC when searches were carried out in 2008 when we purchased our property.

It would be detrimental to the mature landscaping of the estate resulting in the destruction of ornamental trees and shrubs.

The diversion is not in the public interest

I do not believe that the diversion in its current format is in the public interest. This proposed diversion in fact would only provide an additional fifty metres of creekside walking and this view would be restricted by the houses forward of the marina area.

The enormous expense of building this footpath from the public purse is unjustified. The new path will be much wider than the existing natural path that meets the shipyard wall and will destroy the habitat and displace the wildlife that is in this area. I also believe it will be an eyesore no matter what materials are chosen as it rises to compensate for the difference in levels between Faversham Reach and the existing path. One must consider is Faversham Town Council proposing to widen and concrete over the existing path into the town and along the Creek to the sea.

enty PROW / 2FS / 1340

The path proposed by Faversham Town Council is less convenient than the alternative proposal

This convenience of the proposed path cannot be compared to a path that has not existed since the first few years of the twentieth century if at all in the last one hundred and twenty years. It is also interesting that there seems to be several versions presented by KCC as the "Definitive Map".

One map presented with a proposal shows the path through the rear area of Faversham Reach homes and to the rear of Waterside, one through five homes or six homes on Faversham Reach only. This would show that an accurate definitive map should be produced to prove that in fact the path was not extinguished or engulfed by the Creek prior to the building of the Shipyard. It would be a falsehood for anyone to claim to have used a path through a working shipyard during either world wars, due to the official secrets act or afterwards for health and safety reasons.

A more convenient route for walkers, and I am one of the existing path users, would be around the outside of the wall enclosing the estate, or possibly through the green adjacent to the current unofficial path providing views across the green. It would impact on my enjoyment and others to walk on a wide concrete path instead of the existing natural path that is in harmony with the other paths on the marshes and by the Creek to arrive into the path of HGVs leaving an industrial estate.

The path will negatively impact upon public enjoyment and be substantially less convenient to the public

The route of the path will direct walkers on a route where there is traffic from the two residential estates and through the old shipyard gates into the path of lorries HGVs and other traffic that travels from two outlets on the adjacent industrial estate. The alternative route takes the walker safely past these hazards. The only view of the Creek will be onto a derelict fuel terminal and abandoned industrial area on the far side of the Creek.

This proposed alteration to the path would also result in destroying part of the shipyard wall that is part of Faversham Creek's maritime history that the town council claim is important to the future tourism plans of Faversham. This area is designated a conservation area and I understood that planning restrictions apply to everyone including public bodies. It is difficult for householders to get planning for the most minor changes e.g. pruning trees etc. for this reason and I believe that Faversham Town Council should not be allowed special treatment to propose a scheme that would cause so many problems and have a huge financial cost to the public for the engineering/building work and compensation to affected parties.

Final Comments

I should also like to know why Faversham Reach has been singled out for this treatment while Waterside and other areas on the other side of the creek are not affected. It would be useful to receive an accurate copy of the original definitive maps as the ones that have been supplied seem to bear no resemblance to the ones that are on the website and are difficult to read. The ones we have received look like a print out of an old map heavily doctored with a black pen.

Should you require any further comment or information please do not hesitate to contact us.

Yours sincerely



Amelia Bannock



Russell McCann

OBJECTIONS TO THE PROPOSED DIVERSION OF FOOTPATH

Russ and Debbie Dixon are the owners of 5 Faversham Reach and are writing to express their objection to the proposed diversion to footpath ZF5. The current situation with the designated footpath running through a number of the properties on Faversham Reach is not ideal and we support the principle of a diversion but would suggest that the footpath be diverted onto a different route, namely the route of the Saxon Shore Way which runs around the outside of Faversham Reach. We understand that Faversham Reach Residents Association Limited (hereinafter referred to as FRRA) will make an application under s119 of the Highways Act 1980 to secure this outcome.

On this basis, Mr and Mrs Dixon **object** to the Town Council's proposal (KCC ref PROW/ZF5/1340) to divert ZF5. In terms of the questions asked on your consultation form:

1. The proposed diversion is not in the interest of Mr and Mrs Dixon. The land over which the diverted ZF5 is proposed to run is owned by FRRA. The owner does not consent to the proposed route of ZF5. It will run through the heart of a quiet residential estate, causing inconvenience, potential issues with noise, rubbish clearance and security concerns, particularly in respect of the adjacent marina, which has no provisions as to the security of the boats moored there. Mr and Mrs Dixon have a right to moor a boat in the marina. Mr and Mrs Dixon would prefer for ZF5 to be diverted along the route of the Saxon Shore Way. That land is understood to be owned by Swale Borough Council.
2. The proposed diversion is not in the public's interest. It would be better for the public if ZF5 were routed along the Saxon Shore Way which is already being used as an unofficial alternative to the ZF5 route. This is a nationally famous long distance walking route. It is routed around the side of what is now Faversham Reach. However, it does not currently enjoy right of way status. Mr and Mrs Dixon consider that it would be in the public's interest to divert ZF5 onto the route of the Saxon Shore Way, securing this amenity for the public. To do so would require little or no expenditure as there is already a physical path on the route of the Saxon Shore Way which has recently (in or around 2004) been improved to secure disabled access. Part of the diversion is over an area specified as a car parking space on the planning permission for the development at Faversham Reach and the permission excludes any development over this land or the area enabling vehicular access thereto. It would therefore be necessary to apply for this condition to be amended and if granted is likely to result in vehicles being parked on already congested part of the public highway.
3. The proposed diversion is substantially less convenient for the public than the diversion proposed by FRRA because it involves traversing a ramp whereas the route of the Saxon Shore Way is flat and accessible for all.

4. The proposed diversion would be less preferable in terms of public enjoyment of the route than FRRA's proposed diversion; as set out above, the public would surely prefer to be able to walk along the route of the Saxon Shore Way than through Faversham Reach. The proposed diversion onto the Saxon Shore Way is along a path upon which there is no vehicular access whereas the proposed diversion of Faversham Town Council is over an area of roadway used by vehicles including delivery vehicles and public utility vehicles with several areas having limited visibility.

5. The points of termination are the same.

A further point to consider is the difficulty and substantial cost to the public of securing the Town Council's proposed diversion when compared with that proposed by FRRA.

The land to the southwest of Faversham Reach, on which it is proposed to construct a substantial ramp, is understood to be a town or village green registered as VG236. The construction of a ramp on the green would be unlawful under the 19th century statutes which protect town and village greens. The Commons Act 1876 provides in s29 that, in respect of a green, "any erection thereon or disturbance or interference with or occupation of the soil" shall be a public nuisance (and therefore unlawful). The construction of a ramp would clearly fall within that section.

Even supposing that the construction of a ramp were lawful, it would still be expensive and unnecessary given the existence of FRRA's alternative diversion proposal. Given the context of the recession and the many other priorities which KCC no doubt faces in terms of its expenditure, this must be a relevant consideration when considering which proposal to take forward.

Mr and Mrs Dixon would therefore invite KCC to prefer the proposed diversion of FRRA as the more 'expedient' proposal. However, if KCC is undecided Mr and Mrs Dixon would suggest that both the proposal of FRRA and the Town Council's proposal be submitted to an inspector for simultaneous consideration so that he can determine which of them is the most expedient.

Additional concerns

There are also issues of maintenance of the proposed diversion through Faversham Reach. Currently the residents of Faversham Reach pay a maintenance charge for insurance and upkeep of all common areas of the estate. As things currently stand, the footpaths around the Creek area are often littered with rubbish and dog excrement. The potential for a well maintained estate to deteriorate as a result of public thoughtlessness cannot be underestimated, particularly when it could have a detrimental effect on our property valuations.

Handwritten signatures:
MADIXON
RKDIXON

COUNTY COUNCIL – ENVIRONMENT & REGENERATION
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY

Owner / Occupier
6 Faversham Reach
Upper Brents
Faversham
Kent
ME13 7LA



Proposal to divert part of Public Footpath ZF5 in Faversham, Borough of Swale

(Our ref: PROW/ZF5/1340)

This consultation expires on 31 August 2012

I should be grateful if you would kindly complete the following and return it to me as soon as possible:

I agree the proposed diversion is in the landowner's interest
 I do not agree because *It would affect directly the resale value of our houses and the quality of life in Faversham Reach*

I agree the proposed diversion is in the public's interest
 I do not agree because *There is a perfectly good footpath around the foot of the wall*

I agree the proposed diversion is not substantially less convenient to the public
 I do not agree because *The public have shown over the years that they do not need to use this path*

I agree that the proposed diversion would not negatively impact upon public enjoyment of the route
 I do not agree because *this new route is not in any substantial way wanted by the public*

I agree that the new point of termination will not be substantially less convenient to the public
 I do not agree because *The point of termination seems to me to be exactly the same point as is current*

PLEASE RETURN TO:
Sonia Coventry
KCC Public Rights of Way
Invicta House
County Hall
Maidstone
Kent ME14 1XX



Ms. C M Brightman
7 Faversham Reach
FAVERSHAM
ME13 7LA

21 August 2012

Sonia Coventry
KCC Public Rights of Way
Invicta House
County Hall
MAIDSTONE
ME14 1XX

Objections to the Proposed Diversion of Footpath ZF5

As joint owner of 7 Faversham Reach I am grateful to the Town and County Councils for bringing the current situation of Footpath ZF5 to my attention. I support the principle of diversion but suggest that the footpath be diverted onto a different route, namely the Saxon Shore Way that runs along the outside of the boundary wall of Faversham Reach.

I **object** to the Town Council's proposal (KCC ref. PROW/ZF5/1340).

In terms of the questions asked on your consultation form:

1. The proposed diversion is not in my interest. The land over which the diverted ZF5 is proposed to run is owned by the Faversham Reach Residents Association and as a house owner I am a member of that Company. I do not consent to the proposed route of ZF5. It would run through the heart of our quiet residential estate causing disturbance, inconvenience and serious concerns of safety and security particularly in respect of the adjacent marina. I have the right to moor a boat in the marina but the marina was not built with anticipation of public access and there is no provision as to the security of my boat in its mooring. I would prefer ZF5 to be diverted along the route of the Saxon Shore Way. That land is understood to be owned by Swale Borough Council.

2. The proposed diversion is not in the public's interest. It would be better for the public if ZF5 were routed along the Saxon Shore Way. This is a popular, nationally famous long distance walking route. However it does not currently enjoy right of way status. I consider that it would be in the public's interest to divert ZF5 onto the route of the Saxon Shore Way thereby securing this amenity for the public.

The proposed diversion would breach a wall compromising its strength and stability and either destroy a mature bed of shrubs or cross an area designated as a car parking space on the planning permission granted for the development of Faversham Reach. The proposed route would then pass the marina which is not fenced or gated and so there would be the risk of children or young persons falling into deep water or mud. The residents found it necessary to erect railings at each end of the estate to prevent children climbing dangerously on the ironwork of the quay. Planning permission was granted for this work. The route proposed is also on a road with no pavement except at the end near the existing entrance from Upper Brents. Here there is a single track for very heavy lorries and there is frequent vehicular traffic in Faversham Reach. The pavement is less than 0.7m (27") wide i.e. too narrow for most wheel chairs.

In or around 2004, the Saxon Shore Way was improved to secure disabled access.

3. The proposed diversion would be substantially less convenient for the public than the diversion that I propose because it involves traversing a ramp whereas the route of the Saxon Shore Way is horizontal and accessible for all. The ramp proposed would have to occupy the whole length of the southwest-facing wall in order to rise four feet and achieve a safe gradient. This would create an obstacle for those who wish to use the existing Saxon Shore Way.

4. The proposed diversion would be less preferable in terms of public enjoyment of the route than my proposed diversion.

The Saxon Shore Way is on or adjacent to a village green registered as VG236.

The diversion proposed by Faversham Town council is through a housing estate along a roadway in constant use by the vehicles owned by the residents plus delivery vehicles and public utility vehicles. At ground level there is limited visibility.

5. The points of termination are the same.

A further point to consider is the difficulty and cost to the public of securing the Town Council's proposed diversion when compared with my proposal.

Even supposing that the construction of a ramp were lawful, it would be expensive and unnecessary given the existence of the Saxon Shore Way. In the context of the recession and the many other priorities which KCC faces in terms of expenditure, the cost must be relevant when considering which proposal to take forward.

I would therefore invite KCC to prefer my own proposed diversion as the more expedient proposal. If KCC is undecided I would suggest that both my proposal and that of the Town Council be submitted to an inspector for simultaneous consideration so that he can determine which of them is the most expedient.

Cathryn M. Brightman



Colin Abdey
7 Faversham Reach
Faversham ME13 7LA

20th August 2012

Sonia Coventry
KCC Public Rights of Way
Invicta House
County Hall
Maidstone
Kent ME14 1XX

I wish to register my **Objection** to the Town Council's proposal (KCC ref. PROW/ZF5/1340) to divert ZF5. With reference to the questions asked on your consultation form:

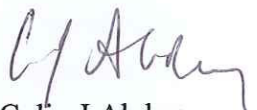
1. The proposed diversion is not in my interest. The land over which the diverted ZF5 is proposed to run is owned by the Faversham Reach Residents Association and all house owners are members of that Company. The route described would run through the heart of a quiet residential estate causing disturbance, inconvenience and very serious concerns of safety and security. The path proposed is drawn on a road with no pavement except at the end nearest Upper Brents where the entrance is single track for very heavy lorries and the pavement is only 27 inches wide. This is too narrow for wheel chairs. There is frequent vehicular traffic in Faversham Reach. The marina was not built with anticipation of public access and is not fenced or gated. There would be risk to children or young persons falling over the edge into deep water of mud. The residents were obliged, some years ago, to erect railings at each end of the estate to prevent children climbing dangerously on the ironwork of the quay. Planning permission was granted for this work. I would prefer an alternative diversion of ZF5 to be adopted and that is along the route of the Saxon Shore Way which runs around the wall enclosing Faversham Reach. This is Public Open Space and owned by Swale Borough Council.
2. The proposed diversion is not in the public interest. An alternative route exists along the Saxon Shore Way which is a well used and well known walking route. Considerable sums of money were spent by the Local Authority in upgrading and improving the path with particular consideration for wheelchair users. At present it does not have right of way status. It would be in the public interest to secure this. Part of the proposed route shown would breach a wall compromising its strength and stability and either destroy a mature bed of shrubs or occupy an existing parking space.
3. The proposed diversion is substantially less convenient for the public than the alternative diversion to the Saxon Shore Way which I have described. It involves a double ramp of considerable proportions to achieve the desired gradient. It would occupy the whole of the path outside the West facing wall and be only five feet wide. It would create an unwelcome obstacle for those who use the existing route.

