

Coastal Access Report – Sussex Shoreham-by-Sea to Eastbourne



Representations with Natural England's comments

1. Introduction

This document records the representations Natural England has received on this report from persons or bodies. It also sets out any Natural England comments on these representations.

2. Background

Natural England's report setting out its proposals for improved access to the coast between Shoreham-by-Sea to Eastbourne was submitted to the Secretary of State on Thursday 27 September 2018. This began an eight-week period during which formal representations and objections about the report could be made. A representation about the report could be made during this period by any person on any grounds and could include arguments either in support of or against Natural England's proposals.

In total Natural England received 11 representation, of which 3 were made by organisations or individuals whose representations must be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These 'full' representations are submitted in their entirety here together with Natural England's comments where relevant. Also included is a summary of the 8 of representations made by other individuals or organisations, referred to as 'other' representations.

Before making a determination in respect of a coastal access report, the Secretary of State must consider this document relating to 'full' and 'other' representations.

No further representations were received after the period of eight weeks beginning with the date on which the report was first advertised on Natural England's website.

3. Full representations and comment record

Representation number	MCA\Shoreham to Eastbourne\R\5\SEB1264
Organisation/ person making representation	Redacted , The Ramblers' Association
Report chapter	Chapter 3, Map 3d
Route section(s)	SEB-3-S046 to SEB-3-S049
Representation in full	
<p>Firstly, we would like to congratulate Natural England on producing an excellent set of proposals in such a clear and detailed report.</p> <p>The proposed route of the coast path is near to the unfenced cliff edge in places along these sections and may pose a risk to walkers, especially as erosion occurs. These cliffs are not protected by a sea defence.</p> <p>We estimate there are at least seven places where the path is within 3m from the edge. There are a few warning notices, but if the proposed route goes ahead more should be installed. The landward existing paths are safe to use, but without sea views.</p>	
Specialist input <i>Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.</i>	
Natural England's comments	
<p>We welcome the involvement and support the Ramblers have offered throughout the development of these proposals.</p> <p>The representation suggests that there is a risk to walkers where the trail route is close to the edge of the unprotected cliffs to the west of Newhaven. The Ramblers' Association recommends more cliff edge warning signs between sections SEB-3-S046 to SEB-3-S049.</p> <p>This route along the clifftop provides seaward views along the coast, towards Brighton to the west and towards Seaford Head in the east. Natural England worked with East Sussex County Council and Lewes District Council to identify the proposed trail alignment here, which follows a public right of way and an established, existing walked line. When we visited the stretch, no specific safety concerns were raised, as the risk of the cliff edge is evident along this open stretch of coast. Where more unforeseen erosion events and landslips do occur, due to a different and localised type of geology near Newhaven Heights (section SEB-3-S050), there is a sign to remind people to keep back from the cliff edge.</p> <p>The proposed route follows an existing walked line, one of many paths that follow the top of the chalk cliffs along the Sussex coast. In general, people find their own route and create a walked line along these open, undeveloped stretches of cliff top and these paths adjust and migrate inland over time with the changing cliff edge. The proposed rollback along this stretch will facilitate this informal migration, especially in those few areas (for example at section SEB-3-S049) where inland migration will, in future years, be limited due to a holiday park located close to the cliff edge. In this instance, a rollback route will take walkers landward of the holiday park when it is no longer feasible and safe to retain the cliff edge route.</p> <p>In light of the Ramblers comments and the sometimes rapid nature of coastal change along the chalk cliffs, we will revisit this specific part of the coast again with East Sussex County Council's Rights of</p>	

Way Team, after the plans have been approved by the Secretary of State. We can then establish whether any rollback or other access management is required here, prior to the path's opening - such as clearing vegetation to allow a wider path to form where the trail is close to the edge. We will also discuss signage, although new fence posts are generally kept to a minimum along chalk cliff tops, to help reduce additional erosion points.

Representation number	MCA\Shoreham to Eastbourne\R\7\SEB0256
Organisation/ person making representation	Redacted , West Sussex County Council
Report chapter	Chapter 1
Route section(s)	SEB-1-S001 to SEB-1-S042 (sections within West Sussex)
Specialist input <i>Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.</i>	Redacted (England Coast Path GIS Senior Adviser, Evidence Services, Geographic Information Services, Natural England) provided feedback on the presentation of Report proposal maps (WSCC comment).

Note that due to the length of this representation and that it addresses a number of points, Natural England's comments are presented interleaved with the representation following the relevant comments. Natural England's comments are presented in italics.

Natural England's comments

Alongside some specific comments on the Shoreham-by-Sea to Eastbourne (SEB) proposals, the West Sussex County Council (WSCC) representation also includes a number of other comments, previously submitted following the publication of the East Head to Shoreham (EHS) proposals in September 2017. Natural England met with WSCC to discuss their concerns over EHS and we came away from that meeting satisfied that we had provided full answers to the general questions below. We also provided Defra with our comments on those representations in September 2018.

Below, we have addressed the specific comments on the Shoreham-by-Sea to Eastbourne proposals and have gone on to add our comments again on the general statements from WSCC's earlier representation.

From the outset of the development of the Shoreham-by-Sea to Eastbourne proposals we have worked closely with WSCC's Access Ranger and Highways Team to review our developing proposals and advise on any proposed infrastructure. We appreciate their input on the 4.7km stretch of the proposed route that lies within West Sussex.

Future Route Development

West Sussex County Council continues to require that the establishment of the ECP does not preclude any future improvements to the Local Highway. For example: Potential future cycling infrastructure on the south side of the A259 between Adur Ferry Bridge and the Brighton and Hove border may involve minor changes to kerb alignments, crossing points and the positioning of the footway. The Western Harbour arm redevelopment sites may also result in minor changes to crossing points/kerb alignments, so the Coast path proposals should not preclude these changes coming forward (for example the informal crossing island by Kingston Wharf (Map 1b) positioning may change).

