

Whitstable Beach Campaign

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Dear Whitstable Beach Campaign Supporters

HELP SAVE OUR FORESHORE!

Public Inquiry to hear appeal by WOFC against CCC enforcement to remove oyster farm on Whitstable foreshore

DEADLINE FOR COMMENTS: 21st May. Reference: APP/J2210/C/18/3209297

You are probably aware that last July Canterbury City Council refused permission for the Whitstable Oyster Fishery Company's (WOFC) large-scale industrial oyster farm on the Whitstable foreshore. A Public Inquiry to decide the WOFC's subsequent appeal is now underway and the WBC is contacting you now because it appears that almost no-one has received notification of the timetable for the Inquiry. In the email that follows we give the background to this appeal, what is required now and how you can make your opinions known to the Inquiry inspector.

The Enforcement Notice issued by Canterbury City Council was due to take effect on the 17th August 2018 with 2 months to comply with the requirements of the Notice which seeks to remove the oyster trestles from the Land. On the 15th August 2018, however, the WOFC submitted an appeal to the Secretary of State against the Enforcement Notice. This action prevents the enforcement notice taking effect until a decision has been made on that appeal. If the appeal is successful the WOFC will potentially be able to circumvent normal planning procedures and secure permission via the Planning Inspectorate rather than CCC, the local planning authority.

The legality of the WOFC's claim is largely based on their assertion that the farm has steadily grown in size since before 2010. However, our evidence shows no farm existed before January 2010 and then only a small number of test trestles were erected which were subsequently moved by the WOFC and that the development only started in earnest from 2016 onwards. Contrary to the claims of the WOFC that oyster growing on trestles is traditional, these trestles are an entirely new departure, erected without permission on a Site of Special Scientific interest, namely the intertidal zone of Whitstable beach. The oyster that actually made Whitstable famous is the 'Whitstable Native', which grows beyond the foreshore out to sea and is dredged from wild beds whose fishing poses no threat to the environment, navigation or safety. The oysters grown on these newly constructed trestles are the controversial Pacific oysters, an alien non-native invasive species, not the Native oyster.

Canterbury City Council is fighting the appeal on powerful environmental grounds as the foreshore has some of the highest protections both nationally and internationally including; Special Site of Scientific Interest (SSSI), Internationally recognised wet-land area under the RAMSAR convention, Special Protection Area (SPA) and Marine Conservation Zone (MCZ). The arguments submitted by Kent Wildlife Trust (KWT) highlight the serious environmental concerns that this development has raised (See letter attached).

Tax-payers via Natural England and the Kent Wildlife Trust are funding efforts to eradicate Pacific Oysters locally as they form reefs, which quickly colonise all of the shoreline, wiping out local species

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of sea life vital to our wading birds and making whole areas impassable to the public due to their razor-sharp shells (see pictures of Brightlingsea in Essex below). Teams of volunteers are working to eradicate Pacific Oysters along the North Kent Coast from Herne Bay as the Pacific Oyster (classified as a Non-Native Alien species) is now regarded as a serious threat to our foreshores. It colonises vast areas choking out the biodiversity that is crucial to our foreshore ecosystems (see: <https://www.kentwildlifetrust.org.uk/volunteering-opportunities/coastbusters> *This link isn't working!!*

and: <http://publications.naturalengland.org.uk/publication/40006>).

The Pacific Oyster was imported to our waters some time ago but increases in sea temperature mean that it now grows and reproduces rapidly. This is good news for the industrial-scale cultivation now being practiced here (it grows far faster than the original Whitstable Native) but the cost is a potential environmental catastrophe. The shells are razor sharp and make areas impassable to the public and wildlife. These two photos of Brightlingsea Essex give an indication of the likely outcome:



Wild C. Gigas (Pacific Oyster) Reef on Intertidal Mud at Brightlingsea Essex.



Close up of Wild C. Gigas (Pacific Oyster) on Intertidal Mud at Brightlingsea Essex showing razor sharp shells.