4. The proposed diversion would be less preferable in terms of public enjoyment. The route along the Saxon Shore way is pleasant, free of traffic dangers, has a level surface and is easily followed.

5. Both routes, The Council's proposal and the alternative along the existing Saxon Shore Way terminate at the same point.

The substantial cost to the public indicated by the Town Council's proposal should be considered. The proposed ramp would be over 100 feet long and at least four feet high plus another four feet for safety rails. If solid, some 40 tonnes of rubble would be needed to form the main structure. Such an ugly intrusion in a conservation area can be imagined and could not be ignored.

It is understood that the area in question is a town or village green registered as VG236 and a ramp, or similar structure, would be unlawful.



Colin J Abdey
20.08.12

Attention Sonia Coventry
KCC Public Rights Of Way
Invicta House
County Hall
Maidstone
Kent
ME14 1XX



Monday, August 20, 2012

Your ref: PROW/ZF5/1340

My ref: Objections to proposed footpath diversion

Dear Sonia Coventry

Below are my comments and objections to the proposal to divert part of Public Footpath ZF5. Please be kind enough to acknowledge receipt.

I do not agree that the proposed diversion will be in the interests of the landowners because:

1. The increase of risk to the residents properties becoming more vulnerable to being both vandalized and burglary taking place.
2. The increase in the cost of insurance for each house as a result of the proposed footpath.
3. There would be no way of clearly defining a footpath as its main use was designed to be used as an access road for the residents only. It would allow the public to roam at will throughout areas other than the footpath, and will turn a quiet residential estate lived on by retired or semi-retired people into a far more vulnerable place. All corners of the circular road are both tight and unsighted, and a proposed footpath would therefore represent an increased hazard for the residents and the public alike .
4. Any footpath would then be subject to the nuisance of dog faeces, litter, and extra unnecessary noise .
5. At the moment the residents are able to monitor movements of both people and traffic as there is only one entrance/exit. The proposed footpath would increase the opportunities of vandalism to both the properties and the security of the boats moored in the adjacent marina.

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6. I believe that the sensible solution and my preference is that ZF5 be diverted along the Saxon Shore Way. That land I believe is owned by Swale Borough Council.
7. The potential significant devaluation of the property.

I do not agree that the proposed diversion is in the public's interest because:

1. There exists a route around the perimeter wall of Faversham Reach which has been in existence for over 90 years, and used safely on a daily basis, which the proposed route does not. In fact the existing route around the perimeter wall forms part of the nationally famous Saxon Shore Way. This part was upgraded in 2004 to improve disabled access.
2. The proposed route of the footpath deliberately mixes pedestrians with motor vehicles, which is a recipe for disaster.
3. The proposed route has included ramps which will need constant maintenance and supervision (slip hazard and ice in winter months as well as other maintenance). The existing path only recently upgraded requires only a minimum of maintenance and supervision, and little extra cost.
4. The proposed diversion would present a considerable risk to the public as the route proposes to expose the public to an unfenced area of access to the residents moorings and obviously the strong possibility of an accident involving a member of the public falling over the side and suffering a fatality or serious injury. There would have to be a large sum of money spent insuring public safety around the jetty area.
5. The area on which the ramp would need to be constructed is part of a conservation area, which I understand to be a town or village green registered as VG236, which would certainly not benefit from additional construction on it.

I do not agree that the proposed diversion is not substantially less convenient to the public because:

1. The public would have to negotiate a ramp on the proposed route when the existing path around the perimeter wall of Faversham Reach (The Saxon Shore Way) has already fencing in place where needed and is flat and accessible to everyone.
2. The public would also have to negotiate and be aware of the traffic etc that uses the access road around the estate, whereas the existing path around Faversham Reach has been specifically designed and upgraded for all pedestrians including the disabled and wheelchairs.

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3. It would be better to use the existing Saxon Shore Way route which would require little or no additional expenditure to the public.

I do not agree that the proposed diversion would not negatively impact upon the public enjoyment of the route because:

1. The public would surely wish to walk along the established route of the Saxon Shore Way, designed for pedestrians and wheelchair users rather than through the residential development of Faversham Reach.
2. The public would have to negotiate unnecessary traffic movement within Faversham Reach, and the stress caused by mixing the public with traffic movement would certainly negate public enjoyment of such a route, when a traffic free footpath already exists.

I do not agree that the new point of termination will not be substantially less convenient to the public because:

1. The proposed footpath will pass to the front of the gates leading into Faversham Reach. The roadway into Faversham Reach is a busy access road used constantly by the residents and other deliveries including the services of waste disposal and courier services along with other collections and deliveries to and from the houses. The danger presented by the siting of this footpath represents an unnecessary risk to pedestrians and certainly wheel chair users who are more used to traffic free areas.
2. The road safety issues present a real hazard as the entrance/exit to Faversham Reach is onto a very busy industrial estate. Lorries as well as cars use this facility all through the day. At present the Saxon Shore Way path removes a significant aspect of this proposed dangerous route.
3. The proposed termination also takes it passed garages and parking bays within Faversham Reach, again exposing the public to unnecessary danger.

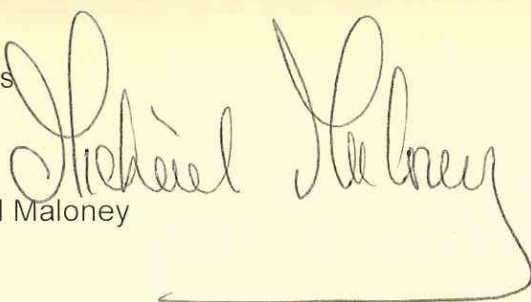
The common sense solution seems to staring us in the face. The footpath should be diverted onto the Saxon Shore Way. This would be I believe the best alternative and

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one that KCC had already indicated should occur in 2008. With the reduction in budgets and pressures on all expenditure, KCC must surely acknowledge that this unnecessary expense must be very carefully considered when deciding on the most sensible and appropriate course of action.

I would therefore invite KCC to prefer the proposed diversion of the Faversham Reach Residential Association as the more 'expedient' proposal. However, if KCC is undecided I would suggest that both the proposal of FRRA and the Town Council's proposal be submitted to an inspector for simultaneous consideration so that he can determine which of them is the most expedient.

Regards

A handwritten signature in cursive script, appearing to read "Michael Maloney". The signature is written in dark ink and is positioned to the right of the typed name. A long horizontal line extends from the bottom of the signature towards the left.

Michael Maloney



OBJECTIONS TO THE PROPOSED DIVERSION OF FOOTPATH

Tom Ben-Joseph and Helen Slane (hereinafter referred to as Mr Ben-Joseph and Miss Slane) are the owners of 11 Faversham Reach and are grateful to the Town and County Councils for bringing the current situation of footpath ZF5 to their attention. Clearly the existing situation with the designated footpath running through adjacent properties is far from ideal.

Mr Ben-Joseph and Miss Slane therefore support the principle of diversion but would suggest that the footpath be diverted onto a different route, namely the route of the Saxon Shore Way which runs around the outside of Faversham Reach. We understand that Faversham Reach Residents Association Limited (hereinafter referred to as FRRA) will make an application under s119 of the Highways Act 1980 to secure this outcome.

On this basis, Mr Ben-Joseph and Miss Slane **object** to the Town Council's proposal (KCC ref PROW/ZF5/1340) to divert ZF5. In terms of the questions asked on your consultation form:

- 1) The proposed diversion is not in the interest of Mr Ben-Joseph and Miss Slane. The land over which the diverted ZF5 is proposed to run is owned by FRRA. The owner does not consent to the proposed route of ZF5. It will run through the heart of a quiet residential estate, causing inconvenience and security concerns, particularly in respect of the adjacent marina, which has no provisions as to the security of the boats moored there. Mr Ben-Joseph and Miss Slane have a right to moor a boat in the marina. Mr Ben-Joseph and Miss Slane would prefer for ZF5 to be diverted along the route of the Saxon Shore Way. That land is understood to be owned by Swale Borough Council.
- 2) The proposed diversion is not in the public's interest. It would be better for the public if ZF5 were routed along the Saxon Shore Way. This is a nationally famous long distance walking route. It is routed around the side of what is now Faversham Reach. However, it does not currently enjoy right of way status. Mr Ben-Joseph and Miss Slane consider that it would be in the public's interest to divert ZF5 onto the route of the Saxon Shore Way, securing this amenity for the public. To do so would require little or no expenditure, as there is already a physical path on the route of the Saxon Shore Way, which has recently (in or around 2004) been improved to secure disabled access. Part of the diversion is over an area specified as a car parking space on the planning permission for the development at Faversham Reach and the permission excludes any development over this land or the area enabling vehicular access thereto. It would therefore be necessary to apply for this condition to be amended and if granted is likely to result in vehicles being parked on already congested part of the public highway.
- 3) The proposed diversion is substantially less convenient for the public than the diversion proposed by FRRA because it involves traversing a ramp whereas the route of the Saxon Shore Way is flat and accessible for all.

- 4) The proposed diversion would be less preferable in terms of public enjoyment of the route than FRRA's proposed diversion; as set out above, the public would surely prefer to be able to walk along the route of the Saxon Shore Way than through Faversham Reach. The proposed diversion onto the Saxon Shore Way is along a path upon which there is no vehicular access whereas the proposed diversion of Faversham Town Council is over an area of roadway used by vehicles including delivery vehicles and public utility vehicles with several areas having limited visibility.
- 5) The points of termination are the same.

A further point to consider is the difficulty and substantial cost to the public of securing the Town Council's proposed diversion when compared with that proposed by FRRA.

The land to the southwest of Faversham Reach, on which it is proposed to construct a substantial ramp, is understood to be a town or village green registered as VG236. The construction of a ramp on the green would be unlawful under the 19th century statutes, which protect town and village greens. The Commons Act 1876 provides in s29 that, in respect of a green, "any erection thereon or disturbance or interference with or occupation of the soil" shall be a public nuisance (and therefore unlawful). The construction of a ramp would clearly fall within that section.

Even supposing that the construction of a ramp were lawful, it would still be expensive and unnecessary given the existence of FRRA's alternative diversion proposal. Given the context of the recession and the many other priorities, which KCC no doubt faces in terms of its expenditure, this must be a relevant consideration when considering which proposal to take forward.

Mr Ben-Joseph and Miss Slane would therefore invite KCC to prefer the proposed diversion of FRRA as the more 'expedient' proposal. However, if KCC is undecided Mr Ben-Joseph and Miss Slane would suggest that both the proposal of FRRA and the Town Council's proposal be submitted to an inspector for simultaneous consideration so that he can determine which of them is the most expedient.

Joan Mac Karell
12 Faversham Reach
Faversham ME137LA

KCC Public Rights of Way
Invicta House
County Hall
Maidstone
Kent ME14 1XX
07/08/2012



Dear Sonia Coventry,

Regarding the proposed application to divert footpath ZF5, I hereby submit my comments, as I am deeply opposed to the application.

1. The latest proposed route is even worse than the previous submissions as it now adversely affects the residents right to operate the main gates to the estate. It also [in contrast to the proposed Crab island entrance] pays no consideration to disabled access/exit. The gates would pose serious problems for unaccompanied wheel chair users and expose them to considerable road safety issues immediately outside the gates of Faversham Reach because of the busy road use of the industrial estate. This will apply to able-bodied adults and children as well. [See attached photographs]
2. Following on from the above, the proposal commits the cardinal sin of deliberately mixing pedestrians with motor traffic. The entire paved area within the boundary of Faversham Reach is an access/ parking area subject to frequent traffic movements of both of residents' cars and goods and service trucks. The existing footpath has none of these hazards. [See attached photographs]
3. There will be security issues with the proposed route. Entrance via the proposed ramp from Crab island will allow the public to roam at will throughout areas other than the footpath and this will turn the estate occupied mainly by retired and semi retired residents into a vulnerable place subject to vandalism and burglary. In the past there have been incidents of this until fences were erected at either end of the creek frontage. Litter, dog faeces, graffiti and the lack of privacy will adversely affect the community spirit and well being of the Faversham Reach residents.
4. The proposed route will present health/safety/security issues regarding the private moorings inside Faversham Reach. With public access they will be vulnerable to vandalism and theft far more than at present. The floating pontoons present a real hazard at high tides to those not accustomed and not authorised to use them- particularly to children [See attached photographs]
5. The public benefit is highly questionable. At the considerable expense of constructing a substantial ramp at Crab Island [which is a conservation area] the disruption to the residents' security and the aforementioned health and safety issues, the public will gain a paltry 50 metres of the creek view.

6. Any gained visual benefits are liable to be radically compromised if the residents exercise their rights to protect their moorings by erecting a substantial security fence. The existing footpath is an attractive environment and has been happily used by the residents of Faversham for some nine decades.

Joan Mac Karell

From: Joan Mackarell <j.mackarell@gmail.com>
Subject: footpath ZF5
Date: 7 August 2012 14:36:58 GMT+01:00
To: dhsimmons@btconnect.com



Dear Worshipful Mayor,

I understand that at the town council meeting where the proposal to divert footpath ZF5 was approved Mr Andrew Osborne stated that the project would cost in the region of 3000 pounds. Is this an accurate amount? If not could Faversham Town Council provide me with an accurate assessment of total cost involved.

I believe that I am entitled to this information under the freedom of information act

Is there any provision in the project to address health and safety issues concerning the private moorings inside Faversham Reach?

Access by the public will give rise to risks of unauthorised persons, particularly children, trespassing onto the pontoon jetties.

Does Faversham town council intend to collect and dispose of the litter and dog faeces which will almost certainly be left by members of the public? Also are Faversham council willing to contribute to the costs of the street lighting currently being paid for by the residents?

I will be interested in your answers to these questions.

Yours faithfully,

Joan mac Karell

12, Faversham Reach.

THE ARGUMENTS RAISED BY FAVERSHAM
TOWN COUNCIL WOULD BE VALID IF
ZF5 PHYSICALLY EXISTED RATHER THAN
BEING AN ARBITRARILY DRAWN LINE ON
A DEFINITIVE MAP.

HOWEVER, EVERYONE - INCLUDING FTC
KNOWS THAT THERE IS NO HISTORY OF
FREE ACCESS PUBLIC USAGE EITHER PRIOR
TO OR AFTER THE CONSTRUCTION OF
FAVERSHAM REACH.

THEREFORE ISSUES OF SAFETY
AND SECURITY SHOULD THE PUBLIC BE
ALLOWED TO ROAM AT WILL INSIDE THE
BOUNDARIES OF FAVERSHAM REACH ARE
A NEW FACTOR AND NOT HISTORICAL.

I FORMALLY REQUEST THAT THIS
SUBMISSION BE CONSIDERED AS PART
OF MY DOCUMENTS OF OPPOSITION TO
THE PROPOSAL

Your Ref.

Our Ref.