The presence of the England Coast Path does not prevent any landowner developing or redeveloping their land in the future (see The Scheme, paragraph 5.5.4).

In the preparation of the report, we discussed the planned flood defence improvements and major ongoing developments in the Shoreham area with Adur District Council, WSCC Highways and the Shoreham Regeneration Partnership. The future improvements to cycleways and walkways along the Western Harbour Arm will offer significant benefits to pedestrians and create an opportunity to realign the England Coast Path onto new off-road walkways next to the river and away from the current

proposed alignment along the busy A259. The timescale for these developments was unclear at the time of publishing the report, and in Chapter 1, Future changes (paragraphs 1.1.22 – 1.1.23) we highlight the aspiration to review the progress of these developments and realign the trail away from the A259, when appropriate, through the preparation of separate variation report/s.

Natural England would welcome the opportunity to engage with West Sussex County Council early in their development of any future highway and cycleway improvement schemes. Through early discussions it is hoped it would be possible to ensure that a suitable route for the path is incorporated into these plans.

Archaeology and Heritage

“Protection of the Historic Environment” is considered in the Overview report (Section 6(c) – Other Considerations”). Local officers of Historic England and East Sussex County Council were consulted in this regard, although not officers of West Sussex County Council.

Natural England rightly have paid particular regard to Scheduled Monuments (page 35), which are historic sites of the highest significance, and often completely below ground, and so especially worth taking into account in case of any reservation for future “rollback” of the coastal access trail, to address coastal erosion. In the section of the trail in West Sussex, there are no Scheduled Monuments close by, and so this is not a key issue for this County.

It is not clear from the report whether other designated historic sites, such as Listed Buildings and Conservation Areas, were considered in Natural England’s assessment – i.e. Shoreham Conservation Area, which the trail would pass through, and Kingston Lighthouse (Grade II Listed Building), which the trail would pass very close to.

In respect of West Sussex, the report’s conclusion that the proposals “would not undermine the conservation objectives for the historic environment within the Shoreham-by-Sea to Eastbourne stretch” is justified. The sections of coastal access trail footpath that would pass close to significant historic sites in West Sussex would follow the existing public footway, and so the current proposals should have no impact on the historic sites or their settings here (Chapter 1, 1.2.1 Table and maps 1a-1d).

Finally, and in a wider context, the proposals are welcomed for their offering fresh opportunities for coastal access trail walkers to explore the historic heritage of Shoreham, Kingston and Southwick.

Historic England provides Natural England with information covering a range of historic designations from Scheduled Ancient Monuments to Listed buildings. We reviewed all these historic designations along this stretch with local officers at Historic England during the development of our proposals and they did not raise any concerns in relation to the area within West Sussex Council’s jurisdiction. Adur and Worthing Councils also reviewed the developing proposals and Natural England will engage with their local Conservation Area officers as well as West Sussex County Council during the establishment phase of the project to ensure that the locations of and types of signage developed are suitable for use within the Shoreham-by-Sea Conservation Area and in proximity to Kingston Lighthouse.

Below are the 40 points raised as part of the West Sussex County Council representation on the 2017 East Head to Shoreham proposals. WSCC requested that these comments also apply to this stretch and we have addressed them below:

Roles and responsibilities

1. WSCC is both the local access authority (LAA) and the local highway authority (LHA) for this section of the ECP. *Noted*
2. The routing as proposed by NE will follow a number of private roads and streets. As these are not recorded on the Highways Gazetteer, the legal record of publically maintainable highways, the LHA has no duty to maintain their surfaces. NE has shown a number of sections of the ECP following private roads and streets to be ‘Trail using an existing public right of way or highway’; this is therefore incorrect. WSCC require NE to review and revise the entire length of

the ECP EHS section so as to accurately record its intentions and the LHA's interests. In the event this is not completed accurately, future issues arising will be referred back to NE.
These specific comments on incorrectly recorded private roads do not apply to this stretch.

3. WSCC suggests that future iterations of maps use an adjusted key. The colours used for both 'Trail using existing public right of way or highway' and 'Trail using other existing walked route' are too similar and do not contrast sufficiently to readily and easily identify the differing status.
This comment was fed back to our Mapping Unit when it was made in relation to the East Head to Shoreham proposals. Since changing these colours a few years ago and more recently moving to online maps rather than printed versions, we consider the difference between the colours is adequately clear.

Status of the new England Coast Path

4. WSCC understands the sections of the ECP created on land currently not considered public highway will not create new public highway. The ECP, when outside of existing public highway, will be considered the equivalent of Access Land, i.e. the land will remain in someone's private title with a public walking access right over it and with a duty of maintenance from the LAA. Should landowners in future have issues arising from creation and/or use of the ECP, these will be directed to NE for response.
NE hopes that WSCC and its partners will follow the example of other local authorities and form a Trail Partnership designed to manage the ECP and resolve any issues such as this, to ensure the path is well maintained and secured for the future. The expectation – both practically and statutorily - is that the day to day management of the ECP National Trail (including maintenance of structures where needed) is undertaken by the Access Authority following formal completion of the route. This work is supported by Natural England grant aid which is allocated on an annual basis. Where the ECP does not follow the line of a PROW local agreements can be put in place between the local authority and landowners as part of creation works for the future maintenance of structures, depending on local circumstances.

