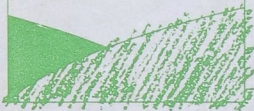


The Ramblers



MEMO

TO Dave Kesby

DATE 5/3/90

FROM Pat Wilson
Copy to Mike Pursey

KENT AREA

So very nice to meet you the other day - I am sure that you are going to do much to advance the cause of public rights of way, despite any with-holding attitudes of the Sandgate Society, and for that matter, the Shepway FP Society. Perhaps our FP Secs. - Mike in Hythe & Folkestone, and Tim Parsons (tel.0303 862945) in the old Elham R.D., can lend power to your elbow? Nothing like a bit of solidarity.

Herewith my report, which will keep the ball rolling for the time being. As I have said to Mr.Todd, the stronger claim we could make to the escarpment path (even if we accept it as part of this bargain), the stronger our case for getting FP HP 26 back in the event of the Army quitting. So please keep your ears open for old inhabitants, or any walkers of the oath pre 1970 or thereabouts. Mr.Todd said he'd be pleased to see you; take pencil & paper!!

Thanks for your interesting notes of paths to be closed/kept open; what I think I may have missed is any path which needs to be claimed because of ambiguous status up at junction EF8 and 'new' path...when we discussed virtues of a signpost with four arms there, I believe we were not sure of status of route running up from The Undercliffe? Pity I didn't have time to explore that.

If that route has a name, it could be included in the List of Streets, which KCC must maintain for all publicly maintainable highways - though not FPs, BRs and BWs; District Councils must keep a copy of this List, but often deny having it; and it is not always accompanied by a map. If you write to Shepway of KCC, you could ask them the status of the route - I haven't included in my report, 'cos I do not know precisely how to identify it.

I really want to read those court papers sometime...please, if anybody asks to reclaim them from you, give me a ring, and I'll come at once, if I may; but the next two weeks are hectic with RoW matters.

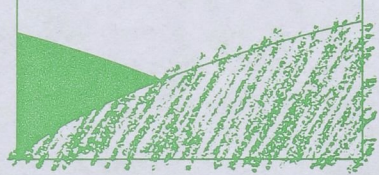
I've sent copiew of the Report to Mr.Todd and to Mr.Turnill of Somerville Lodge, Hillside, Sandgate, O303 49012, who thinks (I think) the Sandgate Society should be more critical of MoD proposals....

Can you confirm our requests about signing at the various points we discussed...I ran out of space & time.

Yours
Pat Wilson

Copy

The Ramblers



The Ramblers' Association promotes rambling, protects rights of way, campaigns for access to open country and defends the beauty of the countryside.

Wildwood Harvel Meopham
Gravesend Kent
DA13 0DB

KENT AREA

4th March 1990

To County Surveyor, Kent County Council Maidstone ME14 2LQ
Second Report by P.Wilson for Kent Area R.A. concerning public paths on Ministry of Defence land at Shornecliffe, Sandgate, Folkestone, Shepway District, subsequent to site meeting on 27/2/'90.

Present Mrs.Ross, Kent C.C. Public Paths Officer; Mr.D.Kasby, Sandgate Society; Mr.M.Pursey, Local Footpath Secretary, R.A.; Mrs.P.Wilson, Ass.Area Footpath Secretary, Public Path Orders.

Meeting point and purpose of visit - as in Interim Report of 20/2/'90

Observations.

1. The status of the small length of footpath linking Corniche with Brewers Hill has not yet been advised; I ask Kent C.C. to clarify this matter.
2. The status of the well-used footpaths - two branches, one marked with official 'yellow' Public Footpath sign - which combine to form one path to north of Encombe Estate on to MoD land, has not yet been advised; I ask Kent C.C. to clarify this matter.
3. From evidence supplied by local residents, and historical documents, it is clear that for generations there has been considerable instability in the cliff area of Sandgate. This has clear implications for any siting of a 'new' path, and my earlier comments of 20/2/90 at paragraph 4 need to be modified accordingly. This applies particularly to public passage on the cliff side of Martello Tower No. 4 where the cliff falls steeply away.
4. On FP HF 26, walking from the south-east end, Mr.Pursey's earlier evidence of obstruction by no fewer than four barbed wire entanglements, was corroborated. We clambered over these and stopped short of, but sighted, the modern barrack buildings, almost adjoining the public footpath. I am advised that in c.1973, when the MoD applied to stop-up this path, and appealed to the Crown Court in Maidstone, the appeal was dismissed. If this is the case, it appears to me that the Ministry is in contempt of court. I ask Kent C.C. to comment on this situation.
5. The proposed new stretch of path running eastward from Brewers Hill was re-examined (ref. Interim Report para.6); this confirmed the unacceptability of this proposal: not only is it an uneven surface, passing between the abandoned 'sub-station' and back garden fences of two properties (Melbury Abbas and La Corniche) but it brings walkers on to a level from which they would virtually overlook the back-gardens - a situation which frequently gives rise to application for diversion by residents. The general environment of this section contrasts most unfavourably with the immediate access to fine - if

'Observations' paragraph 5 continued.

- (5) storm-damaged - woodland from Brewers Hill & Corniche, afforded by the eastern branch of HF 47.
- 6 From conversations with local residents, it appears that the escarpment path proposed by MoD in lieu of FPs HF 47 & 26 has been walked uninterruptedly by members of the public over many years; to this extent, it is unlikely that it can be considered a truly 'new' public path.
- 7 Information was supplied by a long-standing local resident that, when walking the higher part of FP HF 47 east branch, he had occasionally been startled by the sudden beginning of firing at the Rifle Range; Mr. Kesby spoke of the continuing danger of possible ricocheting from the Range. Whilst this is accepted, it must be pointed out that it is the Army's responsibility to ensure safe passage of the public; instead they have unlawfully blocked the path.

FINDINGS.

Having regard to the grounds of Security advanced by the MoD, and subject to alternative provisions being agreed which are satisfactory to this Association, we propose that

- A the stopping-up of FP HF 47 west branch be agreed;
- B the stopping-up of part of FP HF 47 east branch be agreed, namely that steepest part of the footpath south-west of and nearest to the Rifle Range, provided that the following are created -
 - (i) a 'spur' path as currently offered by MoD south-west from my point 'C' to the junction with the footpath coming up from the south through the Encombe Estate;
 - and
 - (ii) a path running east-west to link a) above where it passes close by the Encombe Estate old Stone Seat, to a point approximately mid-way along HF 47, running roughly along the same contour.

Note This would involve some clearance of fallen trees, but presumably the Army would, in the interests of good husbandry, be planning to carry out such work anyhow, in due course?
- C the escarpment path east from C to D to HF 8 be accepted subject to adequate width of level ground being provided at sufficient distance from the edge of the escarpment; the unacceptable barbed wire as described in my Interim Report to be removed or re-sited.
- D in view of future danger from land slippage, where the proposed escarpment path runs very close to the steep cliff on the south and south-east sides of Martello Tower No.4, a public footpath be provided in a circle, the whole way round the Tower.
- E the proposed link between the north-west end of HF 8 and the south-east end of HF 26 be accepted;
- F the stopping-up of FP HF 26 be accepted subject to an agreement between Kent C.C and MoD that, in the event of this land being relinquished by the Ministry, or being used for other than military purposes, the public right of way should be reinstated.

Patricia E. Wilson.
Wildwood, Harvel, Neopham Grouseland
DA 13 0DB.

Copy to GCS



**SHEPWAY
District Council**

The Civic Centre,
Castle Hill Avenue,
Folkestone,
Kent CT20 2QY.

Telephone: (0303) 850388
Fax: (0303) 45978
DX 4912 Folkestone

Your Ref. 12L/D/10116 12L/D/10000/251
Our Ref. 651/25/244/245/GAT/Mr. M. Harris
Ext. 314

31st July, 1989

The Defence Land Agent,
Ministry of Defence,
Barrier Road,
Chatham,
Kent ME4 4SQ

*See amended plan
20/1/90*

Dear Sirs,

RE: PUBLIC RIGHTS OF WAY AT SHORNCLIFFE, FOLKESTONE

I refer to proposed changes to the footpath network at Shorncliffe Camp and, to this end, I regret that the Council was unable to send a representative to the meeting Mr. Timpson had with the Garrison Adjutant in June.

Assuming the proposals are to go ahead, I wonder whether you will be asking the Secretary of State for the Environment to exercise his powers under the Highways Act, to make Orders enabling the stopping-up and diversion of the paths concerned, or whether you will be applying to the Highway Authority to carry out all the necessary procedures.

I mention this as I am anxious to see that public consultation takes place with local interest groups so that, at the end of the day, the proposal will meet the general approval of the Army, the Highway Authority and public alike.

I should mention that the Highway Authority have a Code of Practice regarding proposals to change rights of way. The Code requires Highway Authorities to consult with interested parties before making any order to bring about the changes. I am not sure whether the Secretary of State, in exercise of his powers, carries out these consultations.

... Understandably, there is considerable interest in the changes proposed and I enclose for your attention a copy of a plan showing what the Sandgate Society consider to be a more suitable alternative to the changes proposed by you. The Council would clearly also like to reserve its position with regard to commenting on proposals, as there appears to be some considerable merit in adopting something along those lines suggest by Sandgate Society.

Your comments would be appreciated.