Date:

SB/JF

10th August 2012

Mrs J Mackarell
12 Faversham Reach
FAVERSHAM
Kent
ME13 7LA

Dear Mrs Mackarell

Footpath ZF5

I thank you for your email message of the 7th August. With regard to the costing of the diversion we have no accurate figure as yet as the final costings of the project will not be possible until plans are drawn up by the Architect who is carrying out this work free of charge. I can confirm, however, that the work will be subsidised not only by Faversham Town Council who has the sum of £5,000 set aside in its current year's budget but by Faversham Municipal Charities who, through the Hatch Charity, have set aside the sum of £10,000.00 for this work. If any further funding is required the Town Council may be able to make this available in its 2013/2014 budget or seeking further outside funding.

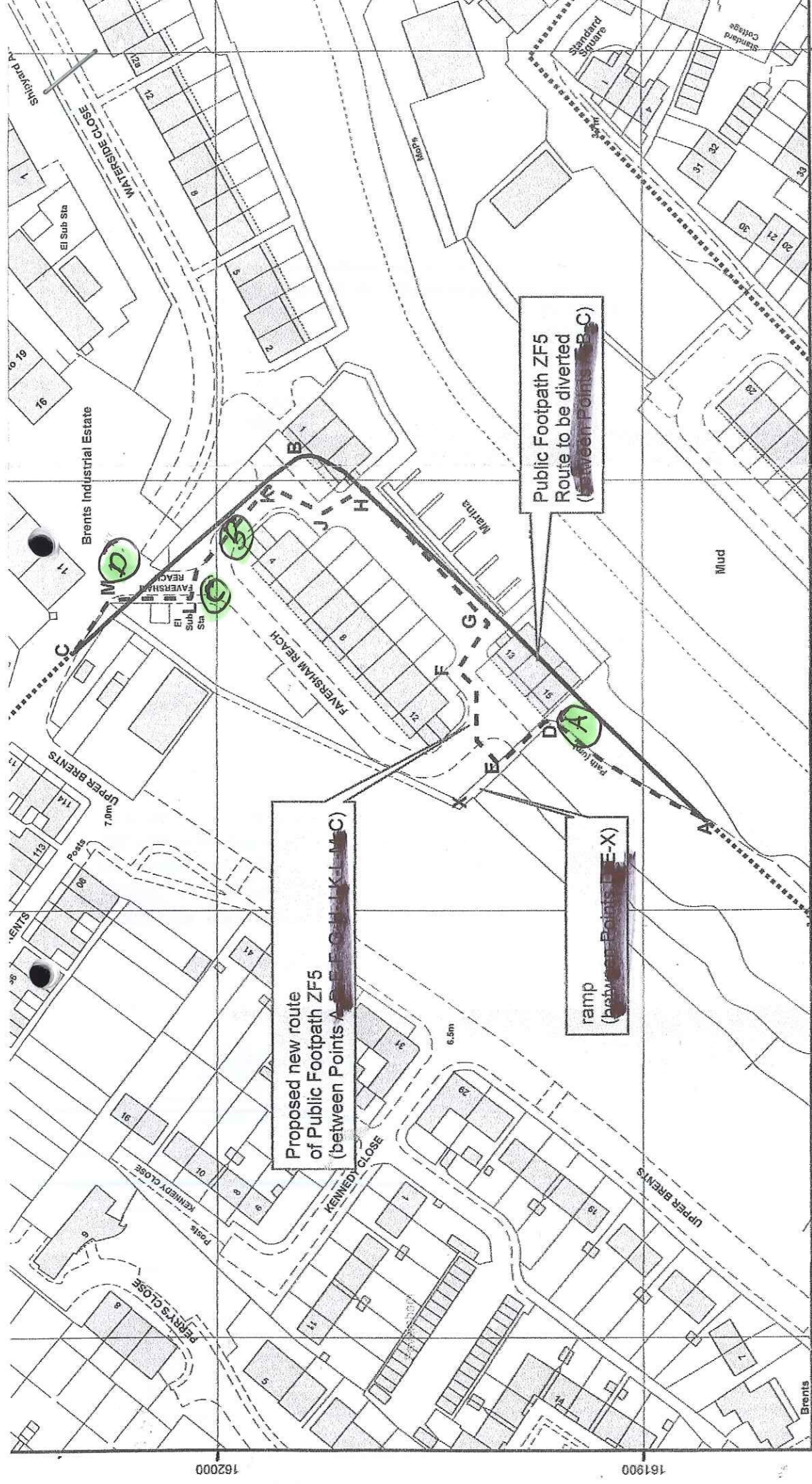
With regard to the private moorings you will appreciate that the footpath already exists and these moorings will be no more affected than they are at present. The whole purpose of the redirection is to withdraw the line of the footpath from the six houses that it currently runs through and potentially affects their value. I feel that the same answer applies to your questions with regard to lighting and litter, etc.

I will be passing a copy of your message to Ms Sonia Coventry the Public Rights of Way Officer at the Countryside Access Service at Kent County Council, Invicta House, Maidstone, Kent ME14 1XX who is dealing with this matter and I am sure that she will answer any further questions that you may have relating to the diversion of the footpath.

Yours sincerely



Susan Brockman (Mrs)
H.Cert.L.C.A.
Town Clerk



601600 601700 601800 601900

Key — Route to be diverted - - - New length of route Unaffected Routes Countryside Access Service	Highways Act 1980, Section 119 Proposed diversion of Public Footpath ZF5 (part) Faversham		0 Kilometres 0.0425 0.085 0 Miles 0.03 0.06	Kent Council 1:1,251
	Produced by the KCC Countryside Access Service © Crown Copyright and database right 2012. Ordnance Survey 100019238 Created by: SC Checked by: SC Reference: PROWZF5/1340			

TRAFFIC MOVEMENT DOCI

CREEK CONSORTIUM MEETING
21/10/2010

At the northern end it was considered that the path would be best diverted behind 1 to 3 Faversham Reach to join with the new footpath in front of Waterside Close. The length of footpath ZF 5 that currently runs through the main gate to the site would no longer be needed and could be extinguished. This would overcome the problem of the residents not being able to lock the gates to their respective sites.

It would also solve the problem of connecting the Waterside Close path to the public highway.

THE ISSUE OF THE FRONT GATES
IS NOT NEW BUT SEEMS TO HAVE
BEEN FORGOTTEN IN THE NEW
MAs/PROPOSAL

6. Creek footpath

Andrew Osborne advised that the Faversham United Municipal Charities had set aside money from the Hatch Charity to resolve the issue of the Creekside footpaths. KCC has indicated that it will be seeking a diversion away from the Creek. This is not acceptable and has been drawn to the attention of County Councillor Tom Gates.

CREEK CONSORTIUM MEETING
16/10/2008.

WHY HAS KCC SEEMINGLY CHANGED
ITS MIND?



①

DISABLED MEMBERS OF PUBLIC APPROACHING
PROPOSED SITING OF ACCESS RAMP FROM
CRAB ISLAND.

PLEASE CONSIDER THAT NOT ALL WHEELCHAIR
RESTRICTED PEOPLE WILL BE UNDER SUPERVISION,

PLEASE CONSIDER THAT THIS ACCESS WILL ALSO
BE AVAILABLE TO UNSUPERVISED CHILDREN,
PARTIALLY SIGHTED AND HEARING DIFFICULTY
USERS.

NOW IMAGINE THAT ALL THE ABOVE
HAVE ENTERED WITHIN THE BOUNDARIES
OF FAVERSHAM CREEK AND ARE AT RISK
FROM TRAFFIC MOVEMENTS ILLUSTRATED
IN TRAFFIC MOVEMENT DOCUMENT
No 1 (AS ENCLOSED)



② HAVING NEGOTIATED THE AFOREMENTIONED HAZARDS THE PATH SHOWN INDICATES THE APPROACH TO THE MAIN GATE OF FAVERSHAM REACH.

MAP KEY REF ①

TRAFFIC MOVEMENT

Country



③ THIS IS A CONTINUATION OF THE PROPOSED PATH. YOU WILL NOTICE A KERB. YOU WILL ALSO NOTICE THE PEDESTRIAN GATE WHICH OPENS INWARD FROM THIS KERN. HOW WILL AN UNACCOMPANIED WHEELCHAIR/BOGGY USER NEGOTIATE THIS?

MAP KEY REF (C)



④ SEE COMMENTS ON PREVIOUS PAGE,
MAP KEY REF ①



⑤ HAVING (HOPEFULLY) ~~NEGOTIATED~~ THE GATE THIS IS THE PROPOSED PATHWAY ENVISAGED BY THE APPLICANTS FOR EXIT FROM THE ENVIRONS OF THE INDUSTRIAL ESTATE KEY MAP REF N° D



⑥ THE END OF THE PATHWAY OF
PROPOSED ROUTE AT OLD SHIPYARD
MAIN GASES.

MAP KEY REF ①



⑦ APPROACH TO OLD SHIPYARD MAIN GATES
AFTER LEAVING FAVERSHAM REACH.

MAP KEY REF ⑩



⑧

PROGRESS TOWARDS EXIT THROUGH
MAIN GATES OF OLD SHIPYARD,

MAP KEY REF ①



⑨ PHOTOGRAPH TAKEN LESS THAN TEN MINUTES
AFTER DISABLED BUGGY USERS EXITED.

MAP KEY REF ①



⑩ SELF EXPLANATORY

MAP KEY REF ⑩



⑪ EVEN MORE EXPLANATORY

MAP KEY REF. ⑩



12

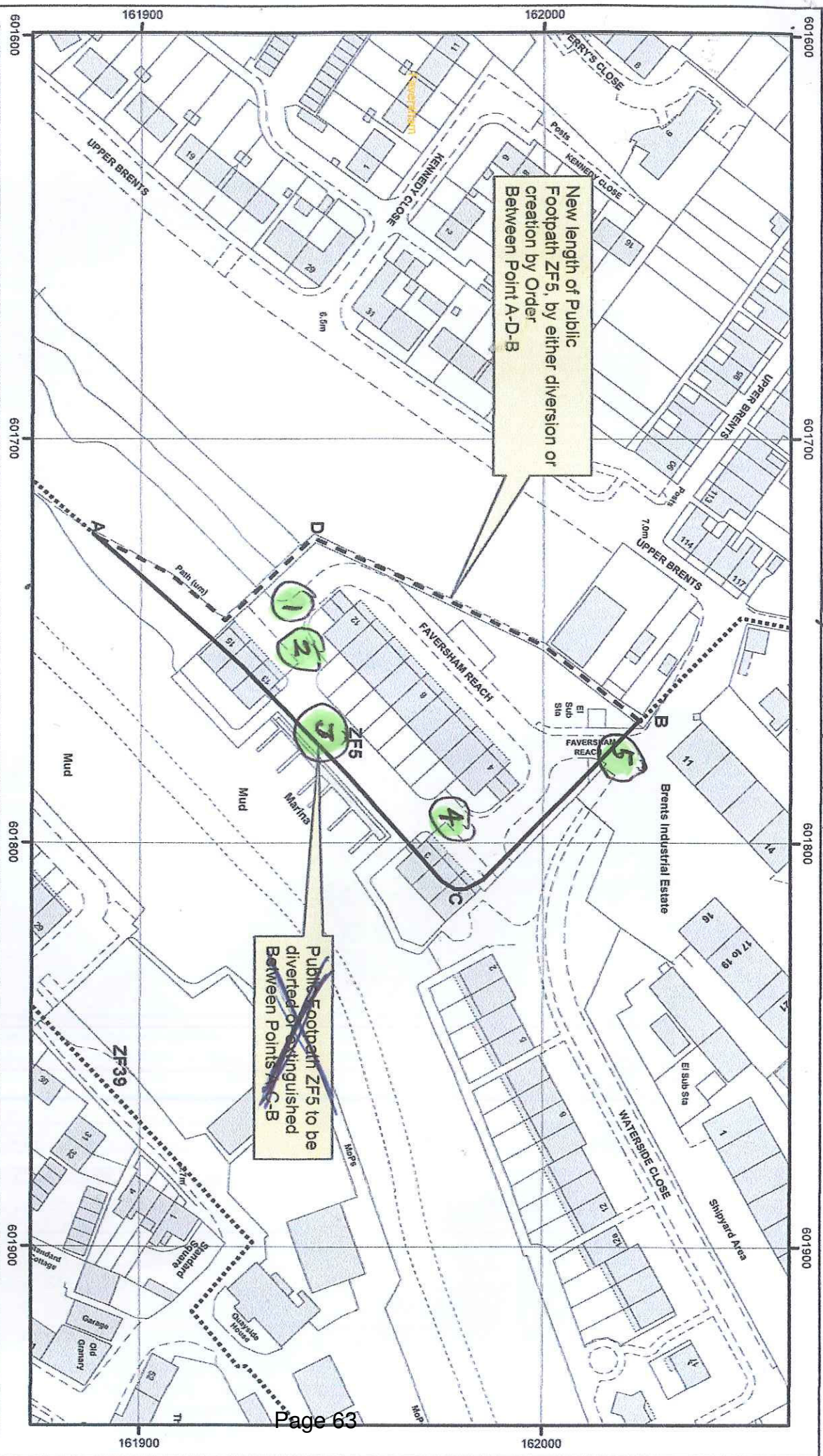
THE END

(MAPKEY REF NOT NEEDED)

FOOTNOTE:

THE TRUE REASON THIS
LATEST PROPOSAL HAS
BEEN DRAFFED IS THAT
THE APPLICANTS KNOW
THAT EXIT INTO WATERSIDE
CLOSE IS A NON STARTER.

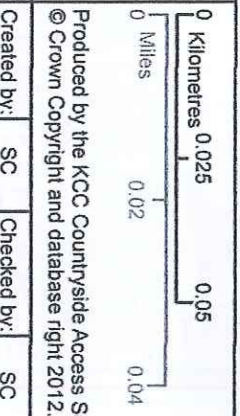
KEY MAP FOR PHOTOS



Key

- Route to be diverted
- - - New length of route
- Unaffected Routes

Highways Act 1980
Application to divert Public Footpath ZF5 (part) Faversham



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Produced by the KCC Countryside Access Service
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1:1,250

TRAFFIC MOVEMENTS Doc 1



PANTON JETTIES
FAVERSHAM REACH,



TRAFFIC-FREE EXISTING PATHWAY



VIEW FROM PROPOSED ENTRANCE FROM
CRAB ISLAND. KEY MAP REF 1



VAN TURNING ACROSS PROPOSED
CRAB ISLAND ENTRY KEY MAP NO 2



PROPOSED ENTRY POINT FROM CRAB ISLAND
SEEN FROM POINT NO. 2 ON KEY MAP.



