WALMER TOWN COUNCIL
62 The Strand, Walmer, Deal, Kent CT14 7DP
Web site: www.walmercouncil.co.uk E-mail: clerk@walmercouncil.co.uk
Tel: 01304 362363

Dated this day 19th November 2026

To: Councillors: Cllr P Ludwig, Cllr L Ludwig, Cllr S Waite-Gleave, Cllr E Crockford, Cllr D Richardson, Cllr P Findley, Cllr R Blackwell.
Non-voting members: Mrs D Bogue, Miss A Late.

You are hereby summoned to attend a meeting of the **Walmer in Bloom Committee** to be held on **Tuesday 24th November 2026** at No 62 The Strand, Walmer, CT14 7DP at 5.30pm to transact the business set out below.

Mr Roland Aldred
Town Clerk

AGENDA

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**
   To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

   Where a Member has a new or registered Disclosable Pecuniary Interest (DPI) in a matter under consideration, they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter, they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting

   Where a Member is declaring an Other Significant Interest (OSI), they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared an OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

3. MINUTES OF THE PREVIOUS MEETING

To approve the minutes of the meeting held on 22nd September 2026. Attach 1

4. QUESTIONS AND/OR OBSERVATIONS FROM THE ELECTORATE OF WALMER

5. CHAIRMAN'S REPORT

i. To Note: Verbal Update from Chairman.

6. ADMIN REPORT

i. To Note: Update from admin regarding actions. Attach 2

7. WALMER IN BLOOM CAMPAIGN

i. Quotes for baskets Attach 3
ii. SSEIB Entry Attach 4

8. HAWKSHILL

i. Gate for new woodland path Attach 5
ii. Meadow Mowing Report Attach 6
iii. Brushcutter Course Attach 7
iv. Ash Tree Removal Attach 8

9. WALMER PEACE GARDENS

i. To Note: update from WPG Committee Attach 9

10. BUDGET

i. To discuss the 2027/2028 Budget Attach 10

11. LOCAL NATURE RESERVE Attach 11

To decide on proposal for moving forward with designation of Hawkshill as a Local Nature Reserve

12. ISSUES FOR INCLUSION ON NEXT AGENDA

13. DATE OF NEXT MEETING

25th January 2027 at 5:30pm

ATTACH 1

WALMER TOWN COUNCIL

62 The Strand, Walmer, Deal, Kent CT14 7DP
Web site: www.walmercouncil.co.uk E-mail: clerk@walmercouncil.co.uk
Tel: 01304 362363

Draft Minutes of the meeting of the Walmer in Bloom Committee held on 22nd September 2026 at 62 The Strand, Walmer, at 5.30 pm.

Present: **Cllr S Waite-Gleave (Chairing)**
Cllr L Ludwig
Cllr R Blackwell
Cllr E Crockford
Cllr P Findley
Cllr D Richardson

Officers present: **John Miles (Administration Officer)**

228. APOLOGIES FOR ABSENCE
Apologies received from Cllr P Ludwig, Mrs D Bogue and Miss A Late

229. DECLARATIONS OF INTEREST
None Submitted.

230. MINUTES OF LAST MEETING
Resolved: To approve the minutes of the meeting held on 28th July 2026 with minor change to 170.i.

Proposed- Cllr D Richardson
Seconded- Cllr P Findley
For- 6 Against-0 Abstain-0

231. QUESTIONS AND/OR OBSERVATIONS FROM THE ELECTORATE OF WALMER
None Received

232. CHAIRMAN'S REPORT
i. **Noted:** Chair informed committee that the agenda covered all points she wanted to make and for expediency a separate report was not necessary.

233. HAWKSHILL
Moved due to request of the committee chairman.
i. Noted: The Committee received a report on possible gates for new woodland path.
Resolved: Admin to research gates similar to a one-way bridle gate with self-closing mechanism and installation costs.