Funding

5. NE has outlined its expectation that the ECP will be established at a cost of £112.5k. All incurred establishment expense will be borne by NE.
Agreed. In the case of the Shoreham-by-Sea to Eastbourne proposals, the cost is estimated at £46,067.
6. NE has suggested £27.7k will be needed annually to maintain the EHS length to the national quality standards. No detail has been supplied as to how this sum has been calculated. This detail needs to be shared with WSCC to enable it to agree whether or not this is a realistic sum for annual maintenance costs. If this was agreed for the first year, the sum needs to be index-linked to continue to meet the costs of on-going annual maintenance.
The ECP is part of the family of National Trails and wider arrangements for their funding and management apply to it as appropriate. NE explained the funding and maintenance arrangements with WSCC, after their initial representation on East Head to Shoreham proposals and we believe that they understand and accept Natural England's position about the funding arrangements. We will ensure that links are made to NE's National Trails team during the establishment phase of the ECP and hope that a Trail Partnership will be formed to manage the ECP and to ensure the path is well maintained and secured for the future.
7. WSCC acknowledges it is expected to deliver on-going maintenance of the ECP. The report details that NE will provide on-going funding subject to match funding by the Authority, at a rate of 3:1, i.e. NE to provide £21k when WSCC commits £7k for annual maintenance.
This ratio was correct at the time of SEB report publication in September 2018 and correspondence was also circulated to Trail Partnerships and Access Authorities explaining how maintenance budgets will work for the 2019/20 financial year.
8. WSCC is mindful that, as more and more of the ECP is established and so requires maintenance, NE will need a proportionately increased budget to support maintenance.

Without this funding increase, those LAAs expected to maintain the ECP could be exposed to an overspend liability; WSCC will only undertake future maintenance works once NE has confirmed its funding commitment. *Noted.*

9. NE has indicated its future funding of the ECP will only be through its funding commitment to the National Trails family. In the event NE is unable to continue the maintenance funding for the ECP at the ratio 3:1 stated above, WSCC will be unable to fund the shortfall and this could result in an inability to meet the standards of maintenance expected for a National Trail. *Noted.*

Establishment

10. The Report to the Secretary of State does not specify whether NE or WSCC will deliver the necessary works. WSCC encourages NE to deliver the works to establish the ECP, including consultation with various landowners and occupiers, given it has undertaken enquiries with various parties in forming the proposal and is familiar with the standard the ECP will be provided to. This is however subject to prior consultation with WSCC and receiving its support. *The government's statutory methodology (the Coastal Access Scheme) recognises that the access authority will typically undertake any establishment works necessary to make the trail fit for use as the ECP and to enable users of it to be clear and confident about its alignment on the ground. This is a model that has been successfully and universally adopted throughout the country. NE continues to hope that WSCC will see the value of being involved in the establishment works for this and other stretches of the ECP, as funding can be provided from Natural England. WSCC has the expertise and local knowledge to undertake the works in a manner that sufficiently ensures their expectations are met. NE does not have the necessary resources to deliver the works itself (the Scheme does not envisage this), however if agreement cannot be made then we will seek to work closely with WSCC to identify a suitable body or organisation to carry out the works.*
11. Improving accessibility is a key aim of the WSCC Local Transport Plan and listed as a key indicator within the National Trail Quality Standards. WSCC encourages accessibility to be improved for all users, be they in a wheelchair or using a pushchair, a cyclist, dog walker, skateboarder or other. Consideration should be given to accessibility to the beach for all users, where the surface remains as shingle. *Noted. We have considered accessibility along the whole Shoreham-by-Sea to Eastbourne stretch and the proposed route within West Sussex mainly utilises well used pavements and public footpaths.*
12. In addition to works already identified by NE, WSCC recommends works as below to address specific areas of congestion and conflict (widening is dependent on feasibility studies, local consultation, land ownership, environmental factors and ecological factors). WSCC would be interested to know if NE can include these as part of the establishment works and, if so, whether NE has the funds to deliver. *The various areas that were listed in the original representation are not relevant to this stretch.*
13. Any new structures, such as kissing gates, proposed to be sited within an existing highway boundary will need to be sited with lawful authority. NE must make appropriate application to WSCC in its capacity as LHA and receive its consent prior to installation. *NE has worked closely with WSCC Highways and Access Ranger staff to identify any necessary infrastructure and signage along the 4.7km stretch within West Sussex. As per our comments at point 10, we continue to hope that WSCC will be involved in the establishment works and so could ensure all the necessary consents and applications are made.*

Maintenance

14. The level of maintenance to be delivered by the LAA / LHA will be to ensure the route is suitable for the intended purpose by users exercising their rights properly and reasonably. *Noted*

15. Creation of the ECP will require increased regard from WSCC in the form of additional maintenance on those sections of the ECP following existing public highways, e.g. to new signs. It will also expand WSCC's role as LAA to sections of the ECP that are not public highway and to new furniture on those sections, such as kissing gates (WSCC do not manage gates as part of its existing PROW service). *Noted*

16. WSCC will not accept responsibility for a sub-standard path delivered to it. WSCC recommends that a process is established as part of any handover practice and agreed with WSCC prior to implementation of any works by NE. A process similar to that followed when adopting a road is suggested.

WSCC is already fully involved in decision making but we would hope they are involved in the establishment of the path to ensure their prescribed standards are met.

17. WSCC recommends NE produces and agrees with WSCC an easy-to-read guide detailing the differences between the Highways or PROW standards and the National Trail standards. *NE have shared our National Trails standards document and have dedicated National Trails Partnership Managers that are available to discuss any aspect of National Trail Standards.*

18. In due course it can be reasonably expected that issues of encroachment or other fault by landowners / occupiers, including default of any agreement established by NE to create the ECP, will occur and will require resolution by WSCC. In essence the issues will be similar to issues found and managed around the existing public highway network but, given the differing status of the ECP to public highway, could likely require more specialist support to investigate legal issues and decide on appropriate mechanisms for resolution. There are provisions for LAAs to recover reasonable costs from landowners incurred when acting to protect the ECP. NE is requested to confirm it has conveyed guidance to landowners / occupiers as to their on-going duties and responsibilities, and shares this with WSCC as it may need to refer to this in future.

