

Northfleet Harbourside – Case 33460355

KCC Note

Public Right of Way Impacts from the Applicant's proposals for a relocated BRM car parking and lorry marshalling area

1. This note sets out (in skeletal form only) KCC's Public Rights of Way Team's position on (and objection to) the Applicant's new proposals for a relocated BRM car parking and lorry marshalling area, most recently set out in a plan admitted by the Inspector on 3 June 2024 (known as "Option B") (a previous – and different – iteration of which was included in Appendix D to Mr Spiller's proof (known as "Option A")).

Relevant policy

2. The overarching policy position in respect of Public Rights of Way (PRoW) and National Trails is set out at NPPF para 105: *"Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails."*
3. The National Trail Standards are available online at: [National Trails: management standards - GOV.UK](#)

Relevant background to KCC's PRoW position at this inquiry

4. KCC's Statement of case (CD6.03) (extract below) sets out the agreed position that had been reached between the County Council, King Charles III ECP England Coast Path (KCIIECP) National Trail Partnership and the Applicant in respect to public rights of way and the national trail. Particularly, as this concerned the routing of public footpath NU1 and the KCIIECP, both of which were to be routed primarily through greenspace. A plan illustrating what KCC's PRoW Team had understood to be the agreed position on PRoW matters is enclosed with this note (this plan was provided by the Applicant following engagement with the PRoW Team and National Trail Partnership and submitted to the Local Planning Authority as representing the agreed position).

Extract from KCC's Statement of Case:

"Public Rights of Way

3.3.1 KCC's Public Rights of Way and Access Service and National Trail Partnership for the King Charles III England Coast Path, south-east section, initially raised an objection to the Proposed Development. This was on the basis that it failed to adequately address adverse impacts to Public Footpaths NU1, NU2 and NU44 and the KCIIECP, particularly to user amenity and connectivity, duplication of routes.

3.3.2 In response to the objections, amendments to the proposals were made and a number of points of clarifications provided, together with direct engagement with the KCC officer and the National Trail Officer. (N21-BH-KCC PROW Comments 240209) particularly relating to the realignment of the PROW and KCIIIECP (GWO -3-S065 – 20221064 – KCIIIECP Georeferenced Map). KCC PROW and Access were therefore able to remove their objection to the application (e-mail to Katherine Parkin, GBC case officer, 7 February 2024).

3.3.3 It is expected a PROW Scheme of Management to be secured by condition agreed by the County Council and National Trail Officer.

3.3.4 In the event that it is common ground between the Appellant, GBC and KCC that mitigation is required (i.e. the PROW Scheme of Management) and that it should be secured by planning conditions and / or a planning obligation a form acceptable to KCC, KCC will not present evidence to the Inquiry relating to Public Rights of Way matters but reserves its position in the event that satisfactory mitigation is not secured in a manner satisfactory to KCC.”

5. As far as KCC’s PROW Team were aware, the position as to the routing of public footpath NU1 PROW and the KCIIIECP remained as depicted on the enclosed plan. Consequently, they had removed their objection.
 6. On the 3 June, the Inspector’s ruling accepting a drawing submitted to Natural England by the applicant (211203-06) (referred to as Option B) and an illustrative sketch plan R13 Inquiry Plan was brought to the attention of the Public Rights of Way and Access Service. That ruling also referred to a plan submitted in appendix D to Mr Spillers evidence (drawing 211203-02) (Option A).
 7. No liaison had taken place with the Public Rights of Way and Access Service or National Trail Partnership, or Natural England – Access to the Outdoors team (regarding PROW and KCIIIECP impacts) in respect of the amended documents. This is unfortunate, given the previous active engagement with the Applicant who must have been aware of the impact of the amended proposals on PROW and the KCIIIECP and the fact that the amended proposals are not consistent with the previously agreed position between the parties.
 8. Regrettably in seeking to address matters relating to parking and HGV access the proposals for PROW NU1 and KCIIIECP are amended materially. Where the most significant impacts had previously been mitigated by running footpath NU1 and the KCIIIECP through greenspace (on the basis of which both KCC and the National Trail Partnership were able to withdraw their initial objections) the new proposal would cause significant adverse and continuing harm to the NU1 and KCIIIECP. KCC has no option but to object to the current proposal Option B, not least for the reasons provided below.
9. Objections to Option B:
- I. Option B – Makes reference to a “Footpath and Cycleway – Connection to Charles III Coastal Path” but gives no direct reference to NU1 or the KCIIIECP. What is clear when considered with Illustrative sketch plan R13 is that the “footpath /cycleway” is in part the KCIIIECP and not simply a link to it.

- II. Where NU1 and the KCIIECP were to be routed through greenspace they are now routed, for a distance of approximately 100m, beside an HGV holding bay, vehicle access and car park, and “BRM facilities area”. The harmful impacts of which are several and include, for example, HGV movements (stopping and starting), diesel fumes, vehicle air conditioning units, engine noise, reversing sirens.
- III. The route will have on one side security fencing – inevitably with security lighting, CCTV, and capturing litter (unless it differs from other similar situations in the area).
- IV. On the other side, there is (at least for part of the route) the cat predation buffer featuring a water filled ditch and high fence. Thus, confining the route between two fences.
- V. The route runs in close proximity to the proposed carpark (causing similar issues around noise, litter etc) before crossing the access to the carpark (which is understood to now host 116 bays). No detail is provided as to the nature of the pedestrian crossing in this area. Naturally, it introduces a conflict between people and vehicles that was not previously present, which not only raises potential safety concerns but further impacts on amenity.
- VI. The route is now suggested to be both a footway and cycleway (whereas previously these were separated). The suitability of a route intended to be dual status footpath/cycleway to support that combined use cannot be assessed (including any consequences on existing rights which are pedestrian only) without details being provided (a condition relating to detailed design to be agreed within the PRow Management scheme would be required).

10. The above is not exhaustive given the time available.

11. However, overall, and consequently KCC’s PRow Team are of the view that the new proposals would result in detrimental impacts on the amenity and experience for users of the routes and are inconsistent with NPPF paragraph 105.

12. The KCC PRow Team are aware that Option A was submitted but has now been overtaken by the submission of Option B. Option A (as Appendix D to Mr Spiller’s proof) did not identify the relationship between the proposed parking provision and the PRow network. No reference was made to PRows and the proposed re-alignments were not set out. Having now understood what the relationship is between what was being proposed as Option A and the PRow network (NU1 and the KCIIECP), clearly a number of the above objections equally apply to that option as well.

13. It should be noted that the National Trails officer needs to be consulted on the proposed changes (having previously been engaged in the original consultation and discussions which had led to the previous agreement mentioned above) but he is currently on leave (until 9 June) and so it has not been possible for the KCC PRow Team to discuss these matters with him.

14. It should also be noted that the amendments proposed are such that relevant interest groups and stakeholders not represented at the Inquiry may have raised objection. KCC’s PRow Team are unaware that there has been any consultation with such groups on the amended proposals.

15. The diversion/extinguishment of the PRow NU2, NU44/DS27 and NU1 will also require the successful making, confirmation and certification (in the case of diversion) of an appropriate order. This is a separate process, under the TCPA 1990 s257 or 247, dependent on who exercises the power to make the orders. It is a process distinct from planning. If representations are received it falls to PINS to determine the orders on behalf of the Secretary of State. In view of the above, it is likely that objections would be made to such an order, which may well materially delay development and/or raise valid objection points.
16. Similarly, under section 55 of the National Parks and Access to the Countryside Act 1949, the movement of a National Trail requires the production of a Variation Report. The report requires the approval of the Secretary of State.

4 June 2025