Yours faithfully,

R. J. Thompson
(R. J. Thompson)
Secretary and Solicitor

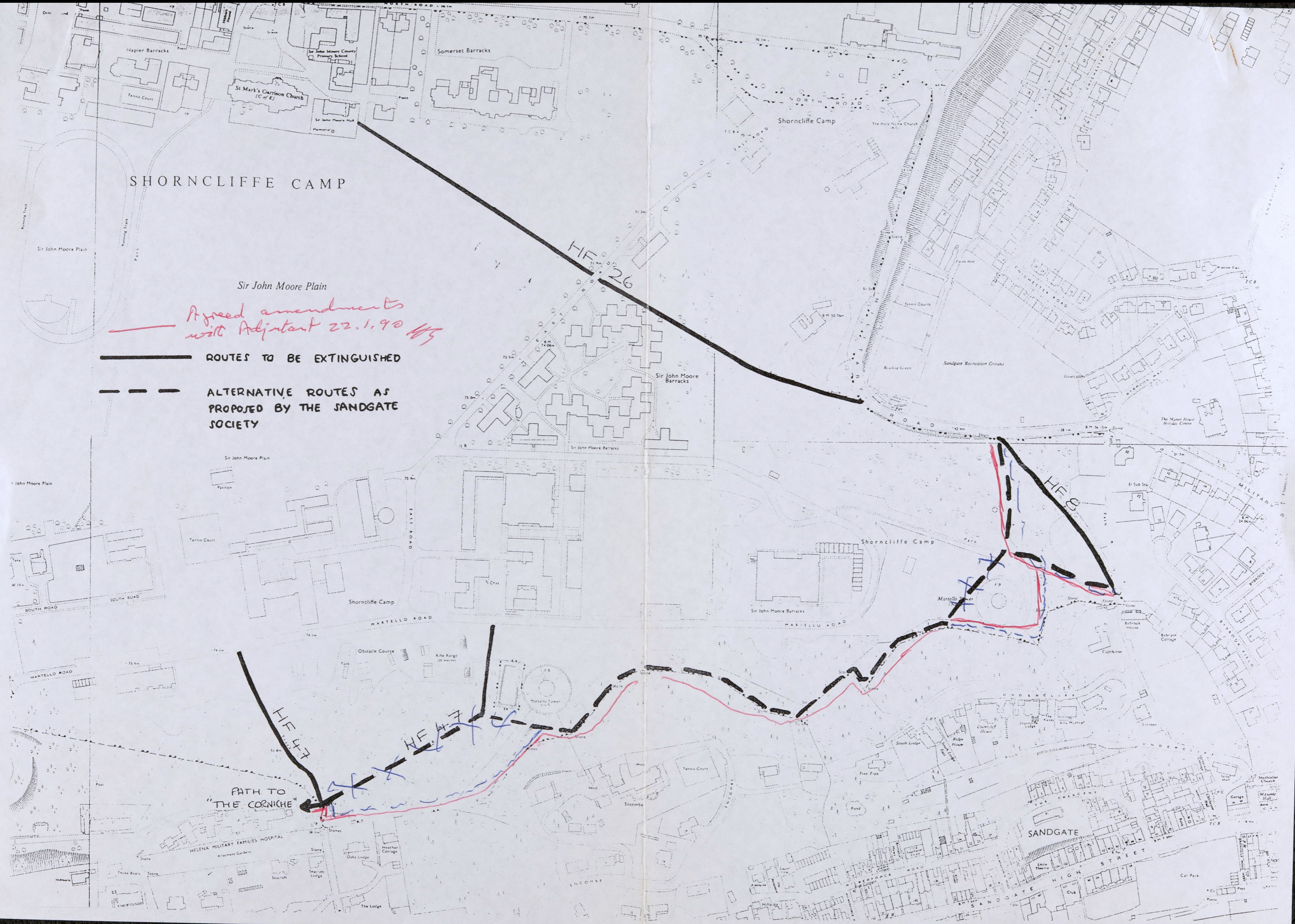
SHORNCLIFFE CAMP

Sir John Moore Plain

*Agreed amendments
with Adjutant 22.1.90*

— ROUTES TO BE EXTINGUISHED

- - - ALTERNATIVE ROUTES AS
PROPOSED BY THE SANDGATE
SOCIETY





Junior Infantry Battalion, Shorncliffe
 Sir John Moore Barracks, Folkestone, Kent CT20 3HE

249541
 Telephone Folkestone 49541)
) Extension 2226
 Shorncliffe Military)

A32

Col Steven Jackson
 Garrison Adj. 4 August 1988
 225038
 8th 2038

BR
 2034

18/17/89
 still in
 hand.
 MB

CLOSURE OF FOOTPATHS WITHIN THE JUNIOR INFANTRY BATTALION SHORNCLIFFE

As some of you may have noticed, the public footpaths which run through the grounds of the Junior Infantry Battalion have from today been closed to the public.

I appreciate that under normal conditions these are public rights of way, but in view of the current increased and obvious threat to security within the whole of the United Kingdom I have had to take major steps to protect our soldiers and our civilian employees who work in the camp.

It is evident that having public footpaths through a military establishment means that we are vulnerable to terrorist attack. As it is so difficult to control access, I have had to wire off these footpaths into Sir John Moore Barracks. In the longer term I intend to establish security measures that do not temporarily restrict public rights of way.

I hope that you will appreciate the necessity for as tight security as is possible within this Army base and I trust I will have your support, just as we try to be a friendly and useful part of our shared community.

P D HARRY
 Lieutenant Colonel
 Commanding

HFA
 2 Inf. Brigade
 Risborough Barracks
 Shorncliffe
 Folke. CT20 3HR

9-2-92

GEOFFREY: We're just back from two weeks in Florida. It was cold and dreary much of the time. We see from the notice of the AGM that Charles is giving up - a big loss! Margaret and I would be glad to contribute to a presentation to mark his work as Treasurer. Pity we don't have some sort of certificate of merit - Life Membership, perhaps. Maybe the same applies to Hilda Fisk if she too is giving up.

Regards

Somerville Lodge
Hillside
Sandgate
Kent CT20 3DB

REGINALD TURNILL
Space Writer & Consultant

0303-49012

8 February 1992

Miss M Medhurst
Branch Services Assistant
KCC Highways
Sandling Block
Springfield
Maidstone ME14 2LQ

Dear Miss Medhurst

Public Paths at Shorncliffe Barracks

Thank you for notifying me that the court hearing of this question will be at the Law Courts, Castle Hill Avenue, Folkestone on Tuesday 10 March at 10 am.

I expect to be there, and will be glad to give evidence if required regarding local residents' objections to the footpaths being permanently closed rather than temporarily suspended as a security matter. The likelihood that the Ministry of Defence will no longer need this area means that permanent closure of the paths would now merely have the effect of enhancing the potential sale value of the site by removing public rights of way.

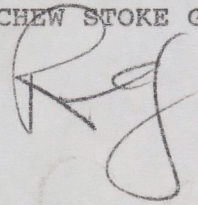
I assume also that the KCC has dropped its proposal to apply for closure of the footpaths on the grounds that they are "unnecessary". You will no doubt be aware of the decision of Judge Gower QC at Maidstone Crown Court on 24 May 1973 on a very similar issue when he ruled that closure of such footpaths on the grounds that they are unnecessary must show that they are "without amenity value". In this case the footpaths both lead somewhere and have notable amenity value.

Yours sincerely

cc David Kesby
Geoffrey Edmonds, Chairman Sandgate Society.

Geoffrey Edmunds
David Kesby

THESE I HOPE ARE THE LAST WORDS ON SHORNCLIFFE. I DID NOT REALISE BEFORE THAT THESE ISSUES PROVIDE A WAY OF LIFE FOR THOUSANDS OF OUR BUREAUCRAFTS. SEE ATTACHED CUTTING FROM CHEW STOKE GAZETTE ON CONVERTING A' RUPP" TO A"BOAT"



THE SANDGATE SOCIETY
=====

REGINALD TURNILL
0303-249 012

Somerville Lodge
Hillside
SANDGATE
Kent CT20 3DB

2 August 1992

Mr J Richardson
Legal Services Department
Kent County Council
County Hall
Maidstone Kent ME14 1XQ

Dear Mr Richardson

SHORNCLIFFE FOOTPATHS

Thank you for your letter of 29 July. What I was seeking to establish in my call taken in your absence by Mr Rummins was that any public notice regarding the closure of these footpaths should include an acknowledgment that the closure was temporary.

Despite the fears expressed in your letter that the public might be confused by being told the facts, we were relieved to note that the facts of the temporary closure were included in the public notice issued under the name of your Director in the current issue of the Folkestone Herald. It was precisely this that I was seeking to confirm when I rang.

Yours sincerely



Director of Legal Services and County Solicitor Derek Clephan

LEGAL SERVICES

Mr R Turnill
The Sandgate Society
Someville Lodge
Hillside
Sandgate
Kent CT20 3DB

County Hall
Maidstone
Kent ME14 1XQ

DX 4826 Maidstone
Fax: (0622) 694402
Tel: (0622) 671411

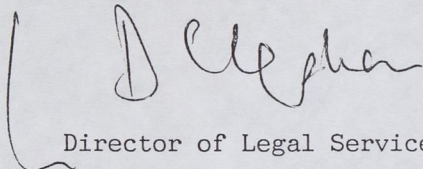
Direct Dial/Ext: 4481
Ask for: Mr Richardson
Your ref:
Our ref: LS/A/21701/22/25
Date: 7 August 1992

Dear Mr Turnill

SHORNCLIFFE BARRACKS

Thank you for your letter of 2 August the contents of which I note and I apologise for any misunderstanding there may have been in the purpose of your telephone call.

Yours sincerely



Director of Legal Services

THE SANDGATE SOCIETY

=====

REGINALD TURNILL

0303-249 012

Geoffrey Edmunds
The Chairman
The Sandgate Society

Somerville Lodge
Hillside
SANDGATE
Kent CT20 3DB

30 July 1992

Dear Geoffrey

SHORNCLIFFE FOOTPATHS

This is a note for the Society's records that the Folkestone Magistrates' Court on 20 July formally approved the agreement between the Kent County Council, the Ministry of Defence and the Sandgate Society that the Shorncliffe Footpaths could be closed to the public only while the terrorist threat continued, and, under the Supplementary Footpaths Creation Agreement between the KCC and the MoD must be reopened when the terrorist threat is considered to be over, and/or when the MoD disposes of the land for other uses.

It should be noted that the Society spent three years objecting to applications by the KCC on behalf of the MoD that the paths should be closed as "unnecessary". The Society was able to point out that it had fought a similar battle against closure of the same paths in 1973. The Folkestone Magistrates found for the Society on that occasion, and when the KCC appealed against that decision to the Crown Court at Maidstone Judge John Gower QC dismissed the appeal and confirmed the magistrates' decision in favour of the Society (Case No 73-6315 dated 23 May 1973).

As Ann Kerr, then Secretary of the Society, observed at that time, it was a striking example of the fact that members of the local community, representing themselves at such Court hearings, could win such cases even when the applicants were being represented by counsel or solicitors.