Guidance for landowners and the public is provided on gov.uk: <https://www.gov.uk/guidance/manage-your-land-on-the-england-coast-path>

Public safety and convenience

19. The National Trail Standards state a "Presumption of routes being traffic free". Between Worthing and Shoreham especially, the route is heavily used by cyclists. It is unclear if cyclists are included in the definition of traffic. Many of these cyclists are commuters who will cycle at faster speeds than cyclists using the path for leisure. There have been ongoing issues with conflict between users on this section of path. WSCC would like to know what communication NE has had with cycling and other user groups in order for WSCC to be aware of the level of knowledge and expectation that may be held by those groups.

NE has had no conversations with cycling groups specifically, however on the small sections of multi-user path in the West Sussex section of the Shoreham-by-Sea to Eastbourne proposals, there is already an existing understanding of sharing these sections of path.

20. WSCC recommends the promotion of certain sections of the path as "routes for all users" – Littlehampton Eastern Bank has been improved for people in wheelchairs and people using pushchairs. This would also alert walkers to the presence of cyclists, skateboarders and others.

The access authority can choose to do this and we would be happy to work with WSCC to incorporate these messages in to any new signage where appropriate within the Shoreham-by-Sea to Eastbourne stretch.

21. The section at Medmerry Cliffs (EHS-2-S035) is proposed to run between the cliff edge and the landowner's fence. WSCC officers have already highlighted to NE its concern for the safety of future path users as this section of coast is subject to active erosion, typically undercutting the cliffs that later, and without prior warning, fall onto the beach. NE has decided to retain this

route within its proposal. WSCC is concerned for the potential of accident or injury for walkers and strongly recommends NE reviews its proposal before agreeing and implementing measures to the satisfaction of WSCC and the landowner.

This comment is not relevant to this stretch.

22. Recent activity following Storm Brian has resulted in significant change to the coastline east of Elmer. It is highly likely erosion will continue along this stretch of coastline so it is recommended this section is reviewed by NE and WSCC prior to establishment of the ECP in order to determine how the ECP can be provided in future with safety, security and convenience in mind.

This comment is not relevant to this stretch of mainly urban and well-defended coastline.

Signage

23. The proposals do not provide detail about locations and specification of signs. Signs like this don't fall into the WSCC priority criteria of safety or regulatory and are potentially another resource implication. The style of signage, including any fixings, must be agreed with WSCC in advance of installation. It is recommended that NE avoid signs and markings that are visually intrusive or could cause a hazard to cyclists who may be using the path at night time with no street lighting.

NE discussed the proposed waymarking sign locations with WSCC's Access Ranger and Highways officers during the development of the Shoreham-by-Sea proposals. We also provided WSCC with the relevant GIS files showing the proposed locations. We will continue to work with WSCC regarding details for the signs, including their detailed location, design, materials and text. We do not include location of signage in the reports due to how cluttered it would make the maps. As per point 10, we continue to hope that WSCC will take an active lead in the establishment works and so therefore have oversight on all infrastructure.

24. Interpretation boards are proposed at a number of locations. In a harsh coastal environment these will be prone to bleaching or rapid oxidation if there are any metal components. They take time and money to design and produce and they can be a target for vandalism. In addition, they can be seen as introducing visual clutter. There is already a lot of street and sign clutter and WSCC does not support the new national trail adding to the problem. In addition, some people object to any manmade objects (such as signage) being introduced to the environment at all. NE should encourage use of QR codes or other modern technology instead of interpretation boards to promote the ECP. This will also help minimise the on-going costs of management and support the increasing trend to use of mobile technology.

The Shoreham-by-Sea to Eastbourne report does not contain any proposals for interpretation boards in West Sussex.

Future route development

25. As the route is more widely promoted, it will become more popular and there will be sections along the route that will need to be widened to accommodate increased congestion. NE is requested to identify whether a change to surfacing of part of the ECP will require its formal consultation and / or agreement, and what additional funding will be made available to meet the costs.

NE would require details as to where the access authority believes the ECP will need widening, as currently the existing path width is considered sufficient.

26. The West Sussex Walking and Cycling Strategy 2016–2026 contains a list of over 300 potential new routes suggested by local stakeholders. The routes have been prioritised for future delivery subject to feasibility work and the identification of funding. WSCC is therefore keen to ensure that the existence of the ECP should not preclude the potential to upgrade such sections of these routes in order to facilitate cycling as well as walking. NE should clarify it does not need to grant express permission for WSCC to develop and deliver a scheme that is on part of the ECP.

It is suggested that any major upgrade to the trail for multi-use should be communicated to NE's National Trails team as part of consultation before works are carried out. However the decision to dedicate routes as multi-user or for other higher rights sits with the landowner and the presence of the ECP doesn't prevent landowners from developing their land as they see fit.

27. WSCC recommends the avoidance of any restrictions placed on the new path to preclude any future cycle path proposals.

No such restrictions are proposed in the Shoreham-by-Sea to Eastbourne proposals.

28. NE must provide a shapefile accurately detailing the final alignment, widths, surfacing, all infrastructure and the LHA's interests along the ECP, enabling WSCC services to enter this data easily into their management systems.

NE is happy to ensure up to date GIS shapefiles continue to be shared with WSCC.

WSCC as landowner

29. WSCC is a landowner for part of the proposed ECP. It understands that once the ECP is provided, and where the route is not already a public highway, landowners will hold a limited occupiers liability. This is understood to be that a person accessing the land is no longer classed as a visitor and the landowner will not be liable for risk resulting from any natural feature of the landscape, river, stream, ditch or pond nor a risk of injury when passing over, under or through any wall, fence or gate, except by proper use of the gate or stile; however, the landowner / occupier remains liable for any of their actions that deliberately or recklessly create a risk on their land. On this understanding, WSCC does not as landowner raise objection to the proposed route of the ECP.

Noted.

