

**Department for Environment, Food and Rural Affairs**

# **Notice by the Secretary of State under section 52 of the National Parks and Access to the Countryside Act 1949**

## **Skegness to Mablethorpe**

**27 November 2017**

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# Introduction

On 24 March 2017 Natural England submitted a coastal access report relating to the coast from Skegness to Mablethorpe (“the coastal access report”) to the Secretary of State for Environment, Food and Rural Affairs under section 51 of the National Parks and Access to the Countryside Act 1949 (“the 1949 Act”), pursuant to its duty under section 296(1) of the Marine and Coastal Access Act 2009 (“the 2009 Act”). The coastal access report is available at [www.gov.uk](http://www.gov.uk)

In reaching his determination under section 52 of the 1949 Act the Secretary of State has considered:

- (a) England Coast Path Skegness to Mablethorpe - Natural England’s coastal access report - submitted to him on 24 March 2017; and
- (b) in accordance with paragraph 16(1)(d) of the Schedule, representations made by a person within paragraph 2(2)(b) to (f) of the Schedule, and the summary of other representations made, and Natural England’s comments on those representations which it sent to the Secretary of State on 16 June 2017.

In this notice –

- (a) “objection” means an objection about the coastal access report which is made under paragraph 3 of the Schedule;
- (b) “representation” means a representation about the coastal access report which is made under paragraph 7 of the Schedule; and
- (c) “Schedule” means Schedule 1A to the 1949 Act, inserted by Schedule 19 to the 2009 Act.

## Secretary of State’s approval of coastal access proposals

The Secretary of State has determined to approve the proposals set out in the coastal access report so far as they relate to those parts of the route (and associated coastal margin) in relation to which no objections or representations were made.

The conclusions and observations of the Secretary of State in relation to the representations are set out in **Annex A** to this notice.

The Secretary of State has made available at [www.gov.uk](http://www.gov.uk) a copy of this notice. Natural England has also made available:

- (a) Skegness to Mablethorpe - the coastal access report;

- (b) Representations made by a person within paragraph 2(2)(b) to (f) of the Schedule, and Natural England’s comments on those representations which it sent to the Secretary of State on 16 June 2017;
- (c) Summary of other representations, and Natural England’s comments on those representations, which it sent to the Secretary of State on 16 June 2017.

## Annex A: Conclusions and observations on representations

The Secretary of State has considered, in relation to the coastal access report, the following representations made under paragraph 7 of the Schedule.

**Representation number: MCA\Skegness to Mablethorpe\R\1\SMT1291**

Name of representation: National Farmers Union

Report chapter and route sections: Chapter 1  
SMT-1-S005 to SMT-1-S007

Secretary of State’s conclusion and observation:

Secretary of State welcomes the representation but notes that the existing barriers at SMT-1-S005 and SMT-1-S007, which were erected by and currently maintained by the landowner, will not be replaced and will continue to be the responsibility of the landowner. He requests that Natural England work with the land owners and Lincolnshire County Council to agree the content of, and erect, the necessary signage to inform users, particularly those who are less mobile or who do not wish to use the beach, of the alternative route to the beach; the public footpath along North Shore Road, along the footway adjacent to the A52 and the public footpath to re-join the England Coast Path at the intersection of SMT-1-S008 and SMT-1-S009.

Secretary of State notes that Natural England will fund the advisory signs with their installation being undertaken by Lincolnshire County Council. Once installed these signs will be the responsibility of Lincolnshire County Council to maintain.