In this more recent case the Society has once again triumphed at no cost to the Society (incidental expenses having been borne by the Society's spokesmen), while a knowledgable estimate of what has been spent by the KCC on this issue is about £30,000. This has been due largely to errors and omissions on the part of the KCC's officers, who failed to understand precisely what the issues were, necessitating a series of corrected

public notices to be issued, and apparently to some departmental rivalry in handling the matter. In fairness to the MoD officials involved, it should be noted that they were applying for the footpaths to be closed on "security" grounds, and not on the grounds that they were "unnecessary" as the application became when KCC handled it. The MoD officials involved have verbally welcomed the result.

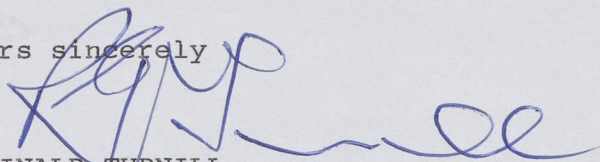
Attached herewith is the original of the letter from Mr J Richardson, of the KCC Legal Services Department, acknowledging details of the Agreements approved by the Court on 20 July 1992. Official copies of these agreements are already in the Society's possession.

However, the official notice issued after the case (copy also attached) announced the closure of the paths, with no mention of the undertaking to re-open them. This was taken up on behalf of the Society, but at the time of writing the KCC attitude was that "it would be confusing to the public if an addition is made to the advertisements saying that such orders are of temporary effect. The effect of the Court decision is to stop-up the footpaths and the Creation Agreements are designed to insure that the footpaths are reopened if and when the opportunity arises."

THERE IS LITTLE DOUBT IN MY VIEW THAT THESE FOOTPATHS
WILL NEVER BE REOPENED UNLESS THE SOCIETY INSISTS UPON IT WHEN
THE TIME SEEMS RIGHT.

Also attached is a report of the occasion carried by the Folkestone Herald on 24 July 1993. It should be noted however that this is not wholly accurate. The precedent won by the Society was the Supplementary Footpaths Creation Agreement, which will be of use to local residents in other areas of Britain where the MoD seeks to close paths permanently in order to meet a temporary situation.

Yours sincerely



REGINALD TURNILL
(Spokesman for the Society on
this particular issue)

Director of Legal Services and County Solicitor Derek Clephan



LEGAL SERVICES

Mr R Turnill
The Sandgate Society
Somerville Lodge
Hillside
Sandgate
Kent
CT20 3DB

County Hall
Maidstone
Kent ME14 1XQ

DX 4826 Maidstone
Fax: (0622) 694402
Tel: (0622) 671411

Direct Dial/Ext: 4481
Ask for: Mr J Richardson
Your ref:
Our ref: LS/A/M00676/22/18
Date: 29 July 1992

Dear Sir

SHORNCLIFFE FOOTPATHS

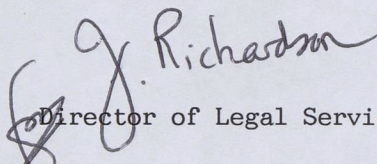
I understand that you spoke to Mr Rummins of this Department on 28 July 1992.

As I stated in my letter of 22 July 1992 the existence of the Public Path Creation Agreement is protected by an entry on the Court register notifying members of the public of their existence.

The advertisements I am placing simply give effect to the Magistrates Court decision that the footpaths be stopped-up and it could be confusing to the public if an addition is made to the advertisements saying that such orders are of temporary effect. The effect of the Court decision is to stop-up the footpaths and the Creation Agreements are designed to insure that they are reopened if and when the opportunity arises.

I therefore think that all that can be done has been done. In order to alert the public to the Courts' decision.

Yours faithfully


Director of Legal Services
JLB

LEGAL SERVICES

Mr R Turnill
The Sandgate Society
Somerville Lodge
Hillside
Sandgate
Kent CT20 3DB

County Hall
Maidstone
Kent ME14 1XQ

DX 4826 Maidstone
Fax: (0622) 694402
Tel: (0622) 671411

Direct Dial/Ext: 4481
Ask for: Mr Richardson
Your ref:
Our ref: LS/A/M00676/22
Date: 22 July 1992

Dear Sirs

SHORNCLIFFE FOOTPATHS

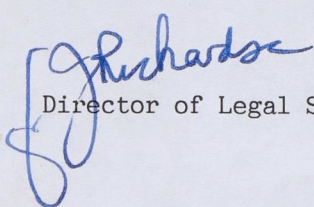
Further to the hearing at Folkestone Magistrates Court on 20 July 1992 I am writing to enclose, as promised, copies of the following:-

1. The Public Path Creation Agreement entered into between the Kent County Council and the Shepway District Council.
2. The Public Path Creation Agreement entered into between the Kent County Council and the Secretary of State for Defence.
3. The Supplementary Creation Agreement entered into between the Kent Council and the Secretary of State for Defence.

At the Folkestone Magistrates Court on 20 July, the Magistrates granted the application that the footpaths shown on the application plan with which you have been supplied should be stopped up. The Magistrates decided, as we agreed, that a note of the existence of the two Creation Agreements and the one Supplementary Creation Agreement should be placed on the Court register to draw the attention of members of the public to the existence of these Agreements.

I am now proceeding to arrange for the public advertisement of the existence of the three Agreements as required by Section 25(6) of the Highways Act 1980 in the Folkestone Herald newspaper and I would take this opportunity of expressing my thanks to yourself and to your colleagues in The Sandgate Society for your assistance during the passage of this case.

Yours faithfully


Director of Legal Services

FOR THE
HERALD

PAGE 10

F

30/7/24
1992

Locals win bid to save paths from being 'lost'

THE Sandgate Society is claiming a unique victory after a three-year-long battle to save footpaths at Shorncliffe Barracks.

By Charlotte Morrissey

The Ministry of Defence wanted to close footpaths at the camp to protect it from possible terrorist attacks but after talks with the Society it was agreed the paths should be closed, but only temporarily.

And because alternative footpaths were created as part of the deal the agreement is believed to be the first of its kind in this country.

Sandgate Society spokesman Reginald Turnill said: "We understand this makes new footpath law and sets a precedent which will help other people living where footpaths across Ministry of Defence land are closed for security reasons.

"Until now the routine has been for local authorities, on behalf of the MOD, to apply for such footpaths to be closed as unnecessary, which means they are lost to the public for good."

The paths to be closed lead to Military Road through Sir John Moore Plain and Barracks and

parts of a path leading from Martello Road, towards The Corniche in Sandgate and back to Martello Road.

They were blocked off about two years ago when the MOD put up extra fencing around the Barracks for protection.

But if the MOD sells the land or the terrorist threat dies down, walkers will be allowed back on the paths.

A spokesman for Kent County Council, which applied for the order, said: "There was a package offered with the application to open new footpaths as compensation.

"The MoD has offered a cliff top path along the escarpment and Shepway District Council has also offered a path which goes through woods near Encombe

"Although it does set a precedent it came about because all groups involved were satisfied with the outcome."

IN THE COUNTY OF KENT
PETTY SESSIONAL DIVISION OF FOLKESTONE AND HYTHE

WHEREAS the Kent County Council in pursuance of its powers under Section 116 of the Highways Act 1980 having applied to the Court for an Order for the Stopping Up of Footpath HF26, the western branch of Footpath HF47, and approximately three quarters of the eastern branch of Footpath HF47 shown by black crosses on the plan annexed hereto, in and near Shorncliffe Military Camp, Sandgate, Folkestone.

AND WHEREAS the Court being satisfied that the County Council has given the Notices required by Part 1 of the Twelfth Schedule of the Highways Act 1980.

AND WHEREAS the Court have heard the County Council.

AND WHEREBY IT IS HEREBY ORDERED that the aforesaid Footpaths shown by black crosses on the plan annexed hereto be authorised to be stopped up.

DATED THIS 20th DAY OF JULY NINETEEN HUNDRED AND NINETY TWO

Dennis Oventer

JUSTICE OF THE PEACE FOR THE COUNTY OF KENT

REGINALD TURNILL
Space Writer & Consultant

0303-49012

Ms Pat Wilson

Somerville Lodge
Hillside
SANDGATE
Kent CT20 3DB

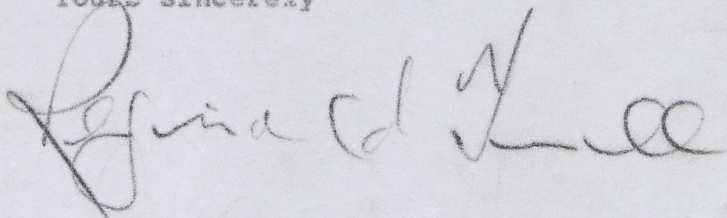
5 May 1990

Thanks for sending me a copy of your letter to Dave Kesby. We are fortunate to have had your assistance in the fight over the escarpment path. The MoD demand that the extinguishment orders must be made and confirmed over the paths they have illegally blocked off before they agree to official recognition of the path established for decades by custom and usage is precisely the superior attitude to ordinary folk that I anticipated.

My predictions that the new fence would polarise attitudes between the troops and local people, with those inside regarding everybody outside as potential enemies, have also proved too true. The talk in the local pubs is of people being waylaid and harassed when using the path by soldiers carrying staves and walky-talkies. One local, who like me has used the path for many years, had his "ID" demanded when walking his dog. When he replied he was not carrying anything, he was poked in the chest with the staff, grabbed it instinctively and threw it away. He was then visited by police, threatened with prosecution and ordered not to use the path again. A woman jogger has also been intercepted.

Whether this harassment has now stopped, or whether it continues as a way of teaching the public who is the boss, I do not know. I am using the path as often as possible to test it out. The fence along the south side of the path, incidentally, is topped with a very tight and vicious strand of barbed wire, and at times it is quite difficult to avoid snagging one's elbow on it.

