

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 FRRRA) 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 FRRRA. 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 FRRRA 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 FRRRA'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. IT WOULD BE DANGEROUS

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

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 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 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 Puplic 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 councils proposal to waste Rate payers money to divert a puplic footpath from the exisiting 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 a exisiting 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 a 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 cost's, and no benefits to walkers or residents.

Yours sincerely

A handwritten signature in cursive script, appearing to read "K. Moon".



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

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

Helen Clark and Andy Upfield



Molly Bax
5 Stone Street
Faversham
Kent
ME13 8PJ

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

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

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.
 - 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.

22/10/2012

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.

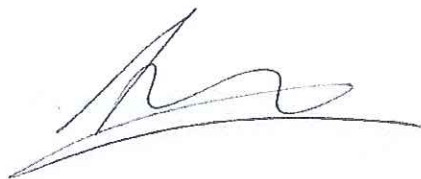
Swale Borough Council supports Faversham Town Council's new route proposal (PROW/ZF5/1340) as it will open this statutory footpath to the public on a route as close to the existing footpath ZF5 as possible, as shown on the Definitive Footpath Map. It would retain the majority of the path alongside the 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 in a cursive style with a long horizontal stroke at the end.

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
PTO

Jonica 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 ~~was~~ 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 MA MPTPI 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. It will mean is to add link to the footpath along to 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