**Representation numbers: MCA\Skegness to Mablethorpe\R\2\SMT1355; MCA/Skegness to Mablethorpe\R\4\SMT1354 and MCA\Skegness to Mablethorpe\R\6\SMT0261**

Name of representations: Private individuals

Report chapter and route sections: Chapter 1  
SMT-1-S004 to SMT-1- S009

Secretary of State's conclusion and observation:

Secretary of State notes that the representations proposed a preferred route would be one which continued from route sections SMT-1-S004 to SMT-1-S008 on the concrete path landward of the boundary of North Shore Golf Course. He notes that Natural England considered other alignment options between SMT-1-S004 to SMT-1-S008, taking into account a number of factors including the difficulty to walk on sandy beaches for long-distances and the accessibility for disabled people and others with reduced mobility. Secretary of State has concluded that Natural England's proposed route struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme, approved under section 298 of the Marine and Coastal Access Act 2009, and the guidance on the likely approach to Natural England's coastal access duty on golf courses as set out in paragraph 8.20 of that Scheme. He therefore approves route sections SMT-1-S004 to SMT-1-S009 and the proposed erection of advisory signage.

**Representation number: MCA/Skegness to Mablethorpe\R\3\SMT1301**

Name of representation: Private individual

Report chapter and route sections: Chapter 2

SMT-2-S026

Secretary of State's conclusion and observation:

Secretary of State notes that the representation suggested that the alignment of route section SMT-2-S026 should be on the seaward slope of the dune to reduce erosion and limit disturbance to wildlife present on adjacent farmland managed for conservation and recognised as a local wildlife site. He further notes that Natural England carefully considered the alignment of SMT-2-S026 and concluded that overall its proposed route struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme, approved under section 298 of the Marine and Coastal Access Act 2009. He therefore approves route section SMT-2-S026.

Secretary of State further notes that the representation suggested a change in the proposed route at the northern extent of route section SMT-2-S026 to protect an area of sea-buckthorn scrub. Natural England has confirmed that its proposed route did not extend into the land owned by the person making the representation. There is currently a network of natural gaps and informal paths through the scrub. Establishment of the route will involve minimal removal of scrub to link these gaps/informal paths and create one clear to follow route.

**Representation number: MCA\Skegness to Mablethorpe\R\5\SMT1356**

Name of representation: Private individual

Report chapter and route sections: Chapter 1

SMT-1-S004

Secretary of State's conclusion and observation:

Secretary of State notes the support for route section SMT-1-S004.

**Representation number: MCA\Skegness to Mablethorpe\R\7\SMT0263**

Name of representation: Private individual

Report chapter and route sections: Chapter 1

SMT-1-S004 to SMT-1-S007

Secretary of State's conclusion and observation:

Secretary of State notes that the representation suggested that the trail should not be aligned on the beach at route section SMT-1-S006 to avoid two sets of steps, and to facilitate access by those with pushchairs and small children. Concerns were also raised about those using the suggested alternative route along the footway adjacent to the A52 being subjected to excessive fumes.

Secretary of State's conclusions are those as for representations MCA\Skegness to Mablethorpe\R\2\SMT1355; MCA\Skegness to Mablethorpe\R\4\SMT1354 and MCA\Skegness to Mablethorpe\R\6\SMT0261.

**Representation number: MCA\Skegness to Mablethorpe\R\8\SMT1303**

Name of representation: Coastal Access for All

Report chapter and route sections: Chapter 1

SMT-1-S004 to SMT-1-S007

Secretary of State's conclusion and observation:

Secretary of State notes that the representation suggested that the trail alignment from SMT-1-S005 to SMT-1-S008 should be reconsidered on several grounds. His conclusions are those as for representations MCA\Skegness to Mablethorpe\R\2\SMT1355; MCA\Skegness to Mablethorpe\R\4\SMT1354 and MCA\Skegness to Mablethorpe\R\6\SMT0261, and that the alternative route on the footway adjacent to the A52 was deemed safe by the local Access Authority due to the provision of a footway.

**Representation number: MCA\Skegness to Mablethorpe\R\9\SMT1358**

Name of representation: Private individual

Report chapter and route sections: Chapter 1

## SMT-1-S004

Secretary of State's conclusion and observation:

Secretary of State notes that this representation was made against route section SME-1-S004 but that the content of the representation had suggested that the trail alignment at route section SMT-1-S006 should be reconsidered due to the risk of high tides making the route unavailable.