Yours sincerely



cc Dave Kesby
Geoffrey Edmunds

Copies J Richardson KCC
David Kesby
Geoffrey Edmunds

THE SANDGATE SOCIETY

=====

REGINALD TURNILL
0303-249 012

Somerville Lodge
Hillside
SANDGATE
Kent CT20 3DB

30 July 1992

Dennis Ovenden Esq JP
The Court House
Castle Hill Avenue
Folkestone Kent

Your Worship

SHORNCLIFFE FOOTPATHS

I write to express my concern regarding the terms of the notice dated 20 July 1992, signed by you following the court hearing on that day of the applications to stop up public paths at Shorncliffe Barracks. This notice closes the paths without any reference to the order made by your court noting that it is only a temporary closure pending the end of any terrorist threat or alternatively the sale of the land by the Ministry of Defence, when the paths must be reopened under a Supplementary Footpaths Creation Agreement.

No doubt this omission has occurred accidentally in the drafting. As it stands the Society feels that this document could be used at some future time to provide evidence that the paths have been permanently closed, thus negating the result of three years of negotiation by our Society leading to agreement with the KCC and the MoD that closure of these paths is on a temporary basis.

The Society would be most grateful therefore if, in accordance with the order made by your Court, the document could be amended to read in the last paragraph:

"...that the aforesaid Footpaths shown by black crosses on the plan annexed hereto be authorised to be temporarily stopped up."

Yours sincerely

REGINALD TURNILL

IN THE COUNTY OF KENT
PETTY SESSIONAL DIVISION OF FOLKESTONE AND HYTHE

WHEREAS the Kent County Council in pursuance of its powers under Section 116 of the Highways Act 1980 having applied to the Court for an Order for the Stopping Up of Footpath HF26, the western branch of Footpath HF47, and approximately three quarters of the eastern branch of Footpath HF47 shown by black crosses on the plan annexed hereto, in and near Shorncliffe Military Camp, Sandgate, Folkestone.

AND WHEREAS the Court being satisfied that the County Council has given the Notices required by Part 1 of the Twelfth Schedule of the Highways Act 1980.

AND WHEREAS the Court have heard the County Council.

AND WHEREBY IT IS HEREBY ORDERED that the aforesaid Footpaths shown by black crosses on the plan annexed hereto be authorised to be stopped up.

DATED THIS 20th DAY OF JULY NINETEEN HUNDRED AND NINETY TWO

Dennis Oventer

JUSTICE OF THE PEACE FOR THE COUNTY OF KENT

DRAFT REPLY - PLEASE PHONE APPROVAL OR AMENDMENTS
GEOFFREY EDMUNDS
DAVID KESBY
DENIS VORLEY
DAVID HARMAN

THE SANDGATE SOCIETY
=====

REGINALD TURNILL

0303-249 012

Somerville Lodge
Hillside
SANDGATE
Kent CT20 3DB

...May 1992

Mr J Richardson
Director of Legal Services
Kent County Council
County Hall
Maidstone Kent ME14 1XQ

Dear Mr Richardson

SHORNCLIFFE FOOTPATHS - SUPPLEMENTARY AGREEMENT

Officers of the Sandgate Society and the Golden Valley Residents Association were most grateful for the co-operative atmosphere in which the meeting of 21 May was held, and the readiness shown by the Ministry of Defence representatives to meet the needs and desire of residents in the Shorncliffe area.

The new Supplementary Public Path Creation Agreement seems entirely satisfactory, and when it is signed we would be most grateful to have a copy of it to place on our files. The only amendment we would suggest is that if the attached map is to be part of the agreement, "Footpaths to be Extinguished" should read "Footpaths to be Suspended."

So far as ownership of the land is concerned, I am not aware that there has ever been any suggestion that the Shepway District Council has ownership of any land involved in the footpaths which it is now agreed should be suspended. I understood that Shepway is involved in the footpaths marked ABX & CB covered in one of the two new creation orders.

Looking ahead, we would suggest that it would be in all our interests if, when it seems practical, public access could be provided to the Garrison Church. Its cathedral-like proportions and regimental banners are an impressive monument to the achievements and sacrifices of 1939-45, and could well be made the focal point for both domestic and foreign visitors to East Kent.

Yours sincerely

DRAFT REPLY - PLEASE PHONE APPROVAL OR AMENDMENTS

GEOFFREY EDMUNDS

DAVID KESBY

DENIS VORLEY

DAVID HARMAN

THE SANDGATE SOCIETY

REGINALD TURNILL

0303-249 012

Somerville Lodge
Hillside
SANDGATE
Kent CT20 3DB

...May 1992

Mr J Richardson
Director of L

[Faint, illegible text]

[Faint, illegible text]

[Faint, illegible text]

0303-249 012

[Faint, illegible text]

[Faint, illegible text]

THE SANDGATE SOCIETY

=====

REGINALD TURNILL

0303-249 012

Somerville Lodge
Hillside
SANDGATE
Kent CT20 3DB

29 June 1992

Mr J Richardson
Director of Legal Services
Kent County Council
County Hall
Maidstone Kent ME14 1XQ

Dear Mr Richardson

SHORNCLIFFE FOOTPATHS

Thank you for your letters of 22 & 26 June and for enclosing a copy of the sealed Public Path Creation Agreement with the Shepway District Council.

We look forward to receiving similar copies of the Agreement and Supplementary Agreement with the Ministry of Defence, as soon as they are available.

No doubt the hearing at the Folkestone Magistrates' Court on 20 July will now be a formality, but we will be represented. After it we are planning to mark the occasion with a drink and a snack at this address (just off Wilberforce Road, marked with a sign to the Bottle Bank) if you can spare the time to attend.

Yours sincerely

cc Messrs Edmunds, Kesby, Vorley

With Amv if available!

THE SANDGATE SOCIETY

=====

REGINALD TURNILL

0303-249 012

Somerville Lodge
Hillside
SANDGATE
Kent CT20 3DB

1 July 1992

The Clerk to the Justices
The Court House
Castle Hill Avenue
Folkestone Kent

Dear Sir/Madam

SHORNCLIFFE BARRACKS FOOTPATHS

The Director of Legal Services to Kent County Council has asked me to write to you on behalf of the Sandgate Society regarding the 3-day court hearing due to commence on Monday, 20 July.

The Society was objecting to proposals being made by KCC on behalf of the Ministry of Defence to stop up certain footpaths across Shorncliffe Barracks on the grounds that they were "unnecessary".

The KCC and MoD have now met the Society's objections by drawing up a Supplementary Agreement undertaking that the footpaths which have been closed as a security precaution will be reopened when the security risk is deemed to be over, or alternatively if and when the MoD relinquishes the use of this land.

The KCC has undertaken to produce the new Agreement and Supplementary Agreement at the court hearing on 20 July, and to supply this Society with copies for its files.

The Society will be represented on 20 July, but subject to there being no last-minute hitches in the above undertakings, will of course be able to withdraw its objections - thus it is hoped shortening the time the Court may need to deal with this matter.

Yours sincerely

Copy: Mr J Richardson

Director of Legal Services and County Solicitor Derek Clephan



LEGAL SERVICES

Mr R Turnill
The Sandgate Society
Somerville Lodge
Hillside
Sandgate
Kent CT20 3DB

County Hall
Maidstone
Kent ME14 1XQ

DX 4826 Maidstone
Fax: (0622) 694402
Tel: (0622) 671411

Direct Dial/Ext: 4481
Ask for: Mr Richardson
Your ref:
Our ref: LS/A/M00676/22
Date: 26 May 1992

Dear Sir

PUBLIC PATHS - SHORNECLIFFE BARRACKS

Thank you for coming to the meeting on 21 May. As promised, I am sending you for your consideration, a draft Supplementary Public Path Creation Agreement which contains the points that we agreed at the meeting. These were that the Ministry of Defence should agree as follows:-

1. that should the land over which the footpaths pass be sold or vacated by the Ministry of Defence the paths should be reinstated and reopened;
2. that should the present emergency relating to terrorist activity diminish the paths should be recreated and reopened, the judgment over whether action can be taken because of the terrorist emergency having diminished being reserved to the Secretary of State for Defence.

Please could you confirm your approval or otherwise to the proposed form of Supplementary Agreement herewith. I have circulated copies to the various Ministry of Defence representatives who were present at the meeting.

My attention has been drawn to the fact that the Ministry of Defence totally own all of the land over which the lengths the footpaths proposed for stopping up pass and it therefore seems to me that it is in fact unnecessary for Shepway Council to enter into this further Agreement. I trust that you will agree. Please could you let me know your views on this Agreement generally.