Proposed- Cllr S Waite Gleave
Seconded- Cllr D Richardson
For- 5 Against-0 Abstain-0

Cllr L Ludwig left the meeting at this point

ii. Committee received a verbal update on the haymaking event at Hawkshill, emails and social media have been used to contact local groups and residents. Admin will send out a copy of the leaflet again.

iii. Committee received a request via Cllr P Ludwig for the use of a brushcutter by Ringwould with Kingsdown Parish Council.
Resolved: To request Town Clerk email Ringwould with Kingsdown Parish Council, asking them to confirm that the insurance is in order and whoever is sent will be covered. In addition, only those properly trained and certified on the brushcutter are to use it.
To be accepted if paperwork is in order.
Proposed- Cllr P Findley
Seconded- Cllr S Waite-Gleave
For- 5 Against-0 Abstain-0

234. ADMIN REPORT

i. **Noted:** Update from admin regarding previous actions.
- **Resolved:** Committee delegated to Admin for the purchase of gloves for Hawkshill and planter volunteers for a spend of up to £300, this will be split between the requisite budgets. Gloves will be bought in accordance with the wishes of the volunteers
Proposed- Cllr D Richrdson
Seconded- Cllr R Blackwell
For- 5 Against-0 Abstain-0

235. WALMER PEACE GARDENS

i. **Resolved:** To purchase flower bulbs for WPG to the maximum cost of £200.
Proposed- Cllr D Richardson
Seconded- Cllr P Findley
For- 5 Against-0 Abstain-0

ii. **Resolved:** To purchase seeds for WPG to the cost of £50.
Proposed- Cllr D Richardson
Seconded- Cllr P Findley
For- 5 Against-0 Abstain-0

Cllr L Ludwig returned to the meeting at this point

236. WALMER IN BLOOM CAMPAIGN

Moved due to request of the committee chairman.

i. **Noted**: Committee received an evaluation from Admin for the campaign.
Any comments from members of the committee are to be received by email for inclusion in the evaluation paperwork.

237. ITEMS FOR INCLUSION ON NEXT AGENDA

Local Nature Reserve

238. DATE OF NEXT MEETING

24th November 2026 at 5:30pm.

The meeting closed at 18:36

DRAFT

Signed_____ Dated_____

DRAFT

ATTACH 2

WALMER
TOWN COUNCIL

Item: **WIB Update Report**
Date: **16th November 2026**
Meeting: **Walmer In Bloom**
From: **Admin Clerk**

1. A lawnmower has been donated to the Hawkshill volunteers that is more suited to cutting the grass at the common, the other lawnmower had been stored at the council offices awaiting a decision to donate to another group or to some else for spares/repair. Members to decide.
2. The branch cutting of two trees at Hawkshill has been completed, however one of the trees was discovered to have died since the last survey.
3. The plateau bramble cutting has been quoted for and accepted, and Chris from Red Dog will let us know when he is available to do it.
4. Bulbs and seeds were bought for WPG as requested.
5. Ringwould with Kingsdown Council informed admin that no-one unqualified would use the brushcutter and that their insurance covers those using it. Cllr P Ludwig as a volunteer with the Ringwould council has already filled in the necessary forms and will not need to do so again.
6. The purchase of fuel for the Hawkshill tools has been requested.
7. The purchase of more seeds has been requested by the Walmer Peace Gardens members.

ATTACH 3

Young's Nurseries
Garden Centres
Sacketts Hill, Broadstairs, Kent, CT10 2QS
01843 864690

12th November 2026

John Miles
Deputy Clerk
Walmer Town Council
62 The Strand,
Walmer, Deal,
Kent CT14 7DP

Dear John,

Thank you once again for allowing us to quote for the following:

SUMMER PLANTING
56 X 16" HANGING BASKETS READY FOR COLLECTION FROM 25th MAY, 2027, COLOUR THEME AS PER LAST TWO YEARS, UNLESS OTHERWISE ADVISED. (If possible before end of November.)

Cost per basket is £20.30 excluding V.A.T.
56 x 16" Baskets = £1,136.80 + V.AT. = £1,364.00 TOTAL COST

We use high quality compost mixed to our specification with added slow release fertilizer.
All plants are grown to a high standard and subjected to biological pest control.

The plants for the baskets are grown in pots to ensure quality and then transplanted into the baskets once fully grown. This means that they establish in the basket quickly.

If the capillary matting in some of the baskets does need replacing, this would be at additional cost of £1.00 + V.A.T.

Any problems please do not hesitate in contacting us on 01843864690.