SEMI CONCEALED TURNING TOWARDS
MAIN ENTRANCE KEY MAP REF 4



MAIN GATES KEY MAP REF 5



VAN ENTERING MAIN GATE
KEY MAP REF 5



CAR PARKING AREA KEY MAP REF 3.



HEAVY TRUCK TURNING INTO
MAIN GATE KEY MAP REF B



TRUCK APPROACHING PROPOSED
CRAAS ISLAND ENTRANCE KEY MAP REF 2



PURVE UTILITY VEHICLE AT PROPOSED
CRAAS ISLAND ENTRY KEY MAP No 1



DELIVERY VAN TURNING ADJACENT
TO PROPOSED CRAAS ISLAND ENTRANCE
KEY MAP 1

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13 Faversham Reach
Upper Brents
Faversham
Kent
ME 13 7LA

21st August 2012



Sonia Coventry
Public Rights of Way Officer
Kent County Council,
County Hall,
Maidstone,
Kent ME14 1XX

Dear Madam

Public Footpath ZF5, Faversham

Please find enclosed a formal objection to Faversham Town Council's proposal [KCC ref PROW/ZF5/1340] and our support for the diversion proposed by Faversham Reach Residents Association Limited..

Yours faithfully

A handwritten signature in cursive script that reads "H. Albery".

Mrs. H. Albery

OBJECTIONS TO THE PROPOSED DIVERSION OF FOOTPATH

William and Helen Albery (hereinafter referred to as Mr and Mrs Albery) are the owners of 13 Faversham Reach and are grateful to the Town and County Councils for bringing the current situation of footpath ZF5 to their attention. Clearly the existing situation with the designated footpath running through our property is far from ideal.

Mr and Mrs Albery therefore support the principle of diversion but would suggest that the footpath be diverted onto a different route, namely the route of the Saxon Shore Way which runs around the outside of Faversham Reach. We understand that Faversham Reach Residents Association Limited (hereinafter referred to as FRRA) will make an application under s119 of the Highways Act 1980 to secure this outcome.

On this basis, Mr and Mrs Albery **object** to the Town Council's proposal (KCC ref PROW/ZF5/1340) to divert ZF5. In terms of the questions asked on your consultation form:

- 1) The proposed diversion is not in the interest of Mr and Mrs Albery. The land over which the diverted ZF5 is proposed to run is owned by FRRA. The owner does not consent to the proposed route of ZF5. It will run through the heart of a quiet residential estate, causing inconvenience and security concerns, particularly in respect of the adjacent marina, which has no provisions as to the security of the boats moored there. Mr and Mrs Albery have a right to moor a boat in the marina. Mr and Mrs Albery would prefer for ZF5 to be diverted along the route of the Saxon Shore Way. That land is understood to be owned by Swale Borough Council.
- 2) The proposed diversion is not in the public's interest. It would be better for the public if ZF5 were routed along the Saxon Shore Way. This is a nationally famous long distance walking route. It is routed around the side of what is now Faversham Reach. However, it does not currently enjoy right of way status. Mr and Mrs Albery consider that it would be in the public's interest to divert ZF5 onto the route of the Saxon Shore Way, securing this amenity for the public. To do so would require little or no expenditure as there is already a physical path on the route of the Saxon Shore Way which has recently (in or around 2004) been improved to secure disabled access. Part of the diversion is over an area specified as a car parking space on the planning permission for the development at Faversham Reach and the permission excludes any development over this land or the area enabling vehicular access thereto. It would therefore be necessary to apply for this condition to be amended and if granted is likely to result in vehicles being parked on already congested part of the public highway.
- 3) The proposed diversion is substantially less convenient for the public than the diversion proposed by FRRA because it involves traversing a ramp whereas the route of the Saxon Shore Way is flat and accessible for all.
- 4) The proposed diversion would be less preferable in terms of public enjoyment of the route than FRRA's proposed diversion; as set out above, the public would

surely prefer to be able to walk along the route of the Saxon Shore Way than through Faversham Reach. The proposed diversion onto the Saxon Shore Way is along a path upon which there is no vehicular access whereas the proposed diversion of Faversham Town Council is over an area of roadway used by vehicles including delivery vehicles and public utility vehicles with several areas having limited visibility.

5) The points of termination are the same.

A further point to consider is the difficulty and substantial cost to the public of securing the Town Council's proposed diversion when compared with that proposed by FRRA.

The land to the southwest of Faversham Reach, on which it is proposed to construct a substantial ramp, is understood to be a town or village green registered as VG236. The construction of a ramp on the green would be unlawful under the 19th century statutes which protect town and village greens. The Commons Act 1876 provides in s29 that, in respect of a green, "any erection thereon or disturbance or interference with or occupation of the soil" shall be a public nuisance (and therefore unlawful). The construction of a ramp would clearly fall within that section.

Even supposing that the construction of a ramp were lawful, it would still be expensive and unnecessary given the existence of FRRA's alternative diversion proposal. Given the context of the recession and the many other priorities which KCC no doubt faces in terms of its expenditure, this must be a relevant consideration when considering which proposal to take forward.

Mr and Mrs Albery would therefore invite KCC to prefer the proposed diversion of FRRA as the more 'expedient' proposal. However, if KCC is undecided Mr and Mrs Albery would suggest that both the proposal of FRRA and the Town Council's proposal be submitted to an inspector for simultaneous consideration so that he can determine which of them is the most expedient.

30.8.2012

OBJECTIONS TO THE PROPOSED DIVERSION OF FOOTPATH

Linda Hoyles (hereinafter referred to as Mrs Hoyles) is the owner of 15 Faversham Reach and are grateful to the Town and County Councils for bringing the current situation of footpath ZF5 to their attention. Clearly the existing situation with the designated footpath running through our property is far from ideal

Mrs Hoyles therefore support the principle of diversion but would suggest that the footpath be diverted onto a different route, namely the route of the Saxon Shore Way which runs around the outside of Faversham Reach. We understand that Faversham Reach Residents Association Limited (hereinafter referred to as FARRA) will make an application under s119 of the Highways Act 1980 to secure this outcome.

On this basis, Mrs Hoyles **objects** to the Town Council's proposal (KCC ref PROW/ZF5/1340) to divert ZF5. In terms of the questions asked on your consultation form:

- 1) The proposed diversion is not in the interest of Mrs Hoyles. The land over which the diverted ZF5 is proposed to run is owned by FARRA. The owner does not consent to the proposed route of ZF5. It will run through the heart of a quiet residential estate, causing inconvenience and security concerns, particularly in respect of the adjacent marina, which has no provisions as to the security of the boats moored there. Mrs Hoyles has a right to moor a boat in the marina. Mrs Hoyles would prefer for ZF5 to be diverted along the route of the Saxon Shore Way. That land is understood to be owned by Swale Borough Council.
- 2) The proposed diversion is not in the public's interest. It would be better for the public if ZF5 were routed along the Saxon Shore Way. This is a nationally famous long distance walking route. It is routed around the side of what is now Faversham Reach. However, it does not currently enjoy right of way status. Mrs Hoyles considers that it would be in the public's interest to divert ZF5 onto the route of the Saxon Shore Way, securing this amenity for the public. To do so would require little or no expenditure as there is already a physical path on the route of the Saxon Shore Way which has recently (in or around 2004) been improved to secure disabled access. Part of the diversion is over an area specified as a car parking space on the planning permission for the development at Faversham Reach and the permission excludes any development over this land or the area enabling vehicular access thereto. It would therefore be necessary to apply for this condition to be amended and if granted is likely to result in vehicles being parked on already congested part of the public highway.
- 3) The proposed diversion is substantially less convenient for the public than the diversion proposed by FARRA because it involves traversing a ramp whereas the route of the Saxon Shore Way is flat and accessible for all.
- 4) The proposed diversion would be less preferable in terms of public enjoyment of the route than FARRA's proposed diversion; as set out above, the public would surely prefer to be able to walk along the route of the Saxon Shore Way than



through Faversham Reach. The proposed diversion onto the Saxon Shore Way is along a path upon which there is no vehicular access whereas the proposed diversion of Faversham Town Council is over an area of roadway used by vehicles including delivery vehicles and public utility vehicles with several areas having limited visibility.

5) The points of termination are the same.

A further point to consider is the difficulty and substantial cost to the public of securing the Town Council's proposed diversion when compared with that proposed by FRRA.

The land to the southwest of Faversham Reach, on which it is proposed to construct a substantial ramp, is understood to be a town or village green registered as VG236. The construction of a ramp on the green would be unlawful under the 19th century statutes which protect town and village greens. The Commons Act 1876 provides in s29 that, in respect of a green, "any erection thereon or disturbance or interference with or occupation of the soil" shall be a public nuisance (and therefore unlawful). The construction of a ramp would clearly fall within that section.

Even supposing that the construction of a ramp were lawful, it would still be expensive and unnecessary given the existence of FRRA's alternative diversion proposal. Given the context of the recession and the many other priorities which KCC no doubt faces in terms of its expenditure, this must be a relevant consideration when considering which proposal to take forward.

Mrs Hoyles would therefore invite KCC to prefer the proposed diversion of FRRA as the more 'expedient' proposal. However, if KCC is undecided Mrs Hoyles would suggest that both the proposal of FRRA and the Town Council's proposal be submitted to an inspector for simultaneous consideration so that he can determine which of them is the most expedient.

Yours Sincerely
E F Hoyles.

COUNTY COUNCIL – ENVIRONMENT & REGENERATION
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY

MRS HOYLES
15. FAVERSHAM REACH
UPPER BRENTS
FAVERSHAM
KENT ME13 7LA.



Proposal to divert part of Public Footpath ZF5 in Faversham, Borough of Swale
(Our ref: PROW/ZF5/1340)
This consultation expires on 31 August 2012

I should be grateful if you would kindly complete the following and return it to me as soon as possible:

- I agree the proposed diversion is in the landowner's interest
- I do not agree because *I am a homeowner and bought property as private residential estate, by diverting footpath through estate it would then make it public estate therefore values of properties would depreciate and would also encourage vandalism of boats on moorings also encourage children & people to loiter around 'private' moorings.*
- I agree the proposed diversion is in the public's interest *IT WOULD BE DANGEROUS*
- I do not agree because *As it is only going to be of interest to people wanting to impose on homeowners privacy*

- I agree the proposed diversion is not substantially less convenient to the public
- I do not agree because *If footpath continued to be used as it has since properties were built (round back footpath) behind estate it would be more direct to continue to point (M)(C) views of creek would ~~not~~ be seen when joined through ZF32*
- I agree that the proposed diversion would not negatively impact upon public enjoyment of the route
- I do not agree because *ITS NOT A POINT OF PUBLIC ENJOYMENT ITS MORE ABOUTS THE RESIDENTS ~~AND~~ BEING SOLD HOUSES ON A PRIVATE ESTATE AND PERMANENTLY HAVING THEIR LIVES AND PROPERTY DISRUPTED*
- I agree that the new point of termination will not be substantially less convenient to the public
- I do not agree because *I DO NOT AGREE WITH THE PROPOSED NEW ROUTE AT ALL*

PLEASE RETURN TO:
Sonia Coventry
KCC Public Rights of Way
Invicta House
County Hall
Maidstone
Kent ME14 1XX



K. Moon
139 Springwood Drive,
Ashford, Kent,
TN23 3LH

Mrs Sonia Coventry
KCC Public Rights of Way,
Invicta House, County Hall,
Maidstone, Kent,
ME14 1XX

31 August 2012

Re:- Proposed Diversion of footpath ZF5

Dear Madam,

As owner of no. 15 Faversham Reach. I object very strongly to the council's proposal to waste Rate payers money to divert a public footpath from the existing nationally famous Saxon Shore way which runs around the edge of The Town and Village green area registered as VG236, owned and maintained by the council, and consisting of flood and grassed area with trees, flowers and an existing level footpath, completely refurbished by the council to a high standard a few years ago.

It seems ludicrous to want to build a ramp to take the path up through a private and secure estate, built with council permission some 20-30 years ago, with an outlook of brickwalls and block paving for walkers and a Health and Safety Risk, with estate traffic, delivery, and public utility vehicles, in a very confined area. I read in the local paper a few weeks ago that common sense had prevailed and the idea had been dropped. But it seems that in time of recession the council still want to waste more Tax payer money and Terrorize owners and residents of Faversham Reach, with a proposed diversion, with high costs, and no benefits to walkers or residents.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'K. Moon', written over a horizontal line.



Heather and John Slane
93 Knockholt Road
Cliftonville
Margate
Kent
CT9 3HP

28th August 2012

Dear Sonya Coventry

Proposed Diversion of Public Footpath ZF5 (part) Faversham

I understand that there is a proposal to create a footpath through Faversham Reach from the existing Saxon Shoreway. I understand that this will necessitate the building of a ramp on the existing Saxon Shoreway in order to obtain access through the wall surrounding Faversham Reach and that the new footpath will then join the Saxon Shoreway at the point where it joins with Upper Brents.

I currently use the existing path and I am opposed to the creation of the new path. I feel that the ramp will be inconvenient to existing users as well as being unsightly.

I also feel that the new footpath, which will not create any new, benefits to the general public that do not already exist on the Saxon Shoreway.

The cost of building the ramp and breaching the existing wall to an adequate and safe Standard will be considerable and I do not feel that the cost of this can be justified.

Yours sincerely

Heather and John Slane



Helen Clark and Andy Upfield
35 Kendal Meadow
Chestfield
Kent
CT5 3PZ

28th August 2012

Dear Sonya Coventry

Proposed Diversion of Public Footpath ZF5 (part) Faversham

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The cost of building the ramp and breaching the existing wall to an adequate and safe Standard will be considerable and I do not feel that the cost of this can be justified.

Yours sincerely

Helen Clark and Andy Upfield



Molly Bax
5 Stone Street
Faversham
Kent
ME13 8PJ

28th August 2012

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Proposed Diversion of Public Footpath ZF5 (part) Faversham

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I also feel that the new footpath, which will not create any new, benefits to the general public that do not already exist on the Saxon Shoreway.

The cost of building the ramp and breaching the existing wall to an adequate and safe Standard will be considerable and I do not feel that the cost of this can be justified.

Yours sincerely

Molly Bax

12A Waterside Close

Faversham

KENT

ME13 7AU

Ms Sonia Coventry
Country Access Services
Customer and Communities
KENT COUNTY COUNCIL



Invicta House

County Hall

Maidstone

KENT

ME14 1XX

Date: 16th October 2012

Dear Ms Coventry,

Re: Highways Act 1980, Section 119

Proposed diversion of Public Footpath ZF5 (part) Faversham

Highways Act 1980, Sections 26 and 118

Proposed extinguishment of Public Footpath ZF5 (part) Faversham

Proposed creation by Order of Public Footpath, Faversham

I am writing as a resident of Faversham and a neighbour of Faversham Reach to voice my objections to any suggestion of a public footpath being created to run through Faversham Reach, and would be most grateful if this letter could be tabled as part of the documentation package for the members of the Regulation Committee Panel which is due to meet on Wednesday 21st November 2012.

