

Countryside and Rights of Way (CROW) Act 2000

NOTICE OF RELEVANT AUTHORITY DECISION FOLLOWING REVIEW OF DIRECTION RESTRICTING CROW ACCESS RIGHTS

Prepared by Natural England

Access Authority: Kent County Council
Relevant Authority: Natural England
Local Access Forum: Kent Local Access Forum

Land Parcel Name	Direction Reference	Details of restriction/ exclusion on original direction
Sandwich & Pegwell Bay	2014097390 2014097392	Coastal access margin closed – unsuitable for public access (saltmarsh / mudflat) s25A
Sandwich & Pegwell Bay	2014097391 2014097393	Coastal access margin closed – Nature conservation s26
Kingsdown MOD Ranges	2014107436	Coastal access margin closed – Danger to public safety s25
Stonar Landfill Site	2015117900	Coastal access margin closed – Danger to public safety s25
Dungeness Beach	2015128012	Coastal access margin closed (except on marked routes) – Nature conservation s26
Dungeness NNR	2019038847	Open Access closed (except on PROW) – Nature conservation s26

Natural England has now decided how to proceed following its review of the above-mentioned long-term directions to restrict coastal access rights in association with the England Coast Path (ECP) for the cases listed above. Consultations were held between 10 May – 7 June 2021 with statutory consultees and the public. We received no feedback for any of the cases.

Outcome of the reviews

Sandwich & Pegwell Bay	2014097390 2014097392	Coastal access margin closed – unsuitable for public access (saltmarsh / mudflat) s25A
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Summary of circumstances

The land has been assessed as unsuitable for public access under CROW section 25A. The exclusion extends to mean low water which is the boundary of the coastal margin. Following changes to mean low water as identified by the Ordnance Survey, the boundary to the margin has changed. These minor changes are reflected in the exclusion boundary.

Determination

The habitat along the mean low water boundary has not changed and is still unsuitable for public access. We will therefore extend the direction for a further 50 years.

Sandwich & Pegwell Bay	2014097391 2014097393	Coastal access margin closed – Nature conservation s26
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Summary of circumstances

The land is closed under CROW s26 (nature conservation) to prevent disturbance to sensitive birds, 365 days a year as mitigation specified in the Habitats Regulations Assessment. The exclusion extends to mean low water which is the boundary of the coastal margin. Following changes to mean low water as identified by the Ordnance Survey, the boundary to the margin has changed. These minor changes are reflected in the exclusion boundary.

Determination

Both the landowner and NE designated sites officer are satisfied that the species listed in the Habitat Regulations Assessment are still present on the site. The exclusion is therefore still required as mitigation. We will therefore extend the direction for a further 50 years.

Kingsdown MOD Ranges	2014107436	Coastal access margin closed – Danger to public safety s25
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Summary of circumstances

The site, south of Kingsdown Beach is a former MOD firing range, still owned by the MOD and not covered by military byelaw. It is closed under CROW s25 to prevent danger to public safety.

Determination

The National Defence Estates team and local MOD officers have confirmed that the site is still a public safety concern, with the same ongoing issues. It continues to be monitored, but a direction to exclude is still necessary. We will therefore extend the direction for a further 6 years.

Stonar Landfill Site	2015117990	Coastal access margin closed – Danger to public safety s25
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Summary of circumstances

Stonar Landfill is a former chemical waste disposal site. The EA confirm that is currently still considered dangerous if access was allowed over it.

Determination

There is an ongoing monitoring programme by the landowners and Environment Agency to ascertain levels of waste. The current estimate is that it is still several years until the site could be considered safe. It continues to be monitored, and a

direction to exclude access is still necessary. We will therefore extend the direction for a further 6 years.

Dungeness Beach	2015128012	Coastal access margin closed (except on marked routes) – Nature conservation s26
Dungeness NNR	2019038847	Open Access closed (except on PROW) – Nature conservation s26

Summary of circumstances – both cases

The land is closed under CROW s26 (nature conservation) (except on marked routes and PROW) to prevent trampling to sensitive plants on the upper shingle beach area, 365 days a year. This as mitigation specified in the Habitats Regulations Assessments for the ECP and CROW s16 dedication.

Determination – both cases

Both the landowner and NE designated sites officer are satisfied that the plants species listed in the Habitat Regulations Assessment are still present on the site. The direction is therefore still required as mitigation. We will therefore extend the directions for a further 50 years.

In each case, the directions will be reviewed again in five years. If we are notified of a change in circumstances before that time, Natural England will reassess the need for the directions.

Date reviews completed: 13th July 2021