Natural England recognises that sandy beaches do not usually provide the most convenient route because they may be covered at high tides. However, the proposed route at SMT-1-S006 is aligned above the mean high tide line for its 400 metre length and HM Coastguard have confirmed that should tide conditions, wave conditions, and beach levels result in a higher than average tide and restrict access there is a dune ridge at the top of the beach to provide refuge and two entry/exit points to leave the beach safely.

Secretary of State approves route section SMT-1-S004 and requests that advisory signage is to be erected at the southern and northern extents of SMT-1-S004 and the intersection between SMT-1-S007 and SMT-1-S008 to advise users of suitable alternative route options in the event that access is restricted by a high tide.

### **Representation number: MCA\Skegness to Mablethorpe\R\10\SMT0055**

Name of representation: Environment Agency

Report chapter and route sections: Chapter 2

SMT-2-S018 Map 2d (intersection of SMT-2-S026-SMT-2-S027)

Secretary of State's conclusion and observation:

Secretary of State notes the representation covers a number of issues and has the following observations and conclusions:

- a. the Environment Agency's representation included its preferred crossing of the sea defences from the beach to the hinterland at the prescribed pullover at Chapel Six Marshes (intersection of route section SMT-2-S020 and SMT-2-S021). However, if an earlier crossing was required the crossing of the sea defences should occur at an established footway through the dunes approximately 100m north of the proposed crossing at SMT-2-S018. The Secretary of State notes that Natural England consulted the Environment Agency on the preferred crossing, where no improvement works would be required for the creation of the trail, and in the light of this, he approves the report subject to the modification depicted on the Revised Maps 2d and 2e, which are attached at Annexes **B** and **C** of this notice;

- b. he approves the use of a gap in the fence at Wolla Bank (intersection of SMT-2-S026 and SMT-2-S027) as this was based on Natural England adopting the principle of the least restrictive option and taking into account the practicality of installing a gate in an area where windblown sand was a problem. Secretary of State recognises that since the existing boundary crossing lies between Wolla Bank car park and the dunes, rather than directly between the neighbouring grazed marshes, the risk of stock absconding onto the dunes would not be increased and that unauthorised users, such as horse riders and motor/push bikes, would not be prevented access by a gate as they would continue to have access to the dunes via the beach;
- c. he notes the reassurance sought by the Environment Agency from Natural England and the highways authority that the time and expense required for any sand clearance on this stretch of the coastline has been properly costed, and also that the Environment Agency has no obligation to clear any sand in order to ensure public access. The England Coast Path will become part of the family of existing National Trails, once the coastal access management rights are in place and operating on a stretch, and he recognises there may be an ongoing need for basic maintenance and in some cases additional access management for specific purposes. He would be looking to Natural England to put in place annually negotiated grant agreements with the relevant access authorities to meet these maintenance and management requirements;
- d. he notes Natural England's comments that National Trail maintenance grants are awarded based on 'outputs' not on specified works or detailed lists of activities undertaken. The amount that open England Coast Path stretches are offered, is based on the current National Trail 'New Deal' funding formula as operating in 2017/18. The formula was developed in consultation with National Trail managers and takes into account all the recommendations from the funding review working group which was established in 2015 and included representatives from early established stretches of the England coast path;
- e. once the stretch between Skegness and Mablethorpe is fully established and open to the public, the Secretary of State expects Natural England to monitor the extent of the wind-blown sand and the impact on the coastal path and the visitor experience. He notes that Natural England plans to review the detail of the funding formula once the whole of the England Coast Path has been established which will not be before 2020. In the meantime, there is an opportunity for all interested parties to forge 'partnership' working arrangements to ensure that the infrastructure along the route is appropriately maintained for walkers;
- f. he notes that Natural England's proposals were made with reference to the current interim Flamborough Head to Gibraltar Point Shoreline Management Plan, which indicated that the current strategy was to 'hold the line' of the current defences. As a consequence Natural England's proposals to use its "roll-back' powers, provided for under section 302 of the Marine and Coastal Access Act 2009, have only been applied to sections of the trail which are aligned seaward of a sea-defence; and

- g. he requests that Natural England ensure the Access Authority contacts the Environment Agency to discuss which activities relating to the establishment of the trail may require a Flood Risk Activity Permit under the Environmental Permitting Regulations 2016 and the costs associated with making these applications.