My main objections are as follows:

1. There is no evidence that a public right of way existed here. The site was part of an extensive shipyard until the 1970's, through a period including two world wars. It is inconceivable that the general public would have been allowed access to such a heavily-industrialised and secure area.
2. When planning permission was given to build residential properties on the area now known as Faversham Reach, the drawings/documentation provided to the developers by Swale Borough Council contained no reference to any existing footpath in this location.
3. The 'definitive map' held by KCC for the area in question which shows footpath ZF5 was (I understand) produced after completion of the Faversham Reach development.
4. Solicitors acting for the 'first-time' purchasers of property in the 'Reach can confirm that their 'searches' revealed no existence of a footpath.

5. Part of the plan for footpath ZF5 includes the creation of a ramp between Crabtree Island and (via demolition of a perimeter wall) Faversham Reach. Crabtree Island is defined as a 'village green' on which the erection of permanent structures is prohibited. The erection of a ramp would therefore be illegal.
6. The creation of a public right of way through Faversham Reach would be extremely costly, and would need to satisfactorily address issues such as:
 - a. The physical separation of roads and pavements within Faversham Reach to ensure the safety of walkers (children, adults, disabled and vulnerable persons.) transiting the 'Reach.
 - b. Permanent barriers erected between the 'deep water' marina and the planned path together with appropriate safety warnings and lighting.
 - c. Agreement would need to be reached with the landowner about public liability insurance – premiums would need to be paid by Faversham Town Council.
 - d. The impact on the value of properties within the 'Reach and the reduced level of security. Police authorities would need to assess the effect on local crime and the likely effect on policing and judicial resources.

As you can see from the above, the effect and consequences of establishing ZF5 may not have been fully realised by the proposers. Furthermore, it is estimated that of the proposed path, the Creek will only be visible on 15% of the route.

It would therefore be more realistic and economically-practical to extinguish ZF5 (part) that runs through Faversham Reach, and create by Order a new path which overlays onto the existing well-used path around the perimeter wall of Faversham Reach.

I would be grateful if the Panel would give this serious consideration.

Yours sincerely,



Paul Channon

Tel: 01795 590985

Mob: 07957 807713

Email: channonps@hotmail.com

18 Waterside Close

Faversham

KENT

ME13 7AU

Ms Sonia Coventry

Country Access Services

Customer and Communities

KENT COUNTY COUNCIL

Invicta House

County Hall

Maidstone

KENT

ME14 1XX

Date: 16th October 2012

Dear Ms Coventry,

Re: Highways Act 1980, Section 119

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My main objections are as follows:

1. There is no evidence that a public right of way existed here. The site was part of an extensive shipyard until the 1970's, through a period including two world wars. It is inconceivable that the general public would have been allowed access to such a heavily-industrialised and secure area.

2. When planning permission was given to build residential properties on the area now known as Faversham Reach, the drawings/documentation provided to the developers by Swale Borough Council contained no reference to any existing footpath in this location.
3. The 'definitive map' held by KCC for the area in question which shows footpath ZF5 was (I understand) produced after completion of the Faversham Reach development.
4. Solicitors acting for the 'first-time' purchasers of property in the 'Reach can confirm that their 'searches' revealed no existence of a footpath.
5. Part of the plan for footpath ZF5 includes the creation of a ramp between Crabtree Island and (via demolition of a perimeter wall) Faversham Reach. Crabtree Island is defined as a 'village green' on which the erection of permanent structures is prohibited. The erection of a ramp would therefore be illegal.
6. The creation of a public right of way through Faversham Reach would be extremely costly, and would need to satisfactorily address issues such as:
 - a. The physical separation of roads and pavements within Faversham Reach to ensure the safety of walkers (children, adults, disabled and vulnerable persons.) transiting the 'Reach.
 - b. Permanent barriers erected between the 'deep water' marina and the planned path together with appropriate safety warnings and lighting.
 - c. Agreement would need to be reached with the landowner about public liability insurance – premiums would need to be paid by Faversham Town Council.
 - d. The impact on the value of properties within the 'Reach and the reduced level of security. Police authorities would need to assess the effect on local crime and the likely effect on policing and judicial resources.
 - e. As a widow living alone I bought the house as having no public access it made me feel safer.
 - f. I have already had bikes etc stolen from my garden.

As you can see from the above, the effect and consequences of establishing ZF5 may not have been fully realised by the proposers. Furthermore, it is estimated that of the proposed path, the Creek will only be visible on 15% of the route.

It would therefore be more realistic and economically-practical to extinguish ZF5 (part) that runs through Faversham Reach, and create by Order a new path which overlays onto the existing well-used path around the perimeter wall of Faversham Reach.

I would be grateful if the Panel would give this serious consideration.

Yours sincerely, Mrs S Merralls

18 Waterside Close Faversham ME137AU

PS Please confirm formal receipt of this communication.

.....

Coventry, Sonia - CC CS

From: jeremy lamb [jeremylamb@hotmail.co.uk]
Sent: 20 October 2012 11:19
To: Coventry, Sonia - CC CS
Subject: FW: Faversham reach footpath

I omitted contact details for previous email re Faversham Reach footpath

JT Lamb, 15 Waterside Close, Faversham, Kent ME13 7AU
Tel 01795 531383
mob 01795 531383

From: jeremylamb@hotmail.co.uk
To: sonia.coventry@kent.gov.uk
Subject: Faversham reach footpath
Date: Fri, 19 Oct 2012 15:57:14 +0100

Dear Ms Coventry,

Re: Highways Act 1980, Section 119
Proposed diversion of Public Footpath ZF5 (part) Faversham
Highways Act 1980, Sections 26 and 118
Proposed extinguishment of Public Footpath ZF5 (part) Faversham
Proposed creation by Order of Public Footpath, Faversham

I am adding my voice to those writing to object to the routing of a public footpath through Faversham Reach, Faversham. I would like this email letter to be part of the documentation considered by the panel on Wednesday 21st November 2012.

In addition to supporting the objections described by others relating to the legitimacy of the proposed footpath and brought to the attention of the Panel I object as follows

The creation of a public right of way through Faversham Reach would be costly and as it is replacing a footpath which skirts the Faversham Reach development and which is in current use, it must be questioned whether this is the best use of public funds

The current footpath passing next to Faversham Reach safely crosses the muddy reed beds adjacent to Crab Island which flood at high tide. The cost of maintaining the current path next to the mud reed beds and its fencing, which was installed at considerable public expense, would be a continuing cost to the Council as the mud would be a natural hazard for the children and walkers who would continue to use that path.

» Council may decide to remove the path completely and physically prevent its use. This would be highly unwelcome as it is well used by local residents, many of whom walk dogs there, and for whom a diversion via Faversham Reach would be extremely inconvenient.

I therefore urge the Panel to create by Order a new path that tracks the path way, currently installed and maintained at public expense, and to extinguish footpath proposal described as ZF5 through Faversham Reach.

Yours sincerely

JT Lamb

27th September 2012

Dear Ms Coventry,

Thank you for consulting Swale Borough Council on these two proposals to extinguish part of public footpath ZF5 in Faversham and to create by Order an additional public footpath to replace it.

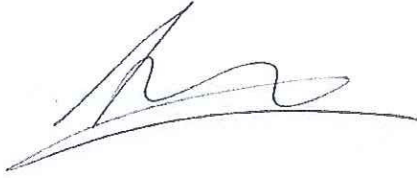
Swale Borough Council supports Faversham Town Council's new route proposal (PROW/ZF5/1340) as it will open this statutory footpath to the public on a route as close to the existing footpath ZF5 as possible, as shown on the Definitive Footpath Map. It would retain the majority of the path alongside the Creek, with views of the Creek itself and the maritime activity on the opposite bank. It supports the vision and aspirations of the Faversham Creek Neighbourhood Plan, and would be in the greater public interest whilst improving the public's enjoyment of this route. At every stage of public consultation for the Faversham Creek Neighbourhood Plan both residents and stakeholders have expressed a desire to have a continuous circular path that allows residents and visitors alike to walk around the entire head and basin of the Creek by the water's edge.

Swale Borough Council are also currently working with the Faversham Creek Neighbourhood Plan Steering Group to create a new footpath along the creekside at Waterside, and this proposal would link with this new footpath, making a continuous creekside walk on the northern side of Faversham Creek.

This scheme would require an opening in the brick wall and a new ramp, but the Council understands that Faversham Town Council have a scheme prepared and funds are available to carry out the work.

The Council is aware that the resident's of Faversham Reach do not support Faversham Town Council's proposed route and have submitted their own proposed diversion of footpath ZF5 (PROW/ZF5/1404). The Council wish to object to this route as it would take walkers behind the houses on the landward side, which is where walkers are currently forced to go. This would take walkers away from the Creek and the views of the Creek and the surrounding countryside, and the footpath's historic linkages to the Creek would be lost. As such it would be a less attractive route for walkers and would in our view reduce their enjoyment of the path.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Adool Kara', written over a horizontal line.

Adool Kara
Chief Executive
Swale Borough Council

COUNTY COUNCIL - ENVIRONMENT & REGENERATION
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY

Mrs G Clifton
Local Ramblers Area Footpaths Rep1
95 Astra Drive
Riverview Park
Gravesend
Kent DA12 4PZ

Mrs Clifton passed this on to me. I reply on behalf of the Ramblers and the Swale Footpaths Group.

Proposal to divert part of Public Footpath ZF5 in Faversham, Borough of Swale

(Our ref: PROW/ZF5/1340)

This consultation expires on 31 August 2012

The accompanying letter said 3rd Sept.

I should be grateful if you would kindly complete the following and return it to me as soon as possible:

I agree the proposed diversion is in the landowner's interest

~~I do not agree because~~ Plainly the present Definitive Map route through their houses is unacceptable to them

I agree the proposed diversion is in the public's interest

~~I do not agree because~~ Definitive Map line is unworkable.

I agree the proposed diversion is not substantially less convenient to the public

~~I do not agree because~~ Plainly more convenient as it's walkable!

I agree that the proposed diversion would not negatively impact upon public enjoyment of the route

~~I do not agree because~~ Same reason

I agree that the new point of termination will not be substantially less convenient to the public

I do not agree because irrelevant as points of termination aren't altered.

PLEASE RETURN TO:
Sonia Coventry
KCC Public Rights of Way
Invicta House
County Hall
Maidstone
Kent ME14 1XX

Alan Smith 3/9/12
20, Wentworth Drive
S'bourne
ME10 1UB
P TO

Josia Coventry,

3-9-12

I have just received the consultation form on the alternative proposals from the Residents Association and will reply separately on them

A section 106 agreement ~~pro~~ made by Swale Borough Council (but yet to be implemented) provides for a new public footpath alongside the Creek parallel to Waterside Close and linking with the proposed new route near point "K".

It is clearly unsatisfactory for all concerned that this situation has arisen in the first place. Did the planning application submitted to Swale B.C. make any mention of ZF 5? Presumably they did not make ^{a diversion} ~~a~~ Order under the Town and Country Planning Act so did they check the Definitive Map?

Is the KCC aware of any other cases in Swale (or Kent) where developers have ~~built~~ built across a Definitive Map path without getting a Diversion order?

I appreciate that residents will have concerns about privacy and security. If this proposal goes ahead would it be legally and practically possible for section E-C to be gated at night time and/or for there to be CCTV cameras?

Finally (and this is a purely personal suggestion) if the section 106 agreement to which I referred above were implemented so as to link with the proposed new route at "K", would section K-M become redundant?

Yours sincerely,
Alan Smith

**COUNTY COUNCIL - ENVIRONMENT & REGENERATION
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY**

Mr Andrew Osborne
3 Priory Road
Faversham
Kent
ME13 7EJ



This has been passed to me by Andrew Osborne to seek the support of the Faversham Society for the realignment of the footpath. Anne Salmon BA Med MRP1 Chair Faversham Society Planning Committee.

Proposal to divert part of Public Footpath ZF5 in Faversham, Borough of Swale
(Our ref: PROW/ZF5/1340)
This consultation expires on 31 August 2012

I should be grateful if you would kindly complete the following and return it to me as soon as possible:

I agree the proposed diversion is in the landowner's interest *- as it avoids going through the houses where the route should go on its original line*
 I do not agree because

I agree the proposed diversion is in the public's interest *since it takes the footpath closer to the creek and helps to create a better creekside footpath*
 I do not agree because

I agree the proposed diversion is not substantially less convenient to the public *- it is better for the public as present route poorly lit + overgrown.*
 I do not agree because

I agree that the proposed diversion would not negatively impact upon public enjoyment of the route *- it should be better as get views of creek for longer.*
 I do not agree because

I agree that the new point of termination will not be substantially less convenient to the public *it is the same point. My ultimate aim is to add link to the footpath along the creek side of waterside close*
 I do not agree because

PLEASE RETURN TO:
Sonia Coventry
KCC Public Rights of Way
Invicta House
County Hall
Maidstone
Kent ME14 1XX

APPENDIX D

Responses to the proposal submitted by Faversham Reach Residents
Association

KENT COUNTY COUNCIL – COUNTRYSIDE ACCESS SERVICE
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY

*Reply from Ramblers Assoc
East Kent Section Co-ordinator*

Mrs G Clifton
Local Ramblers Area Footpaths Rep2
95 Astra Drive
Riverview Park
Gravesend
Kent DA12 4PZ

Colin W Bridge
26 Alfred Road Birchington Kent CT79NJ
01843 846427
colinwbridge@yahoo.co.uk

Proposal to extinguish part of Public Footpath ZF5 in Faversham

Proposal to create by Order an additional Public Footpath in Faversham

(Ref: PROW/ZF5/1404)

This consultation expires on 01 October 2012

I should be grateful if you would kindly complete the following and return it to me as soon as possible:

I agree with the proposed extinguishment on the ground that is not needed for public use.

I do not agree because *The Town Council is preparing a Neighbourhood Plan which includes creekside path and a link to a further section of path to be created by a 106 agreement. This is the wrong moment to make this diversion.*

I agree the proposed creation by Order will add to the convenience or enjoyment of a substantial section of the public or to the convenience of persons resident in the area.

I do not agree because *walkers are pushed away from the creekside along a high concrete wall leading to an extensive loop around industrial works to regain the creek path. This is particularly undesirable as this path is part of the Saxon Shore Way.*

PLEASE RETURN TO:
Sonia Coventry
KCC Public Rights of Way
Invicta House
County Hall
Maidstone
Kent ME14 1XX

27th September 2012

Dear Ms Coventry,

Thank you for consulting Swale Borough Council on these two proposals to extinguish part of public footpath ZF5 in Faversham and to create by Order an additional public footpath to replace it.