Yours faithfully

Director of Legal Services

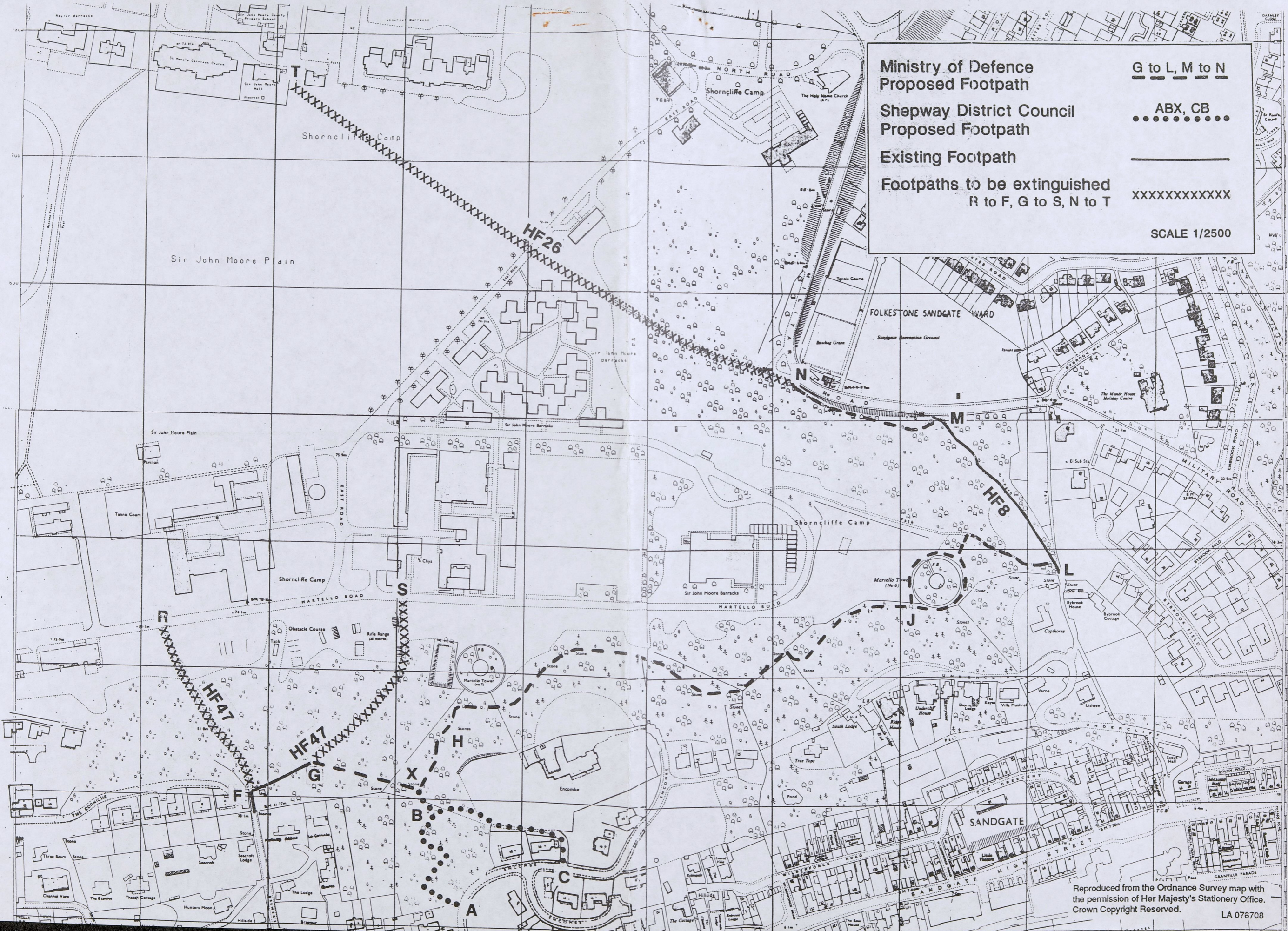
SUPPLEMENTARY PUBLIC PATH CREATION AGREEMENT

This Supplementary Public Path Agreement is made the _____ day of _____ 1992 B E T W E E N THE KENT COUNTY COUNCIL of County Hall Maidstone Kent ("the Council") of the one part and THE SECRETARY OF STATE FOR DEFENCE whose offices are at Whitehall London SW1 ("the Owner") of the other part

WHEREAS:-

1. The Owner has on the same date as this Agreement entered into a Public Path Agreement with the Council in connection with the land situated in the Shepway area shown on the plan attached to such Agreement and being in connection with the application dated the 31st January 1992 by The Kent County Council under Section 116 of the Highways Act 1980 to stop up footpaths in and near the Shornecliffe Military Camp
2. The Council and the Owner hereby agree that the Owner will reinstate and reopen the footpaths which it is proposed to stop up (being HF26 the western branch of HF47 and approximately three quarters of the eastern branch of HF47) should the land over which these footpaths pass be sold or vacated by The Secretary of State for Defence
3. The Owner and the Council further agree that the Owner will reinstate and reopen all the footpaths mentioned in 2 above if a danger from terrorist activities which exists at the present time should diminish and the footpaths shall be reinstated and reopened if such diminution of the terrorist threat has occurred in the judgment of The Secretary of State for Defence
4. This Agreement is supplementary to the aforementioned Public Paths Agreement between the Council and the Owner

THE COMMON SEAL of THE SECRETARY)
of STATE FOR DEFENCE was affixed)
in the presence of:-)



Ministry of Defence
Proposed Footpath

Shepway District Council
Proposed Footpath

Existing Footpath

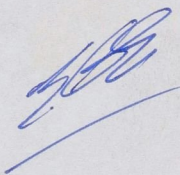
Footpaths to be extinguished
R to F, G to S, N to T

G to L, M to N

ABX, CB

SCALE 1/2500

Reproduced from the Ordnance Survey map with the permission of Her Majesty's Stationery Office. Crown Copyright Reserved. LA 076708



THE SANDGATE SOCIETY

=====

REGINALD TURNILL

0303-249 012

Somerville Lodge
Hillside
SANDGATE
Kent CT20 3DB

6 April 1992

Mr R J Thompson
Department of Highways & Transportation
Kent County Council
Springfield
Maidstone Kent ME14 2LQ

Dear Mr Thompson

PROPOSED CLOSURE OF PUBLIC PATHS
AT SHORNCLIFFE BARRACKS SANDGATE

Thank you for your letter of 31 March 1992, replying to my letter of Allan Mowatt. It appears to be sympathetic to The Sandgate Society's point of view, if somewhat obscure. Perhaps I can help to clarify this basically simple matter.

1. Regarding your last paragraph, the Society, though of long standing, is an entirely voluntary one, and the work is therefore shared out among the Committee and its members. As I explained in my previous letter, the Chairman, Mr Geoffrey Edmunds, the Footpaths Secretary Mr David Kesby, and the Society's Committee, of which I was a member when this matter was first raised, arranged that I should continue as spokesman on this issue.
2. We were all present at the Magistrates' Court on 10 March, and so far as what happened in open court is concerned, the facts are clear. The KCC solicitor applied for an adjournment, and I opposed it on behalf of the Society on the grounds that it was a small issue which we submitted could be easily decided. The Magistrates were sufficiently impressed to adjourn to discuss whether to accede to the KCC application.
3. So far as the "carefully prescribed statutory procedures" are concerned, the KCC appears to have decided to ask for a stopping up procedure on the grounds that the footpaths are "unnecessary" because this is the usual easy legal way of doing it, irrespective of whether it happens to be accurate. The Ministry of Defence representative who attended the court stated categorically that their application (which of course they are legally required to make through you) was on the grounds of security.
4. I am not aware that there is any legal barrier to the closure of

footpaths on a temporary basis on security grounds. Our Society would look to the Magistrates to make footpath law if necessary by making the Stopping Up order a temporary one, if there is as yet no precedent. The Society succeeded in creating a precedent, as mentioned in my previous letter, when it fought closure of these same footpaths on different grounds in 1973. The Folkestone magistrates then supported the Society's objection to their closure. The Folkestone Borough Council, acting for the MoD, appealed to Maidstone Crown Court, and Judge John Gower QC again supported the Society on 24 May 1973. He added that an application to stop up a footpath on the grounds that it was unnecessary must show that, even if it led nowhere, it was "without amenity value".

4. It seems there is now some desire by the KCC and MoD to meet the wishes of local residents as expressed by the Society by amending the Creation Agreement. Your letter is the first we have heard of this, since the Agreement has not been made available. We would be glad to see the Agreement, and consider what is proposed.

5. Finally, you will appreciate that a voluntary Society like ours needs to ensure that it does not find itself in the position that at some future time it must make expensive and time consuming applications for the reinstatement of these footpaths when the MoD vacates Shorncliffe Barracks. Far from causing "obstruction and delay" the Society has already suffered much from the need to clarify and correct the confusion and errors emanating over the past two years from within the KCC. It would seem best for all, and particularly for the public whom we all represent, if we could reach some agreement which could then be ratified and approved at what one hopes will be the brief adjourned hearing before the Folkestone Magistrates on 20 July next.

Yours sincerely

cc Geoffrey Edmunds, Chairman Sandgate Society
David Kesby Footpath Secretary Sandgate Society
Cr Linda Cuffley KCC
Michael Howard QC MP



Director of Highways & Transportation Allan Mowatt BSc(Eng) CEng FICE FIHT

HIGHWAYS &
TRANSPORTATION

Mr R Turnill
Somerville Lodge
Hillside
Sandgate
Kent CT20 3DB

Sandling Block
Springfield
Maidstone
Kent ME14 2LQ
Fax: (0622) 686939
Tel: (0622) 671411

Direct Line: 696973
Ask For: R J Thompson
Our Ref: 2s RJT.P45/SH/4/1
Your Ref:
Date: 31 March 1992

Dear Mr Turnill

Public Paths - Shornecliffe Barracks, Folkestone

I reply to your letter of 13 March 1992 in which you raised a number of points concerning the application by the Ministry of Defence to close certain public paths at Shornecliffe Barracks and to create a new escarpment path.

Although the County Council made an application to the Magistrates Courts, on behalf of the Ministry of Defence, the actual proceedings which are followed are entirely up to the Magistrates. The County Council did not, as you suggest, ask for an Adjournment. The Adjournment had been initiated by the Magistrates who, only having allotted 15 minutes for the Hearing on 10 March, sought a longer session so that various representations could be heard. The County Council's solicitor suggested that a 3 day Hearing would be appropriate as experience has shown that the hearing of representations, together with the need for the Magistrates to visit the site, could take up to 3 days. Our solicitor was therefore only advising the Magistrates on the likely time that would be required for the adjourned Hearing but this is entirely a procedural matter for the Court and not something which the County Council had initiated. Your concerns should, therefore, be addressed to the Court and not to the County Council on this particular point.

As I think you will know, the County Council is only able to initiate the closure of public paths under carefully prescribed statutory procedures. In applying for a stopping up procedure under Section 116 of the Highways Act 1980, one of the reasons available is where paths are considered to be 'unnecessary'. The procedure is being pursued as the most expeditious but the MOD are agreeable to the paths being reinstated, should they vacate the Barracks. For this reason, the Creation Agreement will be amended to include this point.

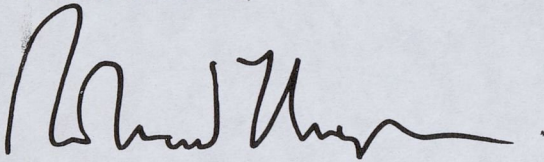
Continued.../

This is the way in which reinstatement of the paths can be effected. It is not possible to have a temporary closure of the paths as you suggest, as the procedures being used provide for the permanent stopping up of the highways. Having secured the future of the paths, however, by including in the Creation Agreement provision for their re-establishment at such time as the MOD vacate Shornecliffe Barracks, I cannot see that we have done anything other than respond to, and take on board, the various points that you have made.