**Representation number: MCA\Skegness to Mablethorpe\R\11\SMT1357**

Name of representation: Private individual

Report chapter and route sections: Chapter 1

SMT-1-S004

Secretary of State's conclusion and observation:

Secretary of State notes that the representation suggested that the trail alignment at SMT-1-S006 should be reconsidered due to the risk of high tides making the route unavailable, the difficulty to walk on the beach for those with reduced mobility or pushchairs and the undesirable nature of the available alternative route on the footway adjacent to the A52, which is a busy and congested road. His conclusion is as for representation MCA\Skegness to Mablethorpe\R\9\SMT1358.

**Representation number: MCA\Skegness to Mablethorpe\R\12\SMT0075**

Name of representation: Lincolnshire County Council

Report chapter and route sections: Overview Part 7 – Maintenance of the trail

Secretary of State's conclusion and observation:

Secretary of State welcomes the representation and its support for Natural England's report and for the proposed route as being the most appropriate within the objectives of the Coastal Access Scheme, as approved under section 298 of the Marine and Coastal Access Act 2009 although he notes that the Council felt that aligning the route between route sections SMT-1-S005 and SMT-1-S007 to follow the beach was a missed opportunity to provide greater levels of access direct to the coast for the less able user. He further notes the Council's concern that the enhanced level of maintenance standard will raise expectations of the future condition of the route and that it was not evident from Natural England's report that the estimate of annual cost included any element of calculation for more frequent clearance of sand.

Secretary of State's conclusions are those as for representations MCA\Skegness to Mablethorpe\R\2\SMT1355; MCA\Skegness to Mablethorpe\R\4\SMT1354 and MCA\Skegness to Mablethorpe\R\6\SMT0261.

On the issue of future maintenance the Secretary of State notes that the England Coast Path is part of the family of National Trails. Once the coastal access management rights



are in place and operating on a stretch, there may be an ongoing need for basic maintenance and in some cases additional access management for specific purposes. Natural England will be aiming to put in place annually negotiated grant agreements with the Council to meet these maintenance and management requirements. National Trail maintenance grants are awarded based on 'outputs' not on specified works or detailed lists of activities undertaken. The amount that open England Coast Path stretches are offered, is based on the current National Trail 'New Deal' funding formula as operating in 2017/18 which was developed in consultation with National Trail managers and takes into account all the recommendations from the funding review working group which was established in 2015 and included representatives from early ECP stretches.

Once the stretch of coastal path is fully established and open to the public the Secretary of State requests that Natural England monitor the extent of the wind-blown sand and the impact on the Trail and the visitor experience. Natural England plans to review the detail of the funding formula once the whole of the England Coast Path has been established. In the meantime, there is an opportunity for all interested parties to forge 'partnership' working arrangements to ensure that the infrastructure along the route is appropriately maintained for walkers.