Yours sincerely

Jackie
Jackie Luukkainen, Partner

Horticulturist by trade Established 1930's
Mobile:- 07973 510369
Email: youngsnurseries@aol.com Website:- www.youngsnurseries.co.uk

Chapman

Landscape & Garden Contractors
8 Kennedy Drive, Walmer, Deal, Kent CT14 7TQ
Telephone: 01304 365680 Mobile: 07702553034

F. A. O. John,
Walmer Parish Council,
The Strand,
Walmer,
Kent.
CT14 7AP

9th November 2026

Dear John,

Quotation

Re: Walmer in Bloom 2027

Collected 56 baskets from Youngs Nursery and erect onto existing brackets.	£189.00	
Watering 3 times per week 56 hanging baskets per week	£232.05	X 14 = 3248.70
Removal of baskets at end of season	£81.90	
	Total : £3519.60	

I hope you find this quotation acceptable.

Assuring you of my best attention at all times.

Yours faithfully,

S Chapman.

Simon Chapman

ATTACH 4.

WALMER
TOWN COUNCIL

Item: **SSEIB Entry for 2027**
Date: **11th November 2026**
Meeting: **Walmer In Bloom**
From: **Admin Clerk**

We enter South East In Bloom every two years meaning that 2027 will be the year to enter, in 2025 Walmer gained it's second Gold award in a row. Usually the registration and payment for South East in bloom has to be in by the end of February. There are currently four categories that may be of interest to the committee.

(2026 Prices)
Conservation Area 3- £90
Parishes In Bloom- £65
Our Community- £65
It's Your Neighbourhood- £(Unknown)

ATTACH 5

WALMER
TOWN COUNCIL

Item: **Quotes for H'Hill Path Gate**
Date: **16 Nov 26**
Meeting: **Walmer In Bloom**
From: **Admin Clerk**

After a meeting with Mr Andrew Brown of Quality Fencing, a size was worked out for the gate and installation itself. The gate and mounting posts would be for a 1.2m wide and 1.3m high gate, plus the two posts at 150mm each side for a total of 1.5m wide. The gate required adjustable fittings to allow it to self-close as well as a suitable catch to allow those on both side of the gate to use it.

The quote from Quality Fencing indicated that they will be able to obtain the necessary materials and install both gate and posts.

A second quote from a company called Centrewire indicated that they can have the same specification for the gate, but a third-party company will be needed to install it.

Quote 1	Materials and Installation	£499.00
Quote 2	Materials only Installation will need to be sourced via a third-party company	£467.84 (This cost does not include installation.)

Attach 6

Walmer Town Council

Walmer Peace Gardens Report

Meadow Mowing 2026

Walmer Town Councillor and leader of the East Kent Wildlife Group, Peter Findley and Sarah Fawcett of EKWG and Gazen Salts Nature Reserve visited the Walmer Peace Gardens to make the annual one third cut of the meadow on Monday 28th September using the specialised mower from Gazen Salts NR. This was completed in the morning. One member of the community management group was present. She was able to suggest that the arisings would be raked up over the weekend and disposed of. It is important this activity takes place so that the nutrients in the arisings are removed and the soil becomes more suitable for native grassland species of plant.

The meadow is looking impressive with a wide and increasing variety of grasses and meadow plants. These will be providing suitable breeding opportunities for several species of invertebrate especially butterflies and moths. There were also a pleasing number of large Garden Cross Spider (an "orb-web spider") webs. Several of the day flying moth Yellow Shell and a single Speckled Yellow were found. There are several piles of grass, twigs and branches and a few log piles. These are excellent habitat piles that provide variety and "age" to the site. One brash pile had a well-hidden Wasp nest demonstrating its suitability as invertebrate habitat. A Common Lizard and a Common Frog were found.

The hedges are maturing well with many Hawthorn and Elder berries though these did seem to have been affected by the drought conditions. These hedges will provide more opportunities for invertebrates to thrive and birds to nest. The grassy areas are beginning to recover from the scorching during the summer.

The site continues to provide a valuable home for wildlife in an urban environment and a quiet, mindful refuge for people. The evidence of the outdoor educational opportunities was also heartwarming.