It is not, however, for the Magistrates to ratify any such Creation Agreement. What I think would be appropriate would be you to have sight of the Creation Agreement at some stage before the further Hearing is commenced. In that way, you will be in a position to let the application for stopping up proceed without obstruction or delay. I hope you find this approach satisfactory.

I do note that your correspondence is not on the headed paper that we have previously received from the Sandgate Society and so I am unsure precisely as to your position within the Society. Are you one of officers and do your views, therefore, represent those of the Society as a whole or are you merely an individual member?

Yours sincerely

A handwritten signature in dark ink, appearing to be 'R. W. W. W.', written in a cursive style.

Business Administration Manager



Director of Legal Services and County Solicitor Derek Clephan

LEGAL SERVICES

Mr R Turnill
Somerville Lodge
Hillside
Sandgate
Kent
CT20 3DB

County Hall
Maidstone
Kent ME14 1XQ

DX 4826 Maidstone
Fax: (0622) 694402
Tel: (0622) 671411

Direct Dial/Ext: 4481
Ask for: Mr Richardson
Your ref: LS/A/M00676/22
Our ref: 7 May 1992
Date:

Dear Sir

SHORNCLIFFE BARRACKS - APPLICATION TO STOP UP HIGHWAYS

The above case is due to be tried for three days at Folkestone Magistrates' Court starting on 20 July and the County Council are proceeding to make plans for the trial.

The County Council representatives are due to meet with representatives of the Defence Land Agency and with Colonel Jackson on Thursday 21 May 1992 at 10.00 a.m. at Risborough Barracks, Shorncliffe. The County Council wonder if you would like to join us on this occasion. This letter is addressed to you because you have authority to act on behalf of the Shorncliffe Society and the object of the meeting would be to see if there is any common ground at all between us.

On 21 May 1992 it will be possible for you to be accompanied by up to six other representatives of the Sandgate Society. Please could you kindly let me know whether or not you will be attending on 21 May and also the names of those attending with you.

I promised to let you have sight of the Public Path Creation Agreements which it is proposed that both the Secretary of State for Defence and the Shepway District Council should be entered into. These Agreements are subject to a condition that they will be only be effective if the application to stop up the public paths succeeds and if this does not succeed, the Creation Agreements for the new paths become void.

Yours faithfully

Director of Legal Services

THE SANDGATE SOCIETY
=====

REGINALD TURNILL
0303-249 012

Somerville Lodge
Hillside
SANDGATE
Kent CT20 3DB

9 May 1992

Mr J Richardson
Director of Legal Services
Kent County Council
County Hall
Maidstone Kent ME14 1XQ

Dear Mr Richardson

PUBLIC PATHS - SHORNCLIFFE BARRACKS

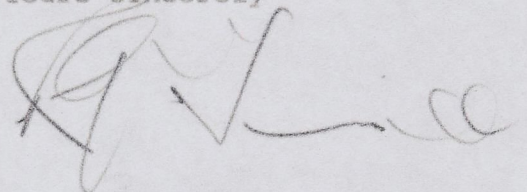
Your letter of 7 May has been received and is being considered by the Sandgate Society. The Chairman, Mr Geoffrey Edmunds, and I both hope to attend the meeting on 21 May, and nearer the time I will let you have the names of any other officers able to attend. In the meantime:

1. You will note that we are the Sandgate Society and not the Shorncliffe Society.
2. You have enclosed copies of proposed new Creation Agreements between KCC and SDC and between KCC and the MoD, but not of the Creation Agreement concerning the footpaths across Shorncliffe which the MoD is seeking to have "stopped up" as unnecessary.
3. Mr R J Thompson, Business Administration Manager, Highways & Transportation, stated in his letter dated 31 March 1992: "...the MoD are agreeable to the paths being reinstated should they vacate the Barracks. For this reason, the Creation Agreement will be amended to include this point." This is the Creation Agreement, with the proposed Amendment, which we need to see - and of which we need ~~have~~ a ratified copy on our files - in order to reach a quick solution of this problem.
4. You say that the proposed meeting at Shorncliffe Barracks is "to see if there is any common ground at all between us". We have stated repeatedly, and most recently in my letter dated 6 April 1991 to Mr Thompson, that we do not object to the temporary stopping up of the footpaths concerned for security reasons, but must have legal assurance that they will be reopened if and when the MoD vacates the land.

5. The repetition in your latest letter of 7 May 1992, and now included in the proposed new Creation Agreements, of the threat made earlier, but which we understood had been dropped, that if the Sandgate Society continues to oppose the permanent closure of the old footpaths there will be a refusal to dedicate the "new" footpaths, which have in fact been in use for decades, is much resented. The footpaths ABX and CB are not even on MoD land.

6. We are sending a copy of this letter to Mr Thompson, in the hope that you and he will get together to sort out this unnecessary conflict over our local footpaths. It seems to arise mainly out of inability of KCC departments to work together and/or unreadiness to draft modernised Creation Agreements.

Yours sincerely

A handwritten signature in dark ink, appearing to read "G. L. Hill". The signature is written in a cursive style with a large initial "G" and a long horizontal stroke at the end.

THE SANDGATE SOCIETY

REGINALD TURNILL

0303-249 012

Somerville Lodge
Hillside
SANDGATE
Kent CT20 3DB

6 April 1992

Councillor Linda Cufley
Kent County Council
c/o Shepway District Council
The Civic Centre
Castle Hill Avenue
Folkestone CT20 2QY

Dear Mrs Cufley

PROPOSED CLOSURE OF PUBLIC PATHS
AT SHORNCLIFFE BARRACKS SANDGATE

Thank you for your letter of 17 March replying to me on this issue. While we appreciate that you have somewhat varied responsibilities in representing us on the SDC, the KCC and potentially in Parliament, it is the Society's hope that as our KCC representative you will be able to give us some positive support rather than taking the somewhat Olympian Maidstone viewpoint.

It is a simple issue of finding a satisfactory way of ensuring that our local footpaths should be closed temporarily rather than permanently because officialdom finds it easier to do it that way. I enclose a copy of my letter to Mr R J Thomson of KCC, since we have not been fortunate enough to evoke a reply from Allan Howatt himself.

Yours sincerely

cc Geoffrey Edmunds, Chairman Sandgate Society
David Kesby Footpath Secretary Sandgate Society
Cr Linda Cuffley KCC
Michael Howard QC MP

Leader of the Council

Your Ref.
Our Ref. jph/Mrs Cufley
Ext. 203

27 March 1992



**SHEPWAY
District Council**

The Civic Centre,
Castle Hill Avenue,
Folkestone,
Kent CT20 2QY.

Telephone: (0303) 850388
Fax: (0303) 45978

Mr Richard Turnill
Somerville Lodge
Hillside
Sandgate
Kent
CT20 3DB

Dear Mr Turnill

PROPOSED CLOSURE OF PUBLIC PATHS AT SHORNCLIFFE BARRACKS, SANDGATE

Thank you for letting me have a copy of your letter of 13 March addressed to the County Council's Director of Highways & Transportation. I have made enquiries about the points you make in your letter and I understand that by now you should have received a response from Mr Mowatt's department.

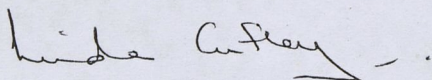
As I understand it, the adjournment was decided upon by the Court since it was considered that there would not be enough time on the day to hear all the people who wished to be heard on the matter. That having been decided upon, I understand that it was necessary for the County Council's solicitor to agree a date.

The second issue you raise in your letter is about the permanent nature of the proposed closures. I can well understand the concern over the permanent nature of what is being proposed. At the same time I can understand, as I am sure you do, the need for eliminating security risks when taking into account the terrible things that have happened in recent years.

The suggestion you make in the final paragraph of your letter would seem to be very sensible if the law allows that to take place. I am not sure that it does. Perhaps some further negotiation can take place between the parties to reach some satisfactory agreement outside the terms of the Court Order which will guarantee the reinstatement of the public footpaths concerned when the security risk has abated sufficiently for this to take place or when the land is made available for some other use.

I am sending a copy of this letter to Mr Mowatt, for his information.

Yours sincerely



(Councillor L W Cufley)



Director of Highways & Transportation Allan Mowatt BSc(Eng) CEng FICE FIHT

HIGHWAYS &
TRANSPORTATION

Mr D Kesby
16 Romney Avenue Valley
Folkestone
Kent
CT20 3QJ

Sandling Block
Springfield
Maidstone
Kent ME14 2LQ
Fax: (0622) 686939
Tel: (0622) 671411

Direct Line: 696973
Ask For: Richard Thompson
Our Ref: 2s RJT.P45/SH/4/1
Your Ref:
Date: 31 March 1992

Dear Mr Kesby

Public Paths - Shornecliffe Barracks, Folkestone

You have written to the County Council in both July and December last year concerning the proposals of the Ministry of Defence to stop up certain public paths at Shornecliffe Barracks and also to create a new escarpment path. We note your letters that you have written on behalf of the Sandgate Society and we have, consequently, taken the views that you have expressed as being those of the Society as a whole.

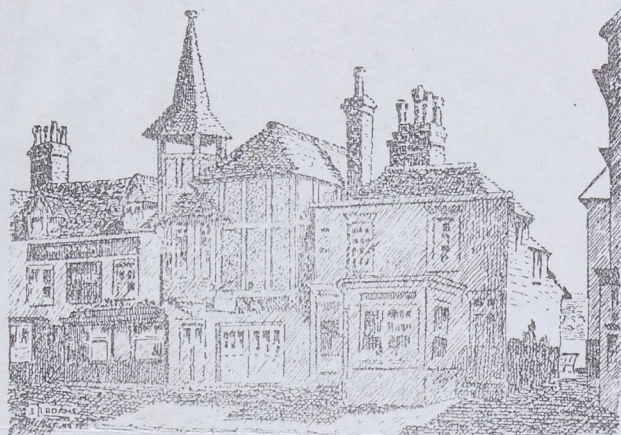
At the Hearing into the County Council's application to stop up the paths at Shornecliffe Barracks, on 10 March, at Folkestone Magistrate's Court, Mr R Turnill spoke 'on behalf' of the Sandgate Society.