Other landowners

30. In managing the ECP, WSCC expects it will need to contact various landowners / occupiers at certain times. WSCC requests data on all the landowners / occupiers along the ECP to assist it to identify and approach these parties in future as necessary.

We can provide such details to support establishment works.

Environment

31. Local Wildlife Sites (LWS) have been omitted from the consultation. Known locally (county) as Sites of Nature Conservation Importance (non-statutory, locally designated sites of high ecological value).

Local Wildlife Sites were included, named and considered within the Access and Sensitive Features Appraisal (ASFA) for the Shoreham-by-Sea to Eastbourne stretch. There are no Local Wildlife Sites within the West Sussex section of this report.

32. Thus the ecological impacts are not fully understood and WSCC recommends NE re-assess the proposal in the knowledge that non-statutory assets and the sensitive receptors therein may be affected. WSCC requests to be advised of NE's consideration prior to any implementation works being delivered.

This comment is not applicable for the Shoreham-by-Sea to Eastbourne Stretch as wildlife sites were fully considered.

33. The data for these sites is held at the Sussex Biodiversity Record Centre.

Noted

Heritage

34. NE has looked at whether the scheme would have any impact upon protected sites (in the case of the historic environment this would mean monuments scheduled under the 1979 Ancient Monuments and Archaeological Areas Act or designated heritage assets as defined in the

NPPF glossary). No protected / designated heritage assets are directly affected by the proposals. However, it is felt NE has focussed very much on the natural environment with only a passing reference to historic sites. Clarification is needed on how much involvement there has been from Historic England.

Historic England provides Natural England with information covering a range of historic designations from Scheduled Ancient Monuments to Listed buildings. We reviewed all these historic designations along this stretch with local officers at Historic England during the development of our proposals and they did not raise any concerns in relation to the area within West Sussex Council's jurisdiction.

35. There is mention of placement of interpretation boards at either end of sections of coastal path and suggested topics (mostly reflecting the wildlife and vegetation) but little reference to the historic environment. At the same time there are stretches of the coastal path, particularly in sections 4, 5 and 6 where there are sites of, or in situ physical remains of, World War Two anti-invasion defences such as pill boxes and concrete anti-tank blocks. In some cases the anti-tank blocks may have been shifted slightly to be incorporated in later sea defences but are now vulnerable to the harsh and dynamic environment on the coastal margins. Although these remains are not protected as being of national importance (therefore non-designated heritage assets as defined by the Framework), it is felt it is a missed opportunity to link the path works with some minor stabilisation for such features. If required, more detailed site specific information could be supplied from the WSCC Historic Environment Record (HER) database.
This comment is not relevant to the Shoreham-by-Sea proposals.

36. NE is asked if it is open to adapt signage in this way, also to undertake additional works to maintain local heritage.

There is no funding available for the ECP to maintain local heritage.

Promotion

37. WSCC recommends any promotional material developed by NE should make it clear to people that there are pinch points along various sections of the ECP, such as along NCN2 / SCCR, and that routes such as that are also used as a utility route and can be very busy.

Noted

38. The ECP, along with the associated TV programmes and other promotions, will attract people to the West Sussex coast. Whilst WSCC supports the promotion of walking and the idea of attracting tourists to the area, it does not want to encourage car use in a part of the country where the roads are already heavily congested (e.g. A27 and A259). It is recommended that NE looks to promote connections to public transport to users of this path so as not to generate more vehicle traffic in the area.

Noted. We would recommend WSCC, their partners and any future Trail partnership to work with us and our National Trails promotion partner 'Walk Unlimited', in particular to maximise the opportunities afforded by the National Trails website to promote the new trail, local services and facilities.

39. The above said, some car use is inevitable and recommended connection points and parking locations to the path should be designed to cater for this in materials developed by NE.

Noted

40. WSCC welcomes the opportunity to work with NE to inform it in developing suitable materials.

Noted

Representation number	MCA\Shoreham to Eastbourne\R\11\SEB0024
Organisation/ person making representation	Redacted , Royal Society for the Protection of Birds
Report chapter	All

Route section(s)	N/A
Representation in full <i>Record the representation here in full. Do not summarise.</i>	
<p>The RSPB is pleased to have been consulted throughout the different implementation stages of this stretch.</p> <p>We have reviewed the final report and we are content with the proposed path for the stretch from Shoreham-by-Sea and Eastbourne in Sussex.</p> <p>We are content with the wildlife sensitivity assessment undertaken and the level of restrictions put in place to safeguard the relevant areas for birds.</p> <p>In 2017 the RSPB was informed that geographic representation of restrictions under Section 25 and 26 would be available on Magic.gov which has not been implemented yet. Equally the National trail website still doesn't display restrictions on their online map. We find important to have accurate map representations available online for those who either prefer to prepare in advance or exhibit a preference in using these communication channels. Given the technological advancements, the RSPB also thinks it would be prudent that the ECP considers the development of a mobile application.</p>	
Specialist input <i>Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.</i>	Redacted , Senior Adviser for Open Access advised on the availability of direction maps online.
Natural England's comments	
<p>Natural England welcomes the RSPB's view on the Access and Sensitive Features Appraisal undertaken on this stretch and the level of restrictions applied.</p> <p>In regard to the comments on the geographic representation of s25 and s26 restrictions online, Natural England has a statutory duty to display, on the internet, restrictions given under the Countryside and Rights of Way Act 2000 which it does on this website: http://www.openaccess.naturalengland.org.uk/wps/portal/oasys/maps/MapSearch</p> <p>In addition, any restriction relating to the trail of the England Coast Path which creates a significant diversion for walkers may be shown on the National Trails website: https://www.nationaltrail.co.uk/</p> <p>While the coastal margin associated with the England Coast Path is shown on Magic.gov, it has never been intended by Natural England to show section 25 and 26 restrictions on this site. We apologise for any misunderstanding that has arisen on this matter.</p> <p>Restrictions are not shown on Magic because that website does not have the functionality to display all types of restrictions dynamically, especially when they are date specific, whereas http://www.openaccess.naturalengland.org.uk/wps/portal/oasys/maps/MapSearch has been specifically developed to do so. Restrictions should also be signed on the ground. At this stage there are no plans to develop a mobile application for the representation of the ECP but we will keep the situation under review.</p>	