Bird List – from the British Trust for Ornithology "BirdTrack" project

Weather for 28/09/2026, 09:00: - Rain - light rain. - Temperature: 15.7 °C. - Wind: 6mph, NNW.

Woodpigeon	6	Collared Dove	1
Herring Gull	5	Grey Heron	1
Magpie	1	Jackdaw	2
Carrion Crow	1	Blue Tit	1
Great Tit	2	House Martin	3
Chiffchaff	2	Wren	1
Song Thrush	1	Blackbird	2
Robin	6	House Sparrow	4
Dunnock	1	Chaffinch	1

Cllr Peter Findley 01/10/2026

ATTACH 7

WALMER
TOWN COUNCIL

Item: **Brushcutter Course**
Date: **11th November 2026**
Meeting: **Walmer In Bloom**
From: **Admin Clerk**

Hawkshill Volunteers have been offered two places on a Brushcutter training course with Ringwould with Kingsdown Parish Council. There is not a confirmed date at the moment, new safety equipment will also be required for the course, sizes for both volunteers will be needed.

Cost	Two Places on Brushcutter training course- £266
	Purchase of two sets helmet/visor/ear protector combo- £60.90
	Purchase two pair of gloves- £31.98

ATTACH 8

Leaf Tree Services Ltd

2 Wingleton farm cottages
Sutton Dover
KENT
CT155DJ
+447833447849
info@leaftreeservices.co.uk
VAT Registration No.: GB 312 1402 71
Company Registration No. 12849857

LEAF TREE SERVICES

Quote

ADDRESS
John Miles
Walmer Town Council
62 The Street
Walmer
kent
CT14 7DP

QUOTE 4778
DATE 18/11/2026

DESCRIPTION	VAT	RATE	AMOUNT
T9 - Dead Ash tree To complete fell to grown level. All arisings to be removed from site.	20.0% S	440.00	440.00

SUBTOTAL	440.00
VAT TOTAL	88.00
TOTAL	**£528.00**

VAT SUMMARY

RATE	VAT	NET
VAT @ 20%	88.00	440.00

Accepted By

Accepted Date

We would appreciate any feedback on your quotation
On acceptance of this quotation any planning applications or organisation of other plant or services will be completed within the agreed price. Cancellation of the leaf tree services after acceptance will incur an administration fee.
You are required to be present whilst the work is being carried out to sign off on completion.

ATTACH 8

WALMER PEACE GARDENS COMMITTEE

REPORT

11 November 2026

Haymaking began on 28 September 2026. Many thanks to Peter Findley and Sarah for cutting a third of the meadow with the scissor mower from Gazen Salts. Volunteers raked up the hay the following weekend.

A variety of spring bulbs has been planted beneath the trees and at the entrance.

We will now clear an area ready to scatter the Kent wildflower seeds.

Some of our youngest volunteers have been able to work towards their Rainbows badges.

Routine maintenance continues, with regular mowing of the grassed activity area and pathways.

Over winter, we will focus on making a colourful entrance sign.