I wonder if you could now clarify for me exactly who are the officers of the Society, their names and addresses, as we do need to be clear in our own minds as to when the views are being expressed by the Society and when other opinions are being expressed by individuals who may also be members of the Society.

I do hope you can help me in this matter.

Yours sincerely

Business Administration Manager



Mr David Kesby
16 Romney Avenue
Valley Folkestone
Kent CT20 3QJ
Tel. 0303 256246

16 04 92

THE SANDGATE SOCIETY

Affiliated to:—
Kent Federation of Amenity Societies
Committee for the Preservation of Rural Kent
The Civic Trust

Hon. Treasurer
MR C Bryant

Chairman
MR G Edmunds

Hon. Secretary
MRS J.E. Thompson

MA R.J. Thompson
Business Administration Manager
Dept Highways + Transport K.C.C
Springfield Maidstone ME14 2LQ

MR D Kesby Footpaths + Trees Sandgate Soc
16 Romney Avenue Folkestone Kent
CT20 3QJ. 16TH April 1992.

Ref 2s RST. P45/SH/4/1 Public Paths Shornecliffe Barracks.

Dear Sir,

Thank you for letter dated 31/3/92, I would like to clarify main officers of the Sandgate Society. Chairman MR G Edmunds 13 Wilberforce Rd Sandgate 49180, Secretary MRS J Thompson 33 Bybrook Field Sandgate 48704, Footpaths + Trees MR. D. Kesby 16 Romney Ave Folkestone 256246, Newsletter MR. A Murlers 119 Sandgate High St Folkestone 49686, Assit planning MR C Hughes Spanish House The Esplanade Sandgate 40421 plus six other committee members Archivist, Treasurer, Minutes Sec, Etc.

As I have recently been in Hospital MR. R. Turnill a Society member is working on my and the Sandgate Societies behalf and fighting the case for old Shornecliffe footpaths to be reinstated if M.O.D hand is sold, which the Society back. This will continue until an agreement is reached in Court.

Please refer to my previous letters dated 2ND July and 26TH Dec 91 read letter dated 2ND July 91 Section 8 and letter dated 26TH Dec 91 Section 2. every Section 1.2. and 3 on letter dated 26TH Dec 91 remains the same from the Sandgate Society which we seek from the K.C.C., M.O.D, and S.D.C.

We would like to see any new agreements before the Court Hearing.

I do hope this clarifies this matter

Yours Sincerely

David Kesby. Footpaths and Trees Sandgate.

Hand Sec. S.S.

THE SANDGATE SOCIETY
=====

REGINALD TURNILL
0303-249 012

Somerville Lodge
Hillside
SANDGATE
Kent CT20 3DB

13 March 1992

Mr Allan Mowatt
Director of Highways & Transportation
Kent County Council
Springfield
Maidstone Kent ME14 2LQ

Dear Mr Mowatt

PROPOSED CLOSURE OF PUBLIC PATHS
AT SHORNCLIFFE BARRACKS SANDGATE

Representatives of the Sandgate Society who attended Folkestone Magistrates' Court on March 10 expecting this issue to be resolved were somewhat shocked when your solicitor asked for an adjournment of the hearing until July, and for three days to be set aside to hear the case.

In our view this is a waste of everybody's time and money, including that of the Kent County Council, which we all have to fund, and this letter is addressed to you in the hope that you will give it your personal attention, so that this matter can be simply resolved.

The Kent County Council, having been requested by the Ministry of Defence to have the public footpaths across Shorncliffe Barracks closed on security grounds, is applying for them to be "stopped up" on the grounds that they are "unnecessary", which is apparently the convenient legal approach.

Sandgate Society members, who have enjoyed the use of these footpaths and of the little-used Sir John Moore playing fields for decades past, have always accepted the need for them to be closed while there is a security risk. Their sole object in opposing the KCC application is to ensure that these much valued local amenities are not permanently lost.

The Chairman, Mr Geoffrey Edmunds, the Footpaths Secretary Mr David Kesby, and myself as spokesman on this matter, together with three witnesses we proposed to call - two of whom had given up a day's work for the purpose - attended the court on March 10 as a result of being notified by your department of the date. There was no indication that the case would not be dealt with.

There were also five officials of your staff and of the MoD in attendance.

You may not be aware that the Sandgate Society successfully opposed closure of these same paths in 1973, being supported initially by the Folkestone magistrates and subsequently on appeal to the Crown Court at Maidstone by Judge John Gower QC on 24 May 1973.

All the Sandgate Society is now seeking is that closure of these footpaths is recorded as being temporary, until such time as the security risk can reasonably be regarded as over, or alternatively when, as appears likely in the near future, the Army ceases to use this area. Our inquiries suggest that this position would be perfectly acceptable to the Army.

In order to save everybody's time and money, including that of our small voluntary organisation devoted to preserving our local amenities, we would be grateful if you would agree to this. We could then jointly go to Folkestone Magistrates and ask them formally to ratify the agreement.

Yours sincerely

cc Cr Linda Cuffley

REGINALD TURNILL
Space Writer & Consultant

0303-49012

Miss M Medhurst
Branch Services Assistant
Highways & Transportation
Kent County Council
Sandling Block Springfield
Maidstone ME14 2LQ

Somerville Lodge
Hillside
Sandgate
Kent CT20 3DB

25 June 1991

Dear Miss Medhurst

PUBLIC PATHS AT SHORNCLIFFE BARRACKS, SANDGATE

I am most grateful for the opportunity provided by your letter of 14 June 1991 to make some observations about the proposals outlined there.

1. While local residents like myself accept that temporary loss of the footpaths may be necessary for security purposes, it would be quite wrong and a serious disservice to future generations, to apply for them to be stopped up on the grounds that they are "unnecessary". On the contrary it should be made clear to the court that residents like myself, who have used these paths for many years as a pleasant and direct walk from Sandgate to Cheriton, give them up with reluctance, but would not wish to insist on maintaining them if soldiers' lives were then at risk.
2. I would therefore urge that the Council should seek to have the use of these paths suspended for security purposes, and have it placed on record that they should be returned to public use when security risks diminish and/or when the Ministry of Defence ceases to use this area. Both these alternatives now seem possible. It should be noted that fencing of this MoD area has had an unpleasant polarising effect on the community. Whereas for generations troops under training have been an integral part of the local community, they now live in their fortress learning to treat everyone outside as potential enemies. On the second point, defence cuts may well result in the Army having at last to relinquish some of the large local areas under their control, and I hope the Council will ensure that the Ministry of Defence, having increased the value of land by extinguishing public rights of access, cannot then, within a couple of years, sell it over our heads to property developers.

3. As the Ordnance Survey map which you enclosed illustrates, the escarpment path is in no way an alternative to the Sandgate-Shorncliffe-Sir John Moore Plain-Garrison Church-Cheriton shops paths which are being lost. The escarpment path is a pleasant and welcome amenity which the community has enjoyed without objection for generations. It is important that the Council, as representatives of this community, do not go along with the idea that the MoD is making some generous exchange gift.
4. I therefore object most strongly to the proposal that the "new" escarpment path should "only come into effect when the extinguishment proposals for the other footpaths in the areas have been confirmed", for the reasons stated above.
5. I would urge the Council most strongly to insist that the escarpment path should be made definitive at the same time as the suspension of the other paths. Past experience of dealings with Government Ministries does not provide confidence that mere promises will be kept. Promises made under one Administration are readily disowned by the next.
6. Finally, may I urge that some consideration should at this stage be given to the state of Martello Towers 6 & 7 which lie on the route of the escarpment path? Whether or not the MoD is responsible for their maintenance, it is certainly responsible, as I have observed, for much damage done to them in recent years during crude "training" activities. Those activities left them in such a dangerous state that they are now completely fenced off and left to moulder. Once the escarpment path becomes definitive, it would be a welcome additional amenity if they could be made available to the public for use and maintenance, perhaps through English Heritage or a local conservation group.

Yours sincerely

cc Geoffrey Edmunds, Chairman, Sandgate Society
David Kesby, Footpaths Committee Member, Sandgate Society.

Charles
CB.

REGINALD TURNILL
Space Writer & Consultant

0303-49012

Mr David Kesby
Sandgate Society - Footpaths
16 Romney Avenue
Folkestone

Somerville Lodge
Hillside
SANDGATE
Kent CT20 3DB

Dear David

As you probably know I have been doing my best to help and support the efforts to maintain worthwhile footpaths in the Sandgate area following my encounter with Mrs Ross of the KCC, and Mrs Wilson and Mr Pursey of the Ramblers' Association.

I was on one of my regular walks when I met them on the "escarpment path" and they asked for my views and local knowledge. They needed background on the history of the paths. They told me they were already in touch with you, and I told them that if they needed to go further back than my own 14 years they should get in touch with Hilda Fisk and Alex Todd. I also gave them the telephone number of Geoffrey Edmunds.

As a regular user of the escarpment walk, however, I was relieved to find that they shared my concern that we should not just accept what the local MoD representatives are offering without question. The people at Shornecliffe of course come and go, and vary in their attitude to the local community. They are not in the same position as private landowners. My experience of dealing with Whitehall suggests that the MoD is increasingly aware that they hold their land at taxpayers' expense in trust for the community. Happily they are more ready nowadays to respect the feelings and needs of local communities.

However, I have been concerned at the polarising effects of the £900,000 fence now surrounding Shornecliffe. Its tendency is to create a fortress climate, with those inside it tending to look upon all those outside as potential enemies.

That said as background, I was delighted to hear about the detailed hard work that you and the Ramblers' Association have been doing, and to let you know I much I support your efforts to get paths worth walking. Being forced around the precipitous seaside of the Martello Tower at the east end of the escarpment path, and virtually in a ditch behind residents' fences at the Brewers' Hill end is quite unsuitable - and of course quite unnecessary

from any point view.

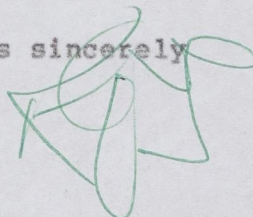
Other concerns over the loss - and we should seek to establish that it is a temporary loss - include the footpaths which have doubtless been used by the public for centuries across the Army's playing fields. I was astonished to find that access to the remarkable Garrison Church is no longer possible, since that too is now within the 8ft fence. This is really a very fine Cathedral, built with taxpayers' money, and I often used to spend a few minutes inside on my walks between Sandgate and Cheriton, quietly admiring the regimental banners and enjoying its peace.