4. Summary of 'other' representations

Chapter 1:

Representation number:	MCA\Shoreham to Eastbourne\R\1\SEB0035
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Organisation/ person making representation:	Redacted , Brighton Marina Co Ltd
Route section(s):	Chapter 2, Map 2e: Kemp Town to Brighton Marina (sections SEB-2-S029 to SEB-2-S033)
<p>Summary of representation: Brighton Marina Ltd are owners and Estate Managers of the land at Brighton Marina including a section of the proposed route. The area of land crossed by the path is expected to be developed in future and they retain an absolute right to require that the route of the path be subject to alteration to accommodate any future development plans for the area. In addition, the proposal for the path to cross their land, or indeed its future existence should be specifically noted to not constitute a valid reason for objection to any future development plans for Brighton Marina.</p>	
<p>Natural England's comment: The representation suggests that there is likely to be future development at Brighton Marina which may affect the proposed alignment of the England Coast Path. They comment that the location of the trail should not be a reason for an objection to planning permission in the future. Coastal access rights do not in themselves prevent any land from being developed or redeveloped in the future, however we recommend that the Brighton Marina Co Ltd consult the local planning policy guidance for details of the local planning authority's approach to access provision. The plans highlighted for future development across the proposed ECP alignment were not developed at the time of the report's publication and if a new route is required as a result of any future planning permission, this would be proposed through a separate variation report, submitted to the Secretary of State (see Scheme section 5.5.4). We would welcome early discussions with the landowner to look for opportunities to provide a suitable route within any future plans for the Marina, and to consider how to accommodate any temporary disruption to the path during the development phase, through informal access management or a temporary diversion. In summary, if the trail route is required to be altered due to future development, then a variation report will be provided to the Secretary of State.</p>	

Representation number:	MCA\Shoreham to Eastbourne\R\2\SEB1256
Organisation/ person making representation:	Redacted , Newhaven Town Council
Route section(s):	Chapter 3, Map 3e Proposed coastal margin land at Castle Hill and Fort Road Recreation Ground landward of route sections SEB-3-SO53, SO54, SO55 and SO56FW
<p>Summary of representation: Newhaven Town Council supports the proposed inclusion of this land in the coastal margin.</p>	
<p>Natural England's comment:</p>	

Natural England welcomes Newhaven Town Council's support of the proposed inclusion of additional landward coastal margin.

Representation number:	MCA\Shoreham to Eastbourne\R\3\SEB1256
Organisation/ person making representation:	Redacted , Newhaven Town Council
Route section(s):	Chapter 3, Map 3f Proposed route between SEB-3-SO71 RD and SEB-3-SO78 FP

Summary of representation:

Newhaven Town Council would prefer the route to follow the footpaths landward of Mill Creek (or alternatively McKinley Way/Port Access Road) and would welcome the inclusion of land at Ouse Valley Nature Reserve in the coastal margin as it feels this provides a more attractive route and one which includes views of salt marsh.

Natural England's comment:

In relation to the preference for the route to follow the footpaths landward of Mill Creek (or alternatively McKinley Way/Port Access Road):

During the development of Natural England's proposed route, we considered a number of options in this area. These included aligning the trail along the Vanguard Way - a public right of way directly landward of Mill Creek and also aligning along another right of way (close to McKinley Way), landward of the railway line. However, we considered that, on balance, the proposed route was favourable as it provides a route that is closer to the coast, with distant views of Newhaven Fort from Beach Road and a more direct route back to the open coast. It also provides an additional ~0.5km walk along a well-established beach path, close to the sea, which features interpretation boards that include information about the local area and the route offers clear and extensive views of the coastline and a more coastal feel than the Mill Creek or more landward options.

Our proposals normally reflect the use of affected land at the time we submit our report. We recognise that there is significant development within this area, and we have highlighted in the proposals the potential need, in the future, to submit a variation report to the Secretary of State if the proposed trail is affected by Port Access Road developments into Newhaven Port. We will be seeking early discussions with both Newhaven Port Authority and ESCC on the opportunities to incorporate the trail within any further Port Access Road plans and the scope for necessary temporary diversions of the ECP during the periods of upcoming development.

In undertaking any variation report, we would also consider any new opportunities and route options provided by the development in the area.

In relation to 'The inclusion of land at Ouse Valley Nature Reserve in the coastal margin':

The Ouse Valley Nature Reserve was not discussed as potential landward coastal margin with the landowner, as it is significantly away from the proposed trail alignment in the area. Landward coastal margin needs to be adjacent to the trail or other coastal margin and the Nature Reserve here is separated from the proposed trail by a railway line as well as Mill Creek. It is therefore not currently possible for the land in question to become coastal margin. However, access rights could still be conferred on the area in perpetuity, if the landowner is

willing to 'dedicate' the land as open access under section 16 of the Countryside and Rights of Way Act 2000 (CROW).

If Newhaven Town Council are interested in pursuing an open access dedication with the landowner of Ouse Valley Nature Reserve, Natural England can provide more information about the process.