D Bogué

WALMER
PEACE GARDENS

ATTACH 10

Walmer In Bloom		25/26	26/27			27/28 proposed	
Heading	**Sub heading**	**Actuals**	**Current YTD**	**Forecasted for balance at of year**	**Budget**	**Budget**	**Notes**
Planting	Hanging basket plants	£1,022.00	£1,103.20	£1,103.20	£1,125.00	£1,150.00	
	Planters	£189.40	£780.00	£780.00	£800.00	£800.00	
Equipment	Hanging Baskets & Brackets	£0.00	£0.00	£0.00	£0.00	£0.00	
	KCC Permission	£41.00	£43.00	£43.00	£45.00	£50.00	
	KCC Load Testing	£0.00	£1,470.00	£1,470.00	£1,470.00	£550.00	(Per Year rolling) £1470 added part way through year
	New Planter	£0.00	£0.00	£0.00	£1,000.00	£1,000.00	
	Disposal of Planter	£0.00	£95.00	£95.00	£0.00	£0.00	
Planter Repairs	Standing Planter Repairs	£77.98	£89.98	£89.98	£500.00	£500.00	
	Hanging Basket Repairs	£1,361.50	£0.00	£0.00	£250.00	£250.00	Move to reserves
Contractor Costs	Watering & maintenance (14 Weeks)	£3,165.00	£3,094.00	£3,094.00	£3,500.00	£3,500.00	16 weeks in 25/26
	Collect Baskets	£170.00	£180.00	£180.00	£200.00	£200.00	
	Plant bedding	£0.00	£0.00	£0.00	£0.00	£0.00	
	Removal of baskets	£66.00	£66.00	£66.00	£100.00	£100.00	
Competition Costs	S & SE in Bloom Entry Fee	£60.00	£0.00	£0.00	£120.00	£100.00	
	School Donations	£50.00	£150.00	£150.00	£150.00	£150.00	
	School Prizes	£40.00	£150.00	£150.00	£150.00	£150.00	
	Garden prizes	£125.00	£175.00	£175.00	£300.00	£300.00	
	Presentation event	£361.85	£232.28	£232.28	£400.00	£400.00	
	Publicity	£391.44	£726.72	£726.72	£1,200.00	£1,200.00	
	IT	£0.00	£78.17	£78.17	£250.00	£120.00	
	Postage Stamps	£0.00	£150.00	£150.00	£150.00	£180.00	
Contingency	Contingency Funds	£0.00	£0.00	£0.00	£300.00	£300.00	
Total		**£7,121.17**	**£8,583.35**	**£8,583.35**	**£12,010.00**	**£11,000.00**	

Hawkshill		25/26	26/27			27/28 proposed	
Heading	**Sub heading**	**Actuals**	**Current YTD**	**Forecasted for balance at of year**	**Budget**	**Budget**	**Notes**
	Cut - Oct	£390.00	£315.00	£315.00	£500.00	£500.00	
	Hedging	£0.00	£0.00	£1,200.00	£1,300.00	£1,300.00	
	Tree cutting and management plan	£1,111.00	£1,272.33	£5,000.00	£10,300.00	£10,300.00	
	Tool replacement and maintenance	£730.93	£139.78	£1,000.00	£1,000.00	£1,000.00	
	Planting	£94.99	£0.00	£0.00	£200.00	£200.00	
	Fuel	£0.00	£85.84	£172.00	£200.00	£200.00	
	Publicity	£0.00	£31.60	£31.60	£200.00	£200.00	
	Refreshments	£0.00	£91.12	£200.00	£400.00	£400.00	
Total		**£2,326.92**	**£1,935.67**	**£7,918.60**	**£14,100.00**	**£14,100.00**	

Walmer Peace Gardens		25/26	26/27			27/28 proposed	
Heading	**Sub heading**	**Actuals**	**Current YTD**	**Forecasted for balance at of year**	**Budget**	**Budget**	**Notes**
Walmer Peace Gardens	Grass Cutting	£45.00	£45.00	£45.00	£500.00	£100.00	
	Meadow Management Plan	£0.00	£0.00	£0.00	£200.00	£400.00	
	Tree Works	£0.00	£0.00	£0.00	£750.00	£750.00	
	Planting	£0.00	£72.53	£160.00	£250.00	£250.00	
	Tools	£456.94	£130.00	£130.00	£200.00	£200.00	
	Fuel	£0.00	£0.00	£50.00	£200.00	£200.00	
	Contingency	£0.00	£311.67	£311.67	£500.00	£500.00	
Total		**£501.94**	**£559.20**	**£696.67**	**£2,600.00**	**£2,400.00**	

ATTACH 11

WALMER
TOWN COUNCIL

Item: Local Nature Reserve
Date: 18/11/26
Meeting: November 2026 Walmer In Bloom Committee meeting
From: Cllr Paul Ludwig

Hawkshill Freedown: Existing Protection and Consideration of Local Nature Reserve Status

Walmer Town Council has received a proposal from the CEWG Working Group to upgrade the designation of Hawkshill Freedown (13.5 acres) from its status as a Local Wildlife Site (LWS) to a Local Nature Reserve (LNR).

The rationale given in support of this proposal is as follows (addressed below as Points A, B and C):

A) To strengthen planning protection against future development.
B) To enable the Council to introduce legally enforceable byelaws.
C) To support regional nature recovery and natural carbon capture initiatives, in line with Kent County Council's Climate Emergency Resolution (March 2021).