The Church may be a different question, but certainly the right of public access to such an important place of worship should be maintained at least by means of a footpath.

No doubt for good reasons, these questions have not been as fully discussed with the members of the Sandgate Society - nor even by the Committee in my experience - as they might have been, for that process could have added much local information.

I have however talked to Geoffrey Edmunds, the current chairman of the Sandgate Society, and I am now confident that you can feel that you have the full backing of the Society as you persist with the Ramblers in seeking to establish footpaths that are worth walking and continued reasonable access to the area in which we - unlike our itinerant Army visitors - live permanently.

Yours sincerely



cc Sandgate Society Committee
Mrs D Ross, KCC Public Paths Officer
Mr M Pursey
Mrs P Wilson
Mr A Todd

THE SANDGATE SOCIETY

=====

FOOTPATHS SECRETARY:

10 March 1992

David Kesby
16 Romney Avenue
Folkestone.
0303-256 246

FOR THE SOCIETY:

Reginald Turnill
Somerville Lodge
Hillside
Sandgate CT20 3DB
0303-249 012

PROPOSED CLOSURE OF PUBLIC PATHS AT
SHORNCLIFFE BARRACKS, SANDGATE

SANDGATE SOCIETY'S OBJECTIONS

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Walkers among the Society's membership have always accepted the need for temporary closure of the paths across the barracks on security grounds, and welcome the proposal to make the escarpment path definitive. But they are contesting KCC's application to have the paths permanently closed on the grounds that they are "unnecessary".

The Society submits that all that is necessary is that the use of these public paths should be temporarily suspended until it becomes possible to re-open them.

The Society finds it all the more difficult to understand why temporary closure of the paths should not be acceptable to the Ministry of Defence at a time when it seems likely that the MoD may soon be giving up the use of the area for military purposes. On 1 July 1991 a Defence Minister stated in the House of Commons that the MoD proposed to vacate Shorncliffe Barracks this year, and I am unofficially advised that it is in fact intended to close the barracks in July this year. The court will therefore appreciate the Society's anxiety that there may well be may be an element of opportunism about this application.

Abolition of these public rights of way could clearly mean that in due course the Ministry would be able to sell the land to developers at a much higher price, since local residents would have been deprived of

their rights and thus their ability to have some say in what happens to their own amenities.

While, as stated, making the already well-used escarpment path definitive is a welcome step, this path is in no way an alternative to the right to use the pleasant walks from Sandgate to Cheriton across the little-used Sir John Moore playing fields, and to visit England's largest garrison church, which some consider to be the architectural equal of many cathedrals.

The Society respectfully draws the Court's attention to the fact that it has successfully objected, at some cost to its members, to previous attempts to close these paths to the public.

In 1973 the Folkestone Borough Council, acting at the request of the Ministry of Defence, applied for closure of the footpaths over military land on the grounds that they were "unnecessary".

On that occasion the Folkestone magistrates supported the Society, and refused the application. The Borough Council appealed to the Crown Court at Maidstone, and Judge John Gower QC on 24 May 1973 confirmed the decision of the Magistrates. He also ruled that an application to close a public footpath on the grounds that it was "unnecessary" must show that, even if it led nowhere, it was "without amenity value."

For these reasons the Sandgate Society submits it is more than justified in asking the Court to ensure that any closure of these footpaths should apply only while there is a security risk, and that when that is removed, either because the troops have been withdrawn or because the security risk has diminished, these rights of way should be restored to us.

DATED 17th July 1992

THE KENT COUNTY COUNCIL

and

THE SECRETARY OF STATE FOR DEFENCE

PUBLIC PATH CREATION AGREEMENT

Land situate in the Shepway area -
proposed footpaths G to L, M to N

File Ref: LS/A/M00676/22
Doc Name: ppagr.secstat

PUBLIC PATH CREATION AGREEMENT

This PUBLIC PATH AGREEMENT is made the 20 day of July 1992
B E T W E E N THE KENT COUNTY COUNCIL of County Hall Maidstone Kent ("the
Council") of the one part and THE SECRETARY OF STATE FOR DEFENCE whose offices
are at Whitehall London SW1 ("the Owner") of the other part

WHEREAS:-

1. Title of Owner

The Owner is seised in fee simple in possession free from incumbrances of the
land situate in the Shepway area shown on the plan hereto and being all the
land over which there passes the proposed footpaths between points G and L and
M and N on the plan attached hereto

2. Right of Way

It is intended to dedicate public rights of way as footpaths between points G
and L and M and N and such rights of way are shown on the attached plan by
dashed lines

3. Needs of Agriculture and Forestry

The Council has consulted all local authorities in whose are the land is
situate and has had due regard to the needs of agriculture and forestry

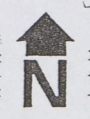
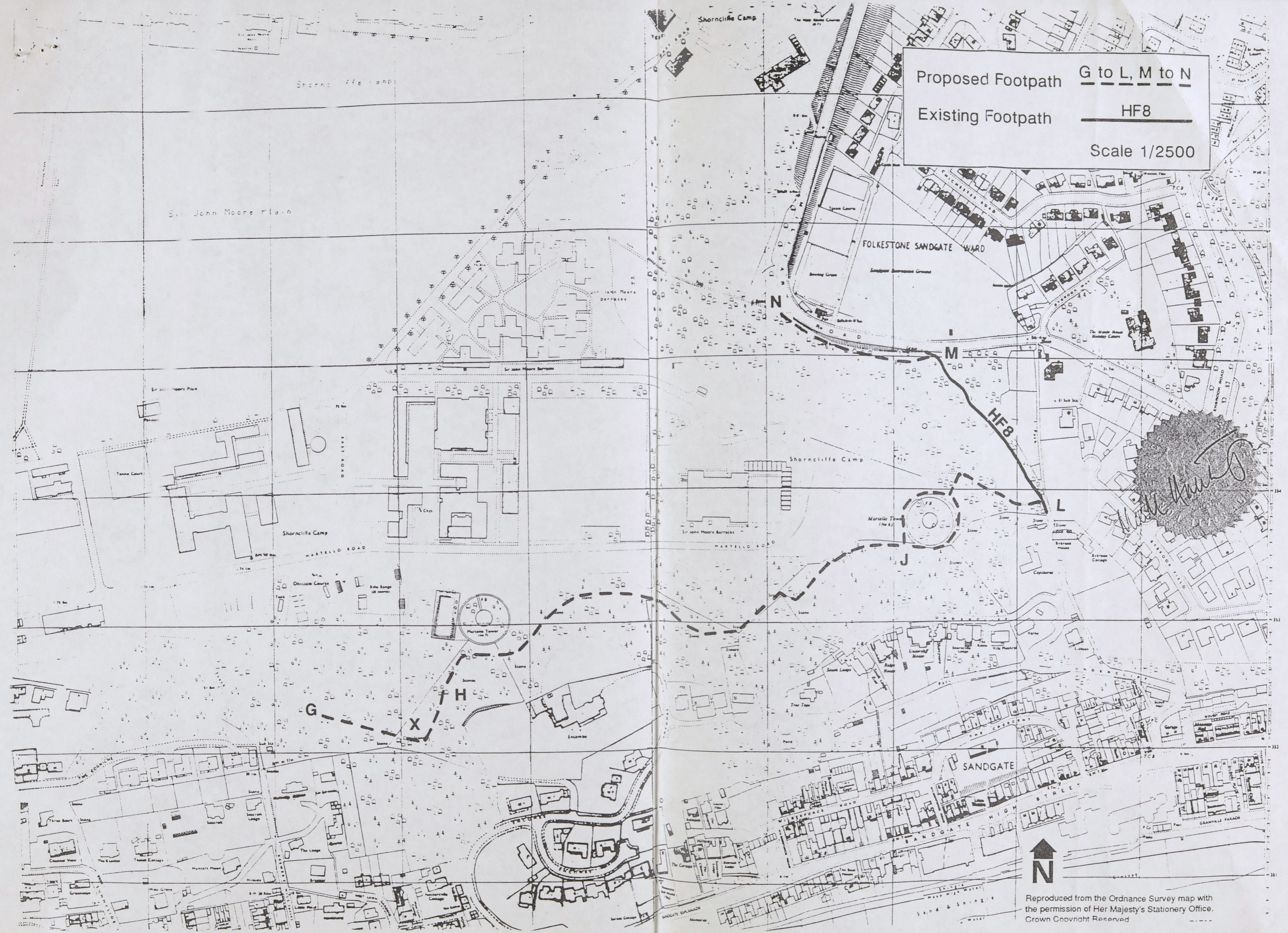
4. Consideration

The Dedication of these rights of way is made in consideration of the payment
of the sum of five pounds and the conditions contained below

NOW IT IS AGREED AS FOLLOWS

1. In consideration of five pounds paid by the Council to the Owner (the
receipt of which is acknowledged) and in consideration of the agreements and
conditions set out in this agreement the Owner dedicates for use by the public
as footpaths ALL THAT strip of land shown on the plan annexed running as shown

Proposed Footpath G to L, M to N
 Existing Footpath HF8
 Scale 1/2500



Reproduced from the Ordnance Survey map with the permission of Her Majesty's Stationery Office. Crown Copyright Reserved

between points G and L and M and N including the dualling of the footpath at point J with the width throughout being 1.8 metres to the intent that such land shall be enjoyed by the public as footpaths

2. If the application to stop up highways lodged with the Folkestone Magistrates Court by notice dated 31st January 1992 does not succeed in full this agreement shall cease to be valid on the announcement of the decision of the Folkestone Magistrates Court and will be from that time on of no effect

~~COMMON~~
THE ~~COMMON~~ SEAL of the SECRETARY
of STATE FOR DEFENCE was affixed
in the presence of:-

)
)
)



THE COMMON SEAL of THE KENT COUNTY
COUNCIL was hereunto affixed in
the presence of:-

)
)
)

Authorised Signatory

Principal Solicitor