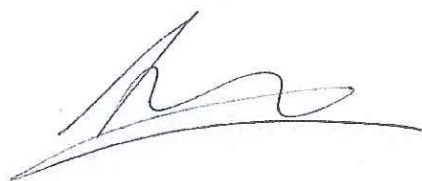
Swale Borough Council supports Faversham Town Council's new route proposal (PROW/ZF5/1340) as it will open this statutory footpath to the public on a route as close to the existing footpath ZF5 as possible, as shown on the Definitive Footpath Map. It would retain the majority of the path alongside the Creek, with views of the Creek itself and the maritime activity on the opposite bank. It supports the vision and aspirations of the Faversham Creek Neighbourhood Plan, and would be in the greater public interest whilst improving the public's enjoyment of this route. At every stage of public consultation for the Faversham Creek Neighbourhood Plan both residents and stakeholders have expressed a desire to have a continuous circular path that allows residents and visitors alike to walk around the entire head and basin of the Creek by the water's edge.

Swale Borough Council are also currently working with the Faversham Creek Neighbourhood Plan Steering Group to create a new footpath along the creekside at Waterside, and this proposal would link with this new footpath, making a continuous creekside walk on the northern side of Faversham Creek.

This scheme would require an opening in the brick wall and a new ramp, but the Council understands that Faversham Town Council have a scheme prepared and funds are available to carry out the work.

The Council is aware that the resident's of Faversham Reach do not support Faversham Town Council's proposed route and have submitted their own proposed diversion of footpath ZF5 (PROW/ZF5/1404). The Council wish to object to this route as it would take walkers behind the houses on the landward side, which is where walkers are currently forced to go. This would take walkers away from the Creek and the views of the Creek and the surrounding countryside, and the footpath's historic linkages to the Creek would be lost. As such it would be a less attractive route for walkers and would in our view reduce their enjoyment of the path.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Adool Kara', written over a horizontal line.

Adool Kara
Chief Executive
Swale Borough Council

Coventry, Sonia - CC CS

From: Brian Caffarey [brian.caffarey1@btinternet.com]
Sent: 22 September 2012 10:57
To: Coventry, Sonia - CC CS
Subject: Proposed diversion of public footpath ZF5 (part) Faversham

Dear Ms Coventry – I am writing to lodge my strong objection to the proposal by some residents of Faversham Reach to extinguish part of this footpath.

This is, frankly, a scandalous attempt by a small group of self-interested residents to frustrate the wishes of the majority of Faversham residents and others who walk the Saxon Shore Way who have long wanted to see the path restored to its proper course along the Creek. The current absurd situation, in which walkers have to take a long and unsightly diversion round the back of Faversham Reach, has only arisen because of the incompetence of Swale Borough Council, who failed to ensure that the developers of Faversham Reach preserved public footpath ZF5 which ran through the boatyard.

Faversham Town Council has taken steps to remedy the situation by proposing a slight modification of public footpath ZF5 and which will enable, in due course, the Creekside path to be restored as far as possible. I urge Kent County Council to support the Town Council's proposals, which have the support of the Faversham Society and the Faversham Creek Consortium amongst many other parties, and to reject the proposal by the Faversham Reach Residents' Association.

Yours sincerely,
Brian Caffarey
130 Athelstan Road
Faversham
Kent
ME13 8QW

Coventry, Sonia - CC CS

From: Mike Cosgrove [mike_cos@hotmail.com]
Sent: 23 September 2012 08:19
To: Coventry, Sonia - CC CS; faversham.towncouncil@virgin.net
Subject: Footpath ZF5 part
Attachments: FCC letterZF5 head.doc

Dear Sonia

attached is the Faversham Creek Consortium's letter rejecting the residents' proposal required by 1st October.

with best wishes

Mike Cosgrove

Chairman FCC



C/O The Municipal Charities South Road Faversham ME13

22nd September 2012

Dear Sonia Coventry

Public Consultation Proposed Diversion of Public Footpath ZF5 [part] Faversham

I am writing as Chairman of the Faversham Creek Consortium to reject the residents' of Faversham Reach proposals for the footpath ZF5 as requested by 1st October. Thus supporting Faversham Town Council's suggested line. This follows our recent management meeting on 21st September when the management group discussed this.

It is very clear that there is strong evidence and historical photographic proof that there has always been a footpath along side the creek from Crab Island to the Saxon shoreway. This originally went through Pollocks Shipyard and can be traced to go through the existing houses bordering on the creek on that site. Simply because the current residents object is not sufficient grounds for its removal given that it has been in place for over 100 years and can be seen on earlier ordinance survey maps.

Recent consultations May 2012, throughout the town, and previous consultations regarding the creek recognise that the public wish to see the existing creekside footpaths remaining in place and indeed joined together with those parts of the network that need revitalising. The residents' proposed objection should be disallowed on the grounds that:-

It does not allow the footpath to continue along its historic route. It substantially mitigates against public enjoyment of a significant stretch of the creek. It would create an ill- conceived "dog leg". The objection provides no rationality other than that the residents do not want it. This of course denies that footpaths and their walkers give additional security to the premises along the route.

The residents' proposal will divert the statutory footpath behind a high ugly concrete wall which for 25% of its length is between an industrial building, domestic garages and the wall. This is a most unattractive route and the unique views of the creek and the craft on it will be lost. This route has been used because the correct route was obstructed and was mistakenly incorporated into the Saxon Shore Way, but there has always been strong public demand to correct the situation.

Recently there have been a number of workshops and exhibitions in connection with the preparation of a Neighbourhood Plan for the area of the creek and. The one proposal that has received almost universal support is the opening of existing creek side footpaths and the creation of the missing sections. There is therefore likely to be extensive use of the path by the public once the obstructions have been overcome.

There is no problem in making an opening in the concrete wall and constructing a ramp to overcome the difference in levels. The Town Council have prepared a scheme and cost. Funds are available to carry out the work. . An estimate of the cost of constructing the ramp, ancillary work and cutting the opening in the concrete wall has now been prepared. It is considered that the cost of all the work shown on the two drawings would be in the region of £4500.

There are five reasons for opposing the diversion proposed by the residents:-

1. The residents proposed diversion is unattractive and will lose the creek side path and views.
2. The diversion would prevent the creation of any new footpath on Waterside subject to an existing Ombudsman's ruling, and the formation of an attractive creek side path with a total length of about 200 metres.

3 There is no real objection to the Town Council's proposal except that the residents do not want the public walking past their houses.

4 There is overwhelming public support for the Town Councils proposal to form a long length of creek side path which will be very popular and well used

5 This is an historic footpath that can show outstanding perspectives of the creek and town that runs along The Saxon Shoreline

Yours sincerely

Mike Cosgrove

Mike Cosgrove Chairman FCC

EMAIL TO Sonia Coventry

mike_cos@hotmail.com

Sonia.coventry@kent.gov.uk

Cc Jackie Westlake OBE Town Clerk Faversham Town Council

Coventry, Sonia - CC CS

From: Anne Salmon [annesalmon62@hotmail.co.uk]
Sent: 18 September 2012 12:44
To: Coventry, Sonia - CC CS
Subject: RE: Objection to diversion to footpath ZF5 from Faversham Reach Residents Association.
Attachments: objection to diversion to footpath ZF5.docx

Sonia

Sorry, was a typo in earlier version, please find corrected version attached

Regards

Anne

From: Anne Salmon [mailto:annesalmon62@hotmail.co.uk]
Sent: 18 September 2012 11:41
To: 'Sonia.coventry@kent.gov.uk'
Subject: Objection to diversion to footpath ZF5 from Faversham Reach Residents Association.

Sonia

Please find attached the objection from the Faversham Society to the proposed diversion to this footpath requested by the Faversham Reach Residents' Association.

I understand that this is to be considered at a hearing in November 2012 together with the diversion proposed by Faversham Town Council which the Faversham Society has already supported.

Could you please advise whether these hearings are open to the public or whether it would be helpful for representees to explain their case in person.

Thanks and regards

Anne Salmon BA MCD MRTPI

Objection to the proposed diversion to footpath ZF5 to a route to the west of the former shipyard as requested by the residents of Faversham Reach.

The Faversham Society is objecting to this diversion for the following reasons:

The present line of Footpath ZF5 forms part of a footpath route around Faversham Creek between Crab Island and the sea wall and currently fails to allow any views of the creek for a substantial distance since it is separated from the creek by housing and industrial development. It is acknowledged that this footpath has not followed a creekside line since shortly before World War II when Pollocks shipyard extended to create a larger yard for the building lighters and erected a concrete wall at the north end of Crab Island. However, the original line of the definitive footpath following the original creek towpath was never officially extinguished.

In 2007, Swale Council engaged the planning consultants, Urban Initiatives to work with them and to build 'town teams' to agree what issues and problems there were around the creek. This was in preparation for a Development Plan Document for the creek which would form part of the Local Development Framework. On the walkabouts and feedback sessions conducted by Urban Initiatives, one of the items which was most strongly supported was that there should be a walking route around as much of the creek frontage as possible. This includes the section now occupied by Faversham Reach and the section along the creek side of Waterside Close. The latter section was theoretically secured by a planning agreement under Section 106 of the Town and Country Planning Act 1990 when the housing development was approved. This is still being worked on by officers at Swale Council and could connect the walkways along the creek in the built up area to the Saxon Shore Way on the sea wall.

The Development Plan Document that was being prepared by Swale Council using a consultant and the planning department has since changed to a Neighbourhood Plan following the award of Vanguard funding as a result of the Localism Act 2011. A Steering Group has been formed chaired by a Faversham Town Councillor, with two other town councillors and the consultant to the Town Council, two Swale Borough Councillors, two members of the Creek Management Group, a Swale planning officer and a Consultant. One of the reports that this steering group has commissioned as part of the evidence base is a Streetscape Strategy for the area around the creek. This was published in June 2012 and has been endorsed by the town council, Swale Council and by the KCC/Swale Joint Transportation Board. The purpose of the document is to identify where there are problems with accessibility, connectivity, legibility and condition of the streetscape including footpaths and to propose possible solutions. The Strategy document describes the present footpath as follows:

'The path meanders follows the creek bank until it makes an abrupt turn inland as it reaches the concrete retaining walls of the Faversham Reach development whose

flank walls dominate this area. Walkers use the footpath here to reach the creekside. The footpath, now slightly raised and directly following the concrete wall, turns north eastwards to end in a dank, dark, cramped alley between the concrete wall and industrial premises. The northern boundary of the area is formed by the Upper Brents road, often lined by parked cars and there is no footpath on this side of the road.'

The document includes an illustration of the footpath where it emerges from the enclosed section parallel with Upper Brents beside the gate piers at the former shipyard entrance. The supporting text refers to the waterside footpath that has been created as part of Waterside Close which is the subject of the S106 agreement.

This description of the footpath continues as follows:

'The footpath which skirts the northern perimeter of the Faversham Reach development, described in section 6.08 emerges from its unpleasant dogleg route at the entrance to the industrial estate. When vehicles are parked in the area, it is unclear as to where the footpath resumes as the very small footpath signs are obscured. A narrow gap between the industrial estate's western boundary and adjacent housing reveals wide open, flat fields. The footpath, now an unmade track heads round the boundary of the estate on its northern and eastern sides. A gate between fields on the eastern side concentrates footfall producing a very muddy surface in winter months. Eventually, the footpath links with the sea wall running eastward along the creek. The most easterly boundary of the Waterside Close development is an unsightly collection of fencing, possibly erected to protect against intruders.'

The improvement of the section of footpath ZF5 from the north end of Crab Island through Faversham Reach with a new ramped access is set out in the 'Streetscape Strategy' as one of the projects which would assist significantly in the regeneration of this part of the creek. This alteration, together with a ramped access from the end of Waterside Close could create a much more pleasant and user-friendly walkway along the Brents side of the creek and on to the sea wall and would be a substantial improvement on the existing situation, having creek views for most of its length.

The Faversham Society considers that the formalisation of the current line of the footpath around the outside of Faversham Reach as proposed by the Faversham Reach Residents' Association perpetuates a route which is not easily legible, poorly maintained and unpleasant. Further, the location at which it emerges onto Upper Brents creates a gap with no agreed public access between the Faversham Reach section and the footpath which has already been built along the Waterside Close section and which could be connected directly to the sea wall with no need to use the further poor quality section of footpath running around the north and east sides of the Brents Industrial Estate.

We note that Faversham Town Council has already proposed a new line for footpath ZF5 which restores the route to as close to its original line as practicable. This would break through the concrete wall at the north end of Crab Island into Faversham Reach, run along the open frontage between the two blocks of three houses in Faversham Reach and break through the wall back into the Brents Industrial Estate close to the gate into Waterside Close to connect up with the agreed section of footpath at Waterside Close. The Faversham Society supports this line and has already made representations to you to that effect.

Anne Salmon BA MCD MRTPI
Chair
Faversham Society Planning committee
1 Priory Row, Faversham, ME13 7EG

Faversham United Municipal Charities

5 The Almshouses, South Road, Faversham, Kent ME13 7LU
Telephone/Fax: (01795) 532958 E-mail: fumc@btinternet.com



Clerk to the Trustees
Mrs S J Bayford

Our ref:

Your ref:

Date: 17th September 2012

Ms S Coventry
KCC Public Rights of Way
Invicta House
County Hall
Maidstone
ME14 1XX

Dear Ms Coventry,

Public Footpath ZF5 in Faversham
Your Ref: PROW/ZF5/1404

I am writing on behalf of the Trustees of Faversham Municipal Charities to oppose the diversion proposed by the Faversham Reach Residents Association dated 29th August 2012. For some time Trustees have been actively supporting the Faversham Creek Consortium in its efforts to regenerate the Creek, which is at the heart of Faversham, and the surrounding area, including a re-instatement of footpaths along the Creek. In fact we have already set aside funds from the Hatch Charity to assist with this.

We are in full support of the Town Council application dated 1st August 2012 (PROW/ZF5/1340) which will retain most of the path alongside the Creek which is the route of the towpath which has been in use for many years. In fact this footpath would still exist had it not become blocked by a lack of care when planning permission was granted by Swale Borough Council for the houses to be built over the top of it.

With the Faversham Creek Consortium and the Town Council we have been involved in a number of workshops and exhibitions in connection with the preparation of a Neighbourhood Plan for the area of the Creek and there has been overwhelming support for the opening of the existing creekside footpaths and the missing sections. There is therefore likely to be extensive use of the path by the public once the obstructions have been overcome. The proposed route would mean that walkers would have to go some distance along a very unattractive route before returning to the creekside, and it may be that the route to be created at the rear of Waterside may be lost altogether.

/...