Point A – Existing protection against development

Hawkshill Freedown already benefits from a comprehensive and robust framework of legal, ecological and planning protections as follows:

1. Direct Council Ownership and Dedicated Public Asset

- Acquired in 1999: Walmer Town Council purchased Hawkshill Freedown specifically to hold the land in perpetuity as open space, a nature sanctuary and a community amenity.
- Security of Ownership: As sole freeholder, Walmer Town Council retains ultimate control over land use, access arrangements and operational policy. Disposal cannot occur without a formal resolution of the Council.

2. Registered Common Land Status (CL125) – A Significant Legal Protection

It has now been established that Hawkshill Freedown is formally registered as Common Land (Register Unit CL125), as recorded and maintained by Kent County Council. This status provides a substantial and enduring layer of statutory protection that is separate from, and additional to, planning controls and wildlife designations. The Council was unaware of this status until recently, when the matter was researched.

Unlike traditional common land, which is often associated with agricultural rights such as livestock grazing, turf cutting or the collection of firewood, CL125 is primarily governed by public access rights and the statutory protections afforded to registered common land. These protections are particularly relevant to Hawkshill Freedown and help safeguard both its recreational and ecological value.

Public Access Rights – "Right to Roam" (Open Access Land)

All registered common land is designated as statutory access land under the Countryside and Rights of Way Act 2000 (CRoW Act).

This provides the public with a legal "Right to Roam", granting an unrestricted right to enter and remain on the land on foot for open-air recreation, including:

- Walking.
- Nature observation.
- Dog walking.
- Informal recreation.

Unlike a standard public footpath, where access is restricted to a defined route, access rights on registered common land are not confined to paths. Members of the public may move freely across the land, subject to the restrictions and responsibilities set out in the CRoW Act and any lawful management measures designed to protect wildlife and sensitive habitats.

Restrictions on Use

To protect the site's sensitive habitat, a range of activities are prohibited without the landowner's consent, including:

- Lighting fires.
- Holding barbecues.
- Using motorised vehicles.
- Organising festivals or other large-scale events.

Dog walking is permitted, subject to local measures to protect nesting wildlife and grazing livestock. For example, dogs must be kept on a fixed lead no longer than 2 metres from 1 March to 31 July (the bird nesting season).

3. Registered Common Land Status (CL125) Binds Any Future Owner

The Law Follows the Land

The legal protections associated with registered common land attach to the land itself rather than to its owner.

Under the Commons Registration Act 1965 and the Commons Act 2006, Hawkshill Freedown's registration as Common Land (CL125) is recorded on the statutory register maintained by Kent County Council. This registration remains in force regardless of any change in ownership. Consequently, if Walmer Town Council were ever to dispose of the land, the Common Land designation and its associated statutory protections would pass automatically to any successor owner.

Any future owner would therefore remain subject to the same legal restrictions governing development, public access rights and land management. The protections afforded by Common Land status do not lapse upon sale and cannot be removed simply through a change of ownership. This provides an additional safeguard against future development by ensuring that the statutory protections attached to CL125 remain with the land in perpetuity unless formally altered through the legal processes established under the Commons Acts.

4. Protection Under Section 38 of the Commons Act 2006

Section 38 of the Commons Act 2006 provides substantial protection against inappropriate development and restricted works on registered common land.

Key provisions include:

- Under Section 38 of the Commons Act 2006, works which prevent or impede access to common land, including buildings, fences and other restricted works, require the consent of the Secretary of State for Environment, Food and Rural Affairs (DEFRA).
- Development cannot proceed through the normal planning process alone. In addition to any planning permission that may be required, consent must first be obtained from the Secretary of State under Section 38 of the Commons Act 2006.
- Proposals affecting common land are subject to rigorous scrutiny and may be examined through a public inquiry conducted by the Planning Inspectorate.
- Any application affecting common land would be subject to consultation and detailed examination of its impact on public access and the wider public interest.

These requirements represent one of the strongest legal barriers to development available within England's planning framework.

5. The Replacement Land Rule (Section 16 of the Commons Act 2006)

Deregistration Requires Equivalent Replacement Land

Section 16 of the Commons Act 2006 provides an additional and substantial safeguard against the loss of registered common land by regulating the deregistration and exchange of common land.