Representation number:	MCA\Shoreham to Eastbourne\R\4\SEB1256
Organisation/ person making representation:	Redacted , Newhaven Town Council
Route section(s):	Chapter 3, Map 3e Proposed route between SEB-3-SO58 and SEB-3-SO64FW
Summary of representation: Newhaven Town Council supports the proposed route along West Quay and Riverside in preference to the alternative route shown on the map along Fort Road and Chapel Street.	
Natural England's comment: We welcome the support for our proposed trail alignment along West Quay and Riverside, Newhaven. Our proposals include both an ordinary route (along West Quay) and an 'optional alternative route' along Fort Road and Chapel Street. The latter route would be available for the public to use at times when the West Quay and Riverside route is unavailable or unsuitable due to the periodic flooding that occurs in the area. This optional alternative route was proposed along Fort Road and Chapel Street after discussions around tidal flooding in this area with Lewes District Council.	

Representation number:	MCA\Shoreham to Eastbourne\R\6\SEB0037
Organisation/ person making representation:	Redacted , Barons Bay Ltd
Route section(s):	Chapter 3, Map 3e, section SEB-3-S058
Summary of representation: Barons Bay Ltd is landowner of Newhaven Marina. Their representation was originally an objection, submitted on 7 November 2018, however following a meeting with Barons Bay Ltd, their architects and Natural England, it was then withdrawn on the 15 November 2018 (see below), with the proviso to treat it only as a representation that care be addressed for the future in terms of their marina redevelopment where this may or may not impact on the route.	
Original basis for objection (extract from objection form) Barons Bay Ltd is the owner of the land at Newhaven Marina and objects to the proposal to route public access through the roadway currently adjacent to the marina at point SEB-3-5058 and which route is shown coloured brown on the plan annexed to this document. Such a proposal does not strike a fair balance between the interests of the public and the freeholder because:	

1. The walks route will go adjacent to boats and boating equipment and plant which will cause a potential safety hazard. There is no security fencing which would prevent members of the public straying on to the Marina proper and potentially injuring themselves.

2. The marina is likely to be re-developed in the short to medium term and this roadway will then no longer exist but may be replaced by an alternative roadway which again, will need to be made secure to protect the interests of people residing in the Marina. The proposed development will be mainly residential and hotel in nature.

Natural England's comment:

The trail at section SEB-3-S058 is along a privately owned pavement, landward of Newhaven Marina and separated from the boats and boating equipment by the harbour wall. The Marina also has a boat storage area landward of the proposed alignment and there is an existing arrangement for boats to be periodically taken across the walkway to the Marina, which would continue if the proposals are approved. The proposed trail in this area overlooks the Marina between West Quay and Fort Road and is already well used as it follows the Seahaven Coastal Trail, a long distance walk between Exceat at Cuckmere Haven and Saltdean.

With regard to future plans for Newhaven Marina, coastal access rights do not prevent any land from being developed or redeveloped. The Marina plans were not developed at the time we published our proposals, however if a new route is required as a result of any future planning permission, this would be proposed by Natural England through a separate variation report, submitted to the Secretary of State (see Scheme section 5.5.4).

We would welcome early discussions with the landowner to look for opportunities to provide a suitable route within any future plans for the Marina. Following our meeting on 15 November 2018, we understand the plans may offer an opportunity for a quayside walkway through the marina which would improve on our current proposals. We would also discuss how to accommodate any temporary disruption to the path during the development phase, through informal access management or a temporary diversion.

Representation number:	MCA\Shoreham to Eastbourne\R\8\SEB1276
Organisation/ person making representation:	Redacted , Brighton & Lewes Downs Biosphere Partnership
Route section(s):	All of Chapters/Maps 1, 2 and about two-thirds of Map 3 (as far east as the SDNP boundary by Mill Drove, section SEB-3-S082 FP) The undercliff walk: sections SEB-2-S032 to SEB-2-S049
Summary of representation:	Brighton & Lewes Downs Biosphere Partnership is supportive of this section of the England Coast Path that passes through the designated Brighton & Lewes Downs UNESCO World Biosphere Region. The Biosphere designation is inadequately and inconsistently included within the documentation. It needs to be named in the Designated Sites Table in the overview, in the ASFA and correctly named on Map C. The Partnership's objective, working with NE and the relevant individual Local Access Authorities, is to develop effective and coherent co-branded waymarker signage along the

Biosphere part of the route indicating that it is the “England Coast Path (acorn) in The Living Coast (TLC logo)”. This approach has been taken by BHCC so far to determine their signage proposal and budget, and an approach has been made to the other LAAs (ESCC, WSCC, and SDNPA) also to seek an integrated approach.

NE has referred to interpretation in relation to Beachy Head West MCZ in the Overview report (pg 31 and 33), however we wish to see new “creative interpretation” panels designed through a participatory process (led by arts body ONCA) with local schools and the community. ONCA have secured partial funding to take forward a project along the Undercliff path in mid-2019. A greater budget allocation (than £2.5K) is sought through NE to the participating LAA(s) to enable adequate interpretation to be produced.

Brighton & Lewes Downs Biosphere Partnership also seeks funding for interpretation at Ovingdean and Rottingdean, in addition to Brighton Marina and Saltdean. Interpretation should also be considered within location in ESCC to the east including for example Peacehaven, Newhaven and Tide Mills.

Natural England’s comment:

Natural England welcomes the support of the Brighton & Lewes Downs Biosphere Partnership for the England Coast Path proposals through the Brighton & Lewes Downs UNESCO World Biosphere Region. We appreciate the clarification on the correct way to refer to the designation and will ensure that future documentation reflects this correctly.

In relation to coherent and co-branded waymarkers along the Biosphere part of the route, we would welcome the opportunity to discuss the suggested design with the Partnership, alongside our Access Authority colleagues in the Rights of Way teams of Brighton and Hove City Council, East Sussex County Council and the South Downs National Park Authority - ahead of the establishment process.

At the time our proposals were published, the outcome of funding bids for interpretation that Brighton & Lewes Downs Biosphere Partnership have been involved in, was unknown. In light of their current funding situation, Natural England would welcome discussing how we could help support the development of some participatory interpretation along the undercliff to raise awareness of the important marine habitats here.