### **Representation number: MCA\Skegness to Mablethorpe\R\13\SMT0009**

Name of representation: Historic England

Report chapter and route sections 3

Map C

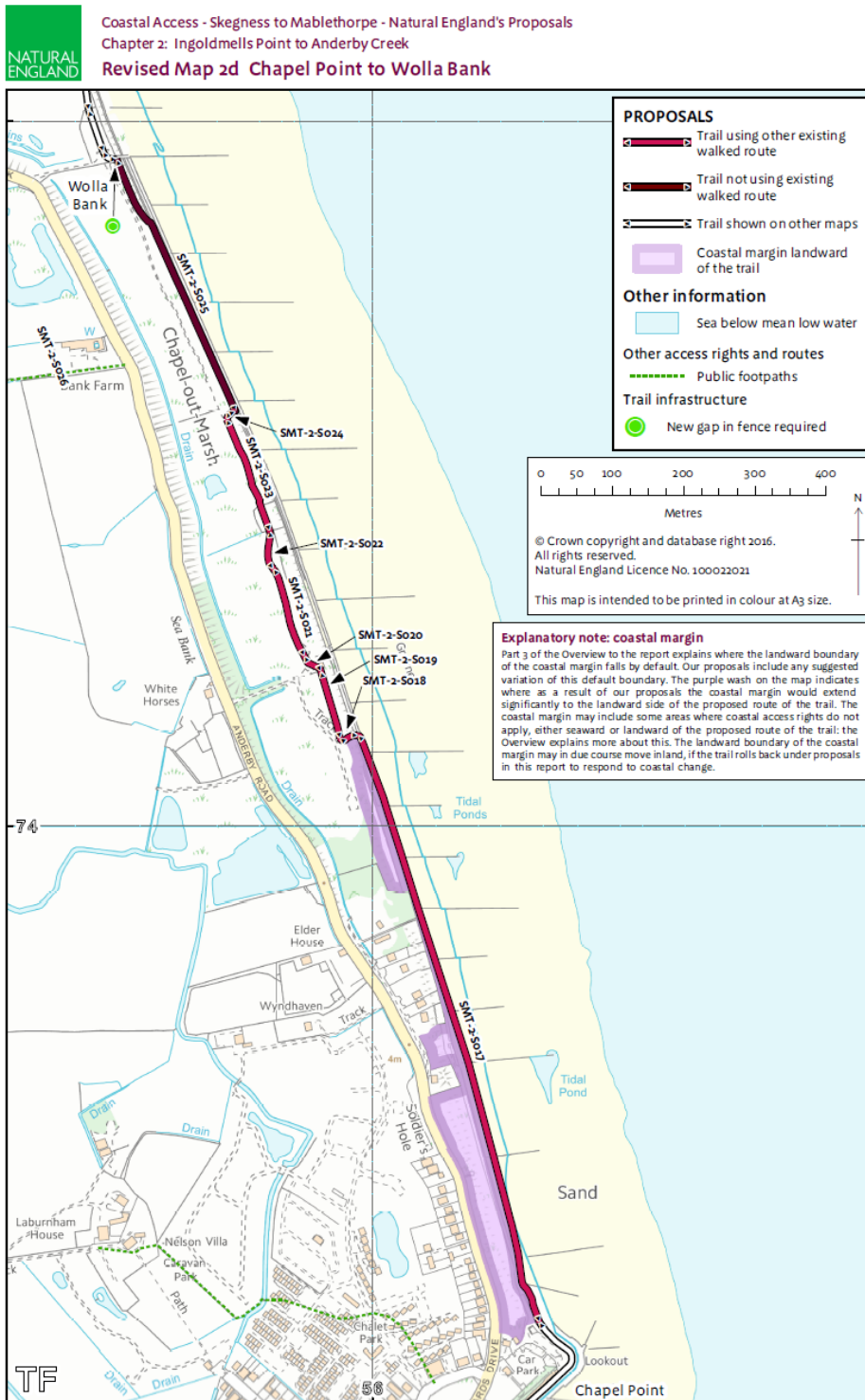
Secretary of State's conclusion and observation:

Secretary of State thanks Historic England for reviewing Natural England's proposals regarding potential impacts on designated heritage assets. He notes Natural England's comment that no designated sites were identified within the direct immediate vicinity of the line of the trail or coastal margin. As a result no sites were mapped on Map C of the report.

He further notes that Historic England's representation regarding a high concentration of non-designated archaeological remains in the area of new footpath SMT-3-S027 and requests that, before undertaking any establishment works, Natural England and the local access authority consult with the Historic Environment Adviser at Lincolnshire County Council to seek further advice on any potential impacts and mitigation.