Where more than 200 square metres of registered common land is proposed for deregistration in order to enable development, Section 16 of the Commons Act 2006 requires replacement land to be offered as part of the application process.
For context, Hawkshill Freedown extends to approximately 54,600 square metres (13.5 acres).
The replacement land must:

- Be of equivalent size.
- Be of comparable quality and environmental value.
- Provide equivalent public access and recreational benefit.
- Be suitably located to serve the same local community.
- Be considered through a process of public consultation and scrutiny by the Planning Inspectorate on behalf of the Secretary of State.

Consequently, any private developer seeking to promote development on Hawkshill Freedown would face the substantial legal hurdle of identifying and providing approximately 13.5 acres of replacement land of equal quality, accessibility and public benefit within the Walmer area.
In practical terms, locating an equivalent parcel of land of this size and character, readily accessible to the immediate local neighbourhood, would be extremely difficult. This requirement therefore represents a significant additional obstacle to any proposal seeking to remove Hawkshill Freedown from the commons register and redevelop the site.

6. Priority Habitat Designation (NERC Act 2006)

The site contains species-rich Lowland Calcareous (Chalk) Grassland, classified as a Habitat of Principal Importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

This designation carries significant implications:

- Public authorities have a statutory duty under Section 40 of the NERC Act, strengthened by the Environment Act 2021, to conserve and enhance biodiversity.
- Any proposal adversely affecting this priority habitat would face significant policy and legal obstacles.
- Dover District Council, as the local planning authority, must exercise its biodiversity duties under Section 40 of the NERC Act, further strengthened by the Environment Act 2021. In determining planning applications, substantial weight must be given to the conservation and enhancement of Priority Habitats such as species-rich chalk grassland.
- The site's lowland calcareous (chalk) grassland is classified as a high-distinctiveness habitat under Biodiversity Net Gain (BNG) rules. Any development proposal resulting in its loss

would be required to secure equivalent biodiversity units and achieve a minimum 10% net gain. Given the rarity of species-rich chalk grassland, these requirements would represent a significant additional constraint on development.

- The habitat's status as a Habitat of Principal Importance must be taken into account in planning, land management and biodiversity assessment processes.

7. Local Wildlife Site Designation (LWS DO25)

Hawkshill Freedown is designated as Local Wildlife Site DO25 within the Kent Nature Partnership framework.

This designation recognises the site's regional importance for:

- Species-rich chalk grassland.
- Associated flora and fauna.

As an identified Local Wildlife Site:

- The site is recorded within the Kent Environmental Records Centre.
- Its ecological value must be taken into account during planning and development assessments.
- Its conservation interest is formally recognised within local planning policy.

Protections related to Local Wildlife Sites fall within the Local Plan.

8. Dover District Council Planning Protection

Further protection is provided through the planning policies of Dover District Council and the National Planning Policy Framework (NPPF).

These protections include:

- Strong resistance to inappropriate development affecting designated wildlife sites and priority habitats.
- Full recognition of Local Wildlife Sites within the planning process.
- Application of the mitigation hierarchy, requiring avoidance, mitigation and compensation of ecological harm.
- Mandatory Biodiversity Net Gain requirements where development proposals are considered.

Consequently, Hawkshill Freedown already benefits from substantial planning protection at both local and national levels.

Point B – Regulatory and management powers available

Countryside and Rights of Way Act 2000

Because Hawkshill Freedown is registered common land, it already benefits from statutory controls under the CRoW Act access regime, which can be implemented where needed. These include:

- the requirement for dogs to be on a short lead between 1 March and 31 July on access land;
- requirements relating to dogs in the vicinity of livestock; and
- powers to impose additional restrictions or exclusions where necessary for land management, public safety, conservation or the protection of wildlife.

These provisions provide an existing legal framework for balancing public access and environmental protection with the access rights that common land designation affords the public. If further powers were ever needed, then Local Nature Reserve designation is not a prerequisite for securing regulatory or conservation controls to protect Hawkshill Freedown. The Council already possesses, or can access, a substantial range of powers to protect wildlife and habitats and regulate activities without changing the site's current designation. Measures to restrict and control activities on the site are set out in Appendix A.