▪ Office Hours: Tues, Wed and Thurs – 9am to 12 noon
▪ Registered Charity: No. 212165

▪ See Almshouses and Municipal Charities at: www.faversham.org
▪ Registered Social Landlord: No. A1482

Ms S Coventry

17th September 2012

The Town Council has already prepared a scheme and costs, and funds are available to carry out the work, including those set aside from this Charity. It will be a simple task to make an opening in the concrete wall and construct a ramp to overcome the difference in levels. This will enable the footpath to continue along the creekside at the rear of the houses in Waterside and beyond.

In summary Trustees wish to oppose the diversion proposed by the Faversham Reach Residents Association for the following reasons:

- (1) The proposed diversion is purely based on the fact that they do not wish the public to walk past their houses.
- (2) The diversion would prevent the use of the footpath at the rear of Waterside and the formation of a creekside path over approximately 200 metres.
- (3) Once moved away from the creekside there is some distance to cover along a very unattractive route before returning to the creek which may deter walkers.
- (4) There is tremendous support for the Town Council proposal to form a long length of creekside path which will be very popular and well used.

Yours sincerely,



S J Bayford (Mrs)
Clerk to the Trustees



Alexander Centre, Preston Street, Faversham, Kent ME13 8NY Telephone: Faversham 594442/3
e-mail: Faversham.TownCouncil@virgin.net

Your Ref.

Our Ref: JW

Date:

25 September 2012

Sonia Coventry
KCC Public Rights of Way
Invicta House
County Hall
Maidstone
KENT
ME14 1XX

**Highways Act 1980 – Sections 26 and 118
Proposed Diversion of Public Footpath ZF5 (part) Faversham**

I am writing on behalf of Faversham Town Council, which, at its meeting on 24 September, formally resolved to oppose the proposed diversion of Public Footpath ZF5 Footpath. The reasons for opposition are as follows:

- (i) at a meeting of Faversham Town Council on 6 June 2012, the Town Council resolved that Faversham Town Council should request Kent County Council to make a Diversion Order on its behalf for the diversion of Public Footpath ZF5 in accordance with the map issued by Kent County Council showing Proposal 'C' in order to release the footpath from the six houses on the side of Faversham Creek and so that the footpath follows, as closely as possible, the existing footpath ZF5, as shown on the Definitive Footpath Map. The new proposal seeks to overturn the Town Council's request;
- (ii) The purpose of the Town Council's request was to create a Creekside footpath around the length of the Creek as part of the Faversham Creek Streetscape Strategy, now formally endorsed by Swale Joint Transportation Board as well as Faversham Town Council. The Faversham Reach Residents' Association proposal would reverse that purpose;
- (iii) The Faversham Reach Residents' Association proposal has no other purpose than to prevent the public walking in front of their properties. It would not enhance the Creek and would be against the work being done on the Neighbourhood Plan. You should be aware that, during public consultation on the Neighbourhood Plan, the one element of the Plan to receive universal support was that to create a Creekside walkway.

I am copying this to Mike Cosgrove, Swale Borough Councillor and Chairman of the Faversham Creek Consortium. A hard copy will be sent in the post.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jackie Westlake'. The signature is written in a cursive style with a large initial 'J' and a long horizontal stroke.

Jackie Westlake OBE
Town Clerk



Faversham And Swale East Branch Labour Party
Chair: Trevor Payne, 1 Priory Row, Faversham ME13 7EG Tel: 01795 537701
Secretary: Ash Rehal, Woodview, Perry Wood, Selling, Kent ME13 9RP 01227 752319

21st September, 2012.

Ms Sonia Coventry
KCC

Dear Ms Coventry,

Objection to the proposed diversion to footpath ZF5 to a route to the west of the former shipyard as requested by the residents of Faversham Reach.

The Faversham and Swale East Branch Labour Party is objecting to this diversion for the following reasons:

The present line of footpath ZF5 forms part of a footpath route around Faversham creek between Crab Island and the sea wall and is part of the Saxon Shore Way. The section from the north end of Crab Island to the start of the sea wall fails to allow any views of the creek for a substantial distance. This is because it is separated from the creek by housing and industrial development. There was an opportunity to reinstate the footpath to its original line which was a creek towpath when the western part of the shipyard was developed for housing as Faversham Reach, but this was missed and the path remains blocked by a concrete wall. However, the original line of the footpath has never been officially extinguished.

Throughout all of the consultation stages including the formation of the Creek Consortium and the town teams set up through Urban Initiatives to discuss the future of the creek, one of the items that was most consistently and strongly supported was the formation of a walking route around as much of the creek frontage as possible on both sides of the creek. A section of walkway to the north of Faversham Reach along the creek side of Waterside Close was built as part of the development, and was a requirement of a planning agreement. Works to connect this to the sea wall are being discussed by Swale Council.

There is now a Neighbourhood Plan being prepared for the creek area, led by Faversham Town Council in a Steering Group including Swale Borough Councillors and the Creek Management Group. Part of the evidence base that has been prepared for the Neighbourhood Plan is a Streetscape Strategy which was published in June 2012. This has been endorsed by Faversham Town Council, Swale Borough

Council and by the KCC/Swale Joint Transportation Board. This document identifies the section of the footpath around Faversham Reach and the continuation around the Brents industrial estate as being of poor quality by way of illegibility and condition. It proposes the improvement of the footpath from the north end of Crab Island with a new ramped access into Faversham Reach and a further ramped access from the end of the Waterside Close section onto the sea wall. This would create a much more pleasant walkway with creek views for most of its length.

It is considered that the formalisation of the current line of the footpath around the outside of Faversham Reach perpetuates a route which is unpleasant, lacks creek views and is poorly maintained. The location at which it emerges onto Upper Brents creates a gap with no agreed public access between the Faversham Reach section and the footpath along the creek side of Waterside Close which was the subject of the legal agreement.

The Faversham and Swale East Branch Labour Party supports the proposal which has been submitted by Faversham Town Council for this part of footpath ZF5. This restores the footpath to as close to its original line as practicable. The route enters Faversham Reach via a ramp at the north end of Crab Island, runs along the open frontage between the two blocks of three houses in Faversham Reach and emerges via a proposed opening in the wall into the Brents industrial estate close to the gate into Waterside Close. At this point, it would link up with the footpath along the creek frontage of Waterside Close where it could then form a direct link to the sea wall as described above.

I hope our views, which we feel very strongly about, are taken into account and I look forward to hearing from you as to the decision made.

Thank you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dr Ash Rehal', written over a horizontal line.

Dr Ash Rehal
Secretary, Faversham and Swale East Branch Labour Party

KENT COUNTY COUNCIL – COUNTRYSIDE ACCESS SERVICE
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY

Mr Andrew Osborne
3 Priory Road
Faversham
Kent
ME13 7EJ



Proposal to extinguish part of Public Footpath ZF5 in Faversham

Proposal to create by Order an additional Public Footpath in Faversham

(Ref: PROW/ZF5/1404)

This consultation expires on 01 October 2012

I should be grateful if you would kindly complete the following and return it to me as soon as possible:

I agree with the proposed extinguishment on the ground that is not needed for public use.

I do not agree because

.....
Please see separate sheet
.....
.....
.....

I agree the proposed creation by Order will add to the convenience or enjoyment of a substantial section of the public or to the convenience of persons resident in the area.

I do not agree because

.....
Please see separate sheet
.....
.....

PLEASE RETURN TO:
Sonia Coventry
KCC Public Rights of Way
Invicta House
County Hall
Maidstone
Kent ME14 1XX

Andrew Osborne
3rd September 2012

Objection to proposal to extinguish part of Public Footpath ZF5 in Faversham

The current Town Council proposal will open this statutory footpath to the public on a route as near as possible to that shown on the definitive map. It will retain most of the path along side the creek with unique views of the traditional craft and other boats moored on the opposite bank and allow views up and down the creek that are not available from else where. This is the route of the ancient towpath that has been open from time in memorial

The resident's proposal will divert the statutory footpath behind a high ugly concrete wall which for 25% of its length is between an industrial building, domestic garages and the wall. This is a most unattractive route and the unique views of the creek and the craft on it will be lost. This route has been used because the correct route was obstructed and was mistakenly incorporated into the Saxon Shore Way, but now there is strong public demand to correct the situation.

I also enclose a copy of a plan approved by the Town Council which shows how footpath ZF5 would link with the new footpath to be created by a Section 106 planning agreement. You will notice that the proposed diversion of ZF5 has been amended slightly for practical reasons, but the necessity to divert path ZF5 to link with the new path is clear.

Recently there have been a number of workshops and exhibitions in connection with the preparation of a Neighbourhood Plan for the area of the creek and one proposal that has received almost universal support is the opening of existing creek side footpaths and the creation of the missing sections. There is therefore likely to be extensive use of the path by the public once the obstructions have been overcome. Once Footpath ZF5 is opened there is no need for the path proposed by the residents.

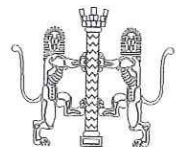
There is no problem in making an opening in the concrete wall and constructing a ramp to overcome the difference in levels. The Town Council have prepared a scheme and cost. Funds are available to carry out the work.

I suggest that there are four reasons for opposing the diversion proposed by the residents:-

1. The residents proposed diversion is not attractive and will loose the creekside path and views.
2. The diversion would prevent the creation of the new footpath on Waterside and the formation of an attractive creek side path with a total length of about 200 metres.
3. There is no real objection to the Town Councils proposal except that the residents do not want the public walking past their houses.
4. There is tremendous public support for the Town Councils proposal to form a long length of creekside path.

Mr Gates has a copy of a photograph taken in 1952 showing the gate in the fence which allowed walkers to proceed along the route of the path which is now ZF 5.

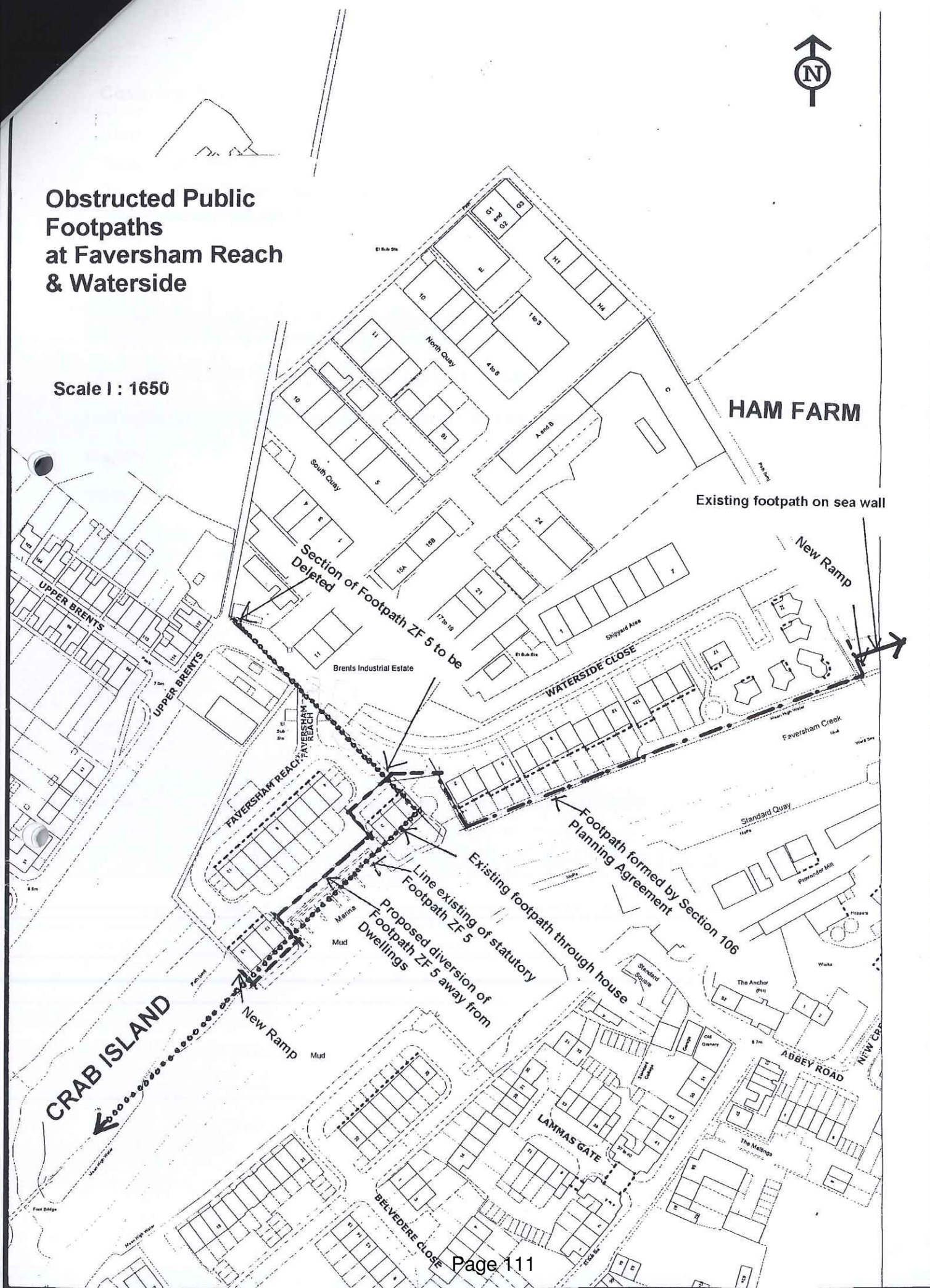
Andrew Osborne
3rd September 2012





Obstructed Public Footpaths at Faversham Reach & Waterside

Scale 1 : 1650



**KENT COUNTY COUNCIL – COUNTRYSIDE ACCESS SERVICE
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY**

12A Mr ~~Jeremy Lamb~~ *Paul Channon*
Waterside Residents Association
45 Waterside Close
Faversham
Kent ME13 7AU

Company Secretary



Proposal to extinguish part of Public Footpath ZF5 in Faversham

Proposal to create by Order an additional Public Footpath in Faversham

(Ref: PROW/ZF5/1404)

This consultation expires on 01 October 2012

I should be grateful if you would kindly complete the following and return it to me as soon as possible:

- I agree with the proposed extinguishment on the ground that is not needed for public use.
- I do not agree because

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.....
.....

- I agree the proposed creation by Order will add to the convenience or enjoyment of a substantial section of the public or to the convenience of persons resident in the area.
- I do not agree because

.....
.....
.....
.....