# Annex B: Revised map 2d

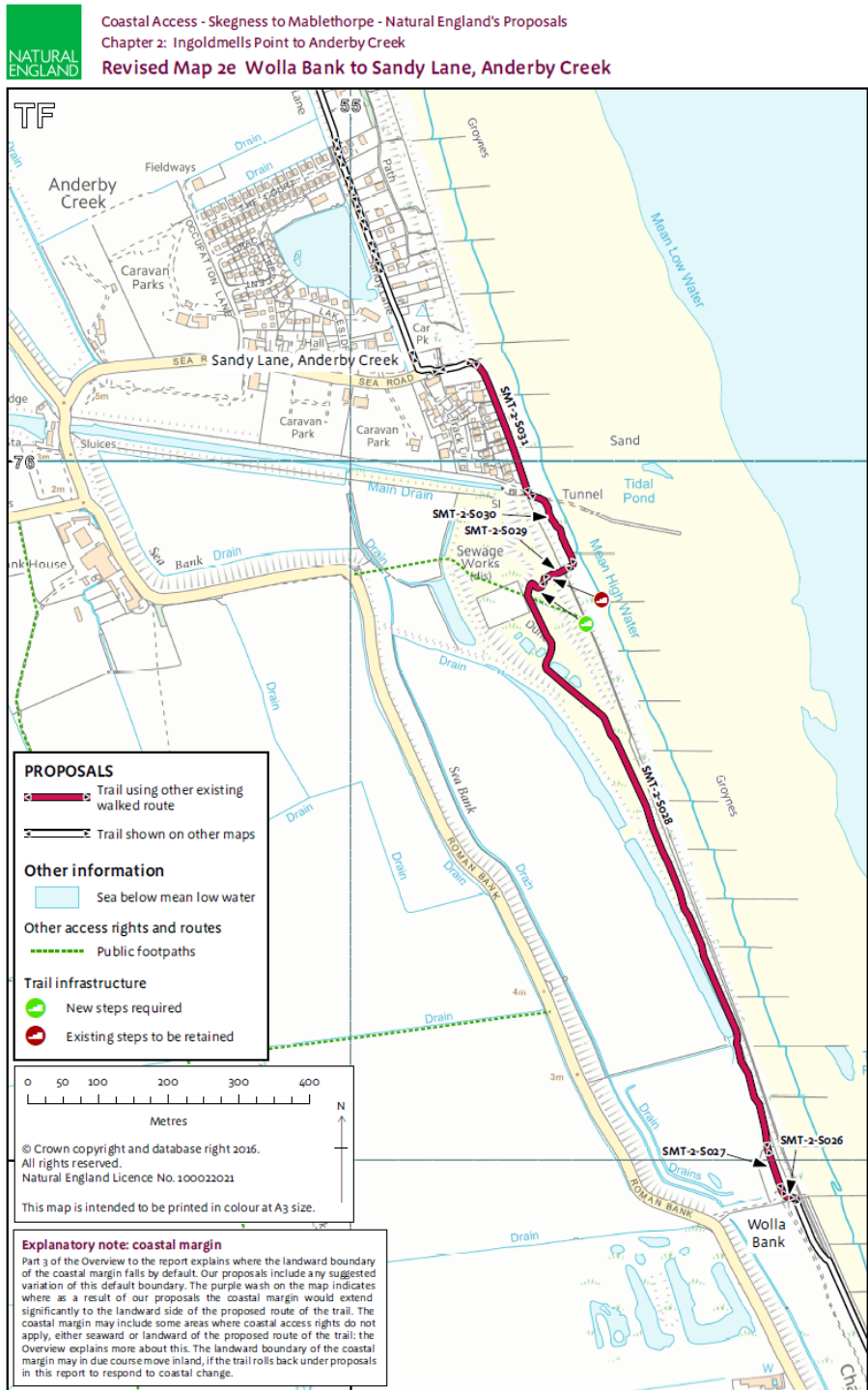
This is the approved revision of map 2d in Natural England's original coastal access report.



Revised Map 2d Chapel Point to Wolla Bank

# Annex C: Revised map 2e

This is the approved revision of map 2e in Natural England's original coastal access report.



Revised Map 2e Wolla Bank to Sandy Lane, Anderby Creek

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