Point C – Nature recovery and carbon sequestration

Carbon sequestration and biodiversity gains depend on habitat condition and practical management. We were informed that the same Kent Wildlife Trust (KWT) management plan would be followed to inform our working regime and practices in both cases. The implementation of the KWT management plan is therefore key to achieving these gains, since the same management plan would apply under either designation.

Conclusion

Hawkshill Freedown already benefits from multiple layers of protection and constraint, including:

- Council ownership.
- Registered Common Land status (CL125).
- The fact that Common Land protections remain attached to the land regardless of ownership.
- Development controls under Section 38 of the Commons Act 2006.
- The replacement land requirements under Section 16 of the Commons Act 2006.
- Priority Habitat designation under the NERC Act 2006.
- Biodiversity Net Gain (BNG) requirements applicable to species-rich chalk grassland.

- Local Wildlife Site designation (DO25).
- Dover District Council planning policies and the National Planning Policy Framework.

Taken together, these legal protections, planning constraints and ecological safeguards create a substantial framework of protection against inappropriate development and loss of the site's environmental value.

Regulatory powers are available to address management issues, including routes for introducing byelaws if required. The existing management plan, supported by Kent Wildlife Trust, provides a framework for enhancing biodiversity and supporting carbon sequestration and would remain the same whatever the designation.

The question for the Council is therefore not whether Hawkshill Freedown is well protected against future development, clearly it is, with some of the strongest safeguards available. The question is whether Local Nature Reserve designation would materially increase that protection, and whether it would deliver any additional benefit in meeting the other stated objectives of the proposal, beyond what the currently available regulatory powers and management arrangements can already achieve.

The evidence points one way. Hawkshill Freedown is already owned by the community through its Town Council. It is registered Common Land that no future owner can shake off. It cannot be built on without the consent of the Secretary of State and the offer of equivalent replacement land. It holds a priority chalk grassland habitat, Local Wildlife Site status and the full weight of local and national planning policy. Public access is secured, byelaws and other regulatory powers are available if needed, and the same Kent Wildlife Trust management plan will drive nature recovery and carbon capture whatever the designation.

APPENDIX A

1. Common Land Byelaws

The Council may seek the introduction of byelaws specifically relating to the management and protection of common land. Government guidance confirms that byelaws may be made for common land, town greens and village greens, subject to approval by the Secretary of State. These byelaws can be tailored to address specific local issues and may cover matters such as:

- protection of wildlife and habitats;
- control of dogs;
- prevention of fires and barbecues;
- camping and overnight occupation;
- damage to vegetation;
- unauthorised vehicle use; and
- other activities detrimental to the character or conservation of the common.
- Further Bye law powers may be available under statutory legislation. These include powers under the Open Spaces Act 1906,The Local Government Act 1972 and the National Parks and Access to the Countryside Act 1949. However, we must take due regard to the nature of the designation as Common Land .

2. Public Spaces Protection Orders (PSPOs)

Where a particular management problem arises, Dover District Council (or its successor authority) may consider introducing a Public Spaces Protection Order. PSPOs can be used to regulate behaviour in public places, including:

- requiring dogs to be kept on leads;
- requiring dogs to be put on leads when requested by an authorised officer;
- excluding dogs from defined areas; and
- controlling activities that are having a detrimental effect on the local community.

A PSPO can often provide a targeted response to a specific issue without requiring a change in the site's designation.

3. Natural England Access Restrictions and Exclusions

As the land is subject to CRoW access rights, there are procedures by which restrictions or exclusions may be sought where necessary to protect conservation interests or sensitive wildlife populations. These powers can be used where evidence demonstrates that public access is causing environmental damage or disturbance.

This route may be particularly relevant where ground-nesting birds or other vulnerable species require seasonal protection.

4. Landowner Management Measures

As landowner, the Town Council retains a range of practical management options, including:

- Advisory signage;
- Public education and awareness campaigns;

- Access routes; and
- Measures to discourage access to particularly sensitive areas.

These approaches can often achieve conservation objectives without introducing additional statutory restrictions. These include powers under the Open Spaces Act 1906, the Local Government Act 1972 and the National Parks and Access to the Countryside Act 1949.