**PLEASE RETURN TO:
Sonia Coventry
KCC Public Rights of Way
Invicta House
County Hall
Maidstone
Kent ME14 1XX**

FAVERSHAM REACH RESIDENTS ASSOCIATION LIMITED

13, Faversham Reach,
Upper Brents,
Faversham,
Kent. ME13 7LA

Tel. 01795 590175
helenalbery@yahoo.co.uk

Ms Sonia Coventry
Public Rights of Way Officer
Countryside Access Service
Invicta House
County Hall
Maidstone
Kent ME14 1XX



6th September 2012

Dear Madam,

Your ref: PROW/ZF5/1404

Please find enclosed a completed form which indicates that Faversham Reach Residents Association Limited agrees with the proposed extinguishment of the section of the public footpath ZF5 through Faversham Reach and the proposed diversion.

Yours faithfully,

A handwritten signature in cursive script that reads 'H. Albery'.

Mrs. H. Albery (Secretary)
For and on behalf of Faversham Reach Residents Association Limited.

**KENT COUNTY COUNCIL – COUNTRYSIDE ACCESS SERVICE
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY**

Mrs Albery
Secretary, Faversham Reach
Residents Association
13 Faversham Reach
Upper Brents
Faversham
Kent ME13 7LA

Proposal to extinguish part of Public Footpath ZF5 in Faversham

Proposal to create by Order an additional Public Footpath in Faversham

(Ref: PROW/ZF5/1404)

This consultation expires on 01 October 2012

I should be grateful if you would kindly complete the following and return it to me as soon as possible:

I agree with the proposed extinguishment on the ground that is not needed for public use.

I do not agree because

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I agree the proposed creation by Order will add to the convenience or enjoyment of a substantial section of the public or to the convenience of persons resident in the area.

I do not agree because

.....
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.....

PLEASE RETURN TO:
Sonia Coventry
KCC Public Rights of Way
Invicta House
County Hall
Maidstone
Kent ME14 1XX

**KENT COUNTY COUNCIL – COUNTRYSIDE ACCESS SERVICE
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY**

Mr & Mrs Haile
1 Faversham Reach
Upper Brents
Faversham
Kent
ME13 7LA



Proposal to extinguish part of Public Footpath ZF5 in Faversham

Proposal to create by Order an additional Public Footpath in Faversham

(Ref: PROW/ZF5/1404)

This consultation expires on 01 October 2012

I should be grateful if you would kindly complete the following and return it to me as soon as possible:

I agree with the proposed extinguishment on the ground that is not needed for public use.

I do not agree because

.....
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I do not agree because

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PLEASE RETURN TO:
Sonia Coventry
KCC Public Rights of Way
Invicta House
County Hall
Maidstone
Kent ME14 1XX

**KENT COUNTY COUNCIL – COUNTRYSIDE ACCESS SERVICE
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY**

Mr M Palmer
2 Faversham Reach
Upper Brents
Faversham
Kent
ME13 7LA



Proposal to extinguish part of Public Footpath ZF5 in Faversham

Proposal to create by Order an additional Public Footpath in Faversham

(Ref: PROW/ZF5/1404)

This consultation expires on 01 October 2012

I should be grateful if you would kindly complete the following and return it to me as soon as possible:

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Miranda Palmer
12/09/12

**KENT COUNTY COUNCIL – COUNTRYSIDE ACCESS SERVICE
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY**

Mr M Spicer
3 Faversham Reach
Upper Brents
Faversham
Kent
ME13 7LA



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**KENT COUNTY COUNCIL – COUNTRYSIDE ACCESS SERVICE
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY**

Owner / Occupier *MR R N McCANN & MS A BANNOCK*
4 Faversham Reach
Upper Brents
Faversham
Kent
ME13 7LA



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R Bannock

**KENT COUNTY COUNCIL – COUNTRYSIDE ACCESS SERVICE
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY**

Mr Abdey & Ms Brightman
7 Faversham Reach
Upper Brents
Faversham
Kent
ME13 7LA



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**KENT COUNTY COUNCIL – COUNTRYSIDE ACCESS SERVICE
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY**

Mr M Malony
9 Faversham Reach
Upper Brents
Faversham
Kent
ME13 7LA



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**KENT COUNTY COUNCIL – COUNTRYSIDE ACCESS SERVICE
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY**

Mrs J Mackarell
12 Faversham Reach
Upper Brents
Faversham
Kent
ME13 7LA



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Maidstone
Kent ME14 1XX**

13 Faversham Reach
Upper Brents
Faversham
Kent
ME13 7LA

6th September 2012



Sonia Coventry
Public Rights of Way Officer
Kent County Council,
County Hall,
Maidstone,
Kent ME14 1XX

Dear Madam

Your ref: PROW/ZF5/1404

Please find enclosed a completed form with reference to the proposal regarding the above footpath.

Yours faithfully

A handwritten signature in black ink, appearing to read 'W. Albery'.

Mr. W. Albery

**KENT COUNTY COUNCIL – COUNTRYSIDE ACCESS SERVICE
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY**

Mr & Mrs Albery
13 Faversham Reach
Upper Brents
Faversham
Kent
ME13 7LA

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**KENT COUNTY COUNCIL – COUNTRYSIDE ACCESS SERVICE
DIVERSIONS AND EXTINGUISHMENTS OF PUBLIC RIGHTS OF WAY**

Mrs Hoyles
15 Faversham Reach
Upper Brents
Faversham
Kent
ME13 7LA



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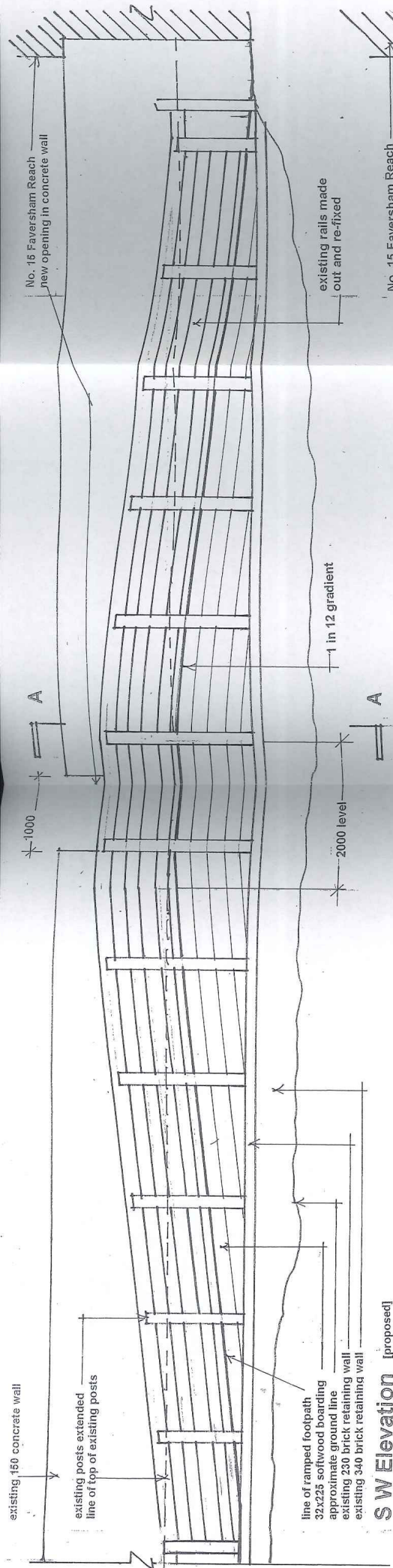
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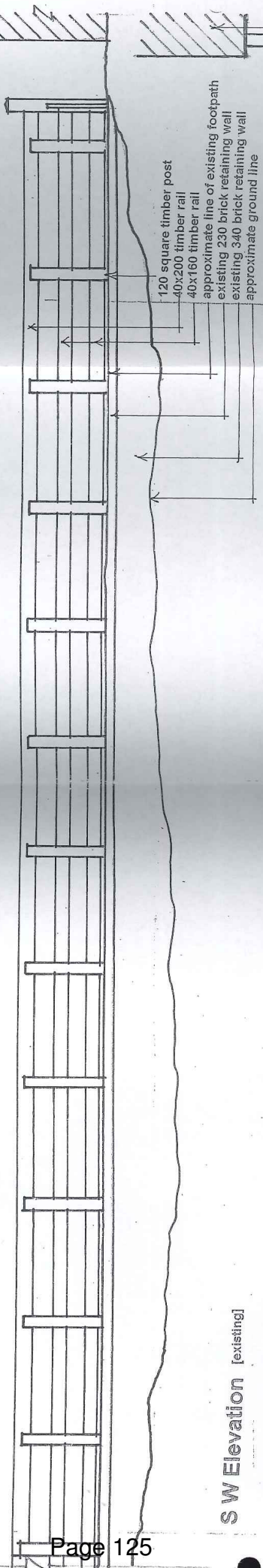
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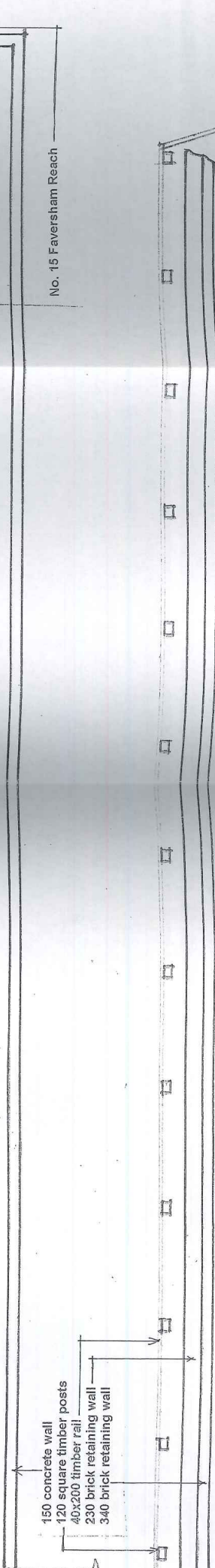
SW Elevation (proposed)

150 concrete wall



SW Elevation (existing)

150 concrete wall
120 square timber posts
40x200 timber rail
230 brick retaining wall
340 brick retaining wall



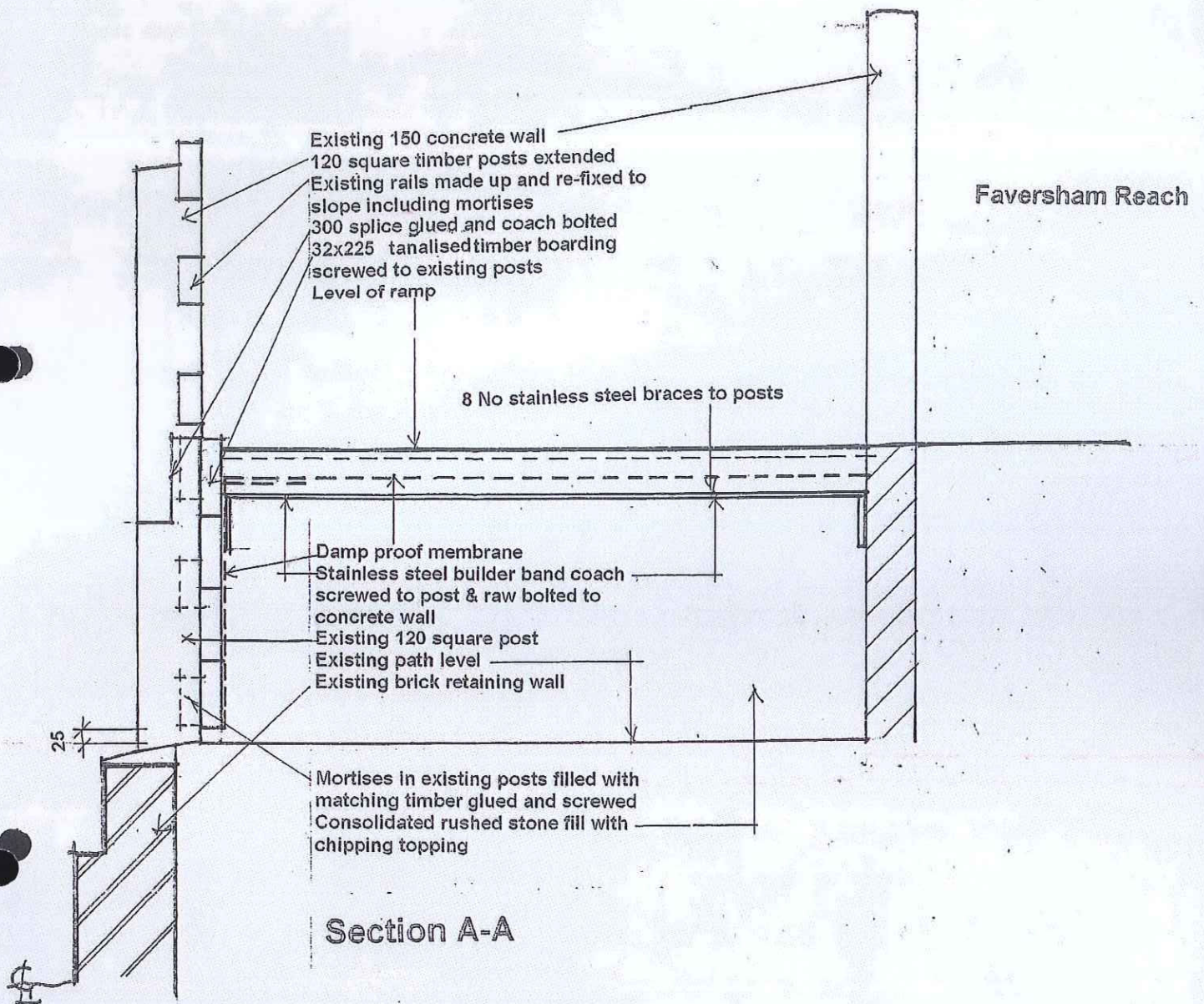
Plan (existing)

DWG No. 1
Scale 1 : 50
August 2012

Note
Remove existing rails and set aside for reuse
Fill redundant mortises with timber to match glued and screwed
Fix stainless steel builder band coach screwed to posts and raw bolted to concrete wall 150 below level of ramp to brace posts
Spread 1000 gauge vertical damp-proof membrane on inside of timber boarding and lap with horizontal membrane laid 100 below surface of ramp.

Extend timber posts as required to match existing with 300 splice glued and coach bolted together
Fit 32x225 tanalised timber boarding to posts to level of ramp fixed with coach screws allow 25 drainage slot at bottom of boarding
Make up to approved levels & construct ramp with suitable approved 20 mm crushed stone aggregate well consolidated and finish with 14 mm approved chippings.

Re-fix splice and make up deficiencies as necessary existing rails including cutting mortises and fixing with coach bolts as existing
Stain new timber to match existing
Cut 1000 opening in existing 150 concrete wall and make good
Exact position of opening to be approved
Glue to be Bison PU Max timber one part polyurethane adhesive or other equal and approved
All metal fastenings to be galvanised



DWG No. 2

Scale 1:20
August 2012