Any developments in these protected areas must usually seek permission and environmental impact assessments should be carried out. WOFC, however, failed to do this prior to their continually expanding industrialisation of the beach. Instead they applied for a retrospective Certificate of Lawful Existing Use or Development (CLEUD). This application was opposed by a multitude of different interest groups including the Whitstable Marine Environment Group, the Herne Bay & Whitstable Water Safety Committee, Whitstable Yacht Club, the Royal Yachting Association and the Whitstable Society. Their opposition focused on public safety, environmental concerns, hazards to navigation and loss of a much-valued public amenity.

The steel trestles situated close to the shore have industrialised a unique and iconic landscape. A large area of steelwork, submerged at different states of the tide, presents a danger to holiday makers, water sports enthusiasts, swimmers, and children paddling, effectively putting a much-loved beach out of bounds to the public for only the second time in the history of Whitstable – the first time being during WW2 when similar structures were erected to prevent invasion. We have yet to find another example of an oyster farm erected on the middle of a popular public beach.

The Whitstable Beach Campaign, on behalf of all those who opposed the development, congratulate Canterbury City Council for their robust efforts to curtail this unlawful industrialisation. Long term, Whitstable Beach Campaign urges the Council to bring the beach into public ownership¹ and preserve the rights of the public to use the foreshore and the sea in safety for perpetuity.

The Planning Inspectorate issued a timetable for the Inquiry process in which CCC should have publicised the Inquiry and notified all interested parties by the 23rd April. As far as we know very few people or organisations have been notified so CCC have not complied with the Inspectorate guidelines and now it has become necessary for the Beach Campaign to bring the Inquiry to people's attention.

Over 240 members of the public submitted objections to Canterbury City Council last May, but these comments may not necessarily be passed on to the Public Inquiry by CCC and we urge the public to resubmit their comments to Canterbury City Council and the Planning Inspector in order that their opinions are taken into consideration. If you would comment on the appeal to the planning grounds that we believe apply to this development are:

Trish's list

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You may make your comments on the Planning portal: <https://acp.planninginspectorate.gov.uk>

Or email your comments to:
team2@planninginspectorate.gov.uk

Alternatively, you can send **3** copies of your letter to:

The Planning Inspectorate
Room 3B
Temple Quay House
2 The Square
Bristol
BS1 6PN

The appeal reference must be quoted in all representations:

APP/J2210/C/18/3209297

Deadline for comments: **21st May**.

For more information please go to: whitstablebeachcampaign.org.uk

The Appellant's (WOFC)'s application and documents related to the Inquiry can be downloaded from the following link:

<https://drive.google.com/open?id=1olezIDBaKEbJUiUn1Pr8sHln9qh8Nf2C>

Here you will find copies of the enforcement notice and regulation 37 as served on the Whitstable Oyster Fishery Company, submissions provided by consultees, and copies of relevant correspondence with the Planning Inspector with regards to the appeal.

Paul McNally

Whitstable Beach Campaign Chairman.

ⁱ The Whitstable Oyster Fisheries Company is a restaurant business who acquired 'ownership' of Whitstable Beach when they bought the then defunct Royal Native Oyster Stores and opened it as a restaurant. This ownership is considered anomalous and the Whitstable Beach Campaign has campaigned to have the beach brought into public ownership where the stewardship of its important environment can be ensured. Why should the beach at Whitstable be left in private ownership – an anachronism dating from Henry VIII. The maintenance and replenishing of the beach and all of the sea defence works on it are funded by the tax-payer to the tune of several million pounds, most recently in 2006 and Canterbury City Council foot the bill for cleaning the beach. Having your property maintained and preserved out of the public purse must be an almost unique position for any "land-owner" to be in especially if that beach is then developed in a way to put it out of access to the public. Bringing the beach into public ownership would preserve the rights of the public to use the foreshore and the sea safely and in perpetuity.