An Establishment Grant from Natural England can be applied for, to pay for necessary infrastructure, after the approval of the trail and prior to opening the England Coast Path. Those with a relevant interest in the land are eligible to apply for this Establishment Grant, with this role most commonly undertaken by the Access Authority (eg Brighton and Hove City Council). We will discuss with the Biosphere Partnership and BHCC, the suitability of the RDPE funded Establishment Grant to support this participatory project, especially in terms of timescale, applicant and maintenance obligations.

In regard to the mention of other areas of possible interpretation along the stretch, we did consider the need for signage and information within East Sussex as we developed our proposals. We explored the possibility of additional interpretation in areas of vegetated shingle, such as Tide Mills, near Newhaven. However, after discussion with East Sussex County Council’s Ecologist it was decided that there was already sufficient information provided on the conservation interest on this site.

Representation number:	MCA\Shoreham to Eastbourne\R\9\SEB1282
Organisation/ person making representation:	[Private Individual]
Route section(s):	Chapter 3, Map 3f Land including footpaths between Beach Road, Newhaven and Tide Mills (sections SEB-3-S073 to SEB-3-S082).
Summary of representation:	
<p>[The individual] raises concerns relating to development proposals on the eastern side of Newhaven Harbour, which may affect the future alignment of the trail. They suggest the report should reflect this development which they consider will drastically alter the existing status of the land here. They consider it perverse to approve the ECP proposals now as they will rapidly have to be altered as a consequence of development.</p> <p>[The individual] discusses the Lewes District Council's Local Plan for an employment zone here and the new Newhaven Port Access Road which will take up much of the area. They say there is no mention in the Local Plan proposals as to what will happen to existing paths and public rights of way here. The Local Plan proposals will create a fenced off industrial zone alongside the Mill Creek which is currently important for nature and its protected vegetated shingle. These proposals will also include the creation of a major road designed to carry heavy port traffic.</p>	
Natural England's comment:	
<p>In the development of our proposals for the Newhaven area we discussed future development plans with Lewes District Council, East Sussex County Council (ESCC) and the Newhaven Port Authority and were aware that a number of developments are planned in the area. In the Future changes section of Chapter 3, we highlighted that "at Newhaven Harbour, between Mill Creek and East Pier on route section SEB-3-S079 on map 3f, the development of a new port access road is imminent, with longer term development proposals for the eastern side of the Harbour entrance. The trail alignment may be affected as the area develops in the future, requiring a separate variation report to the Secretary of State".</p> <p>Our proposals here follow existing public footpaths along the coast between Beach Road, Newhaven and Seaford Esplanade. From our most recent discussions with ESCC in December 2018, we understand that the imminent works associated with a new Port Access Road, due to be completed in 2020, are <i>not</i> likely to affect the proposed trail. However, future plans to extend this Port Access Road into Newhaven Port, which would cross the proposed alignment of section SEB-3-S079, may require a change to the alignment of the proposed trail in the next few years.</p> <p>There are currently no confirmed plans from Newhaven Port regarding their proposed road extension, however we will be seeking early discussions with the Port Authority and ESCC on the opportunities to incorporate the England Coast Path within any future Port Access Road plans. We would also consider how best to accommodate any temporary disruption to the trail to enable people to avoid the development site at that time or get around it without interfering with operations.</p> <p>East Sussex County Council, as the access authority here, will maintain the England Coast Path once it is open. As the proposed alignment in this area follows a right of way, ESCC is already actively considering these issues alongside their Highways team.</p>	

In summary, access management or a temporary diversion may be required during future road development works, and if the trail route requires alteration, a variation report will be provided to the Secretary of State.

Representation number:	MCA\Shoreham to Eastbourne\R\10\SEB0026
Organisation/ person making representation:	Redacted , Sussex Wildlife Trust
Route section(s):	All

Summary of representation:

Though the majority of the trail is on existing walkways, there are a number of areas where these pass very close to areas of vegetated shingle. This is a priority habitat which must be protected from any adverse impacts of the new coastal access route. Whilst the path only directly uses the shingle itself over one stretch (Cuckmere Haven), it runs close to it on a number of occasions which could lead to increased footfall in vegetated shingle areas. Sussex Wildlife Trust would like to ensure that all areas where the path extends over - or in proximity to - areas of vegetated shingle are supported by appropriate signage in key locations which are visible to path users.

They recommend that site assessments are carried out prior to installing new interpretation boards, to ensure they are situated in the best possible location for path users to see and read them. Also to assess existing signage to ensure the information is suitable, together with monitoring of the effectiveness of the interpretation.

Natural England's comment:

Natural England recognises that vegetated shingle is a UK Biodiversity Action Plan priority habitat (ie it is recognised as a threatened habitat requiring conservation action) and has carefully considered the direct and indirect impacts that the proposed trail may have. We have also considered the effectiveness of existing interpretation and whether further interpretation is required on the importance and vulnerability of the habitat. The Coastal Access Scheme 2013 Section 7.12.2 on shingle says 'There is considerable scope to develop public understanding and appreciation of the history and ecology of shingle habitats, which are nationally rare.'

In our published Access and Sensitive Features Assessment (ASFA) we referred to the East Sussex Vegetated Shingle Management Plan by T. Smith (2009) and reviewed each listed vegetated shingle site affected by the proposals. We considered that because the proposed trail follows already promoted and popular walking routes, it would not have a significant impact on the habitats along the trail or in the surrounding areas. In addition we have specifically discussed the need for interpretation boards providing information about vegetated shingle with East Sussex County Council's Ecologist; particularly for the valuable vegetated shingle around Seaford Bay. They confirmed that since the preparation of the 2009 report, significant site management changes have been made to safeguard this vegetated shingle habitat and that an information panel has been installed at Tide Mills to help inform people on how to help protect this site. They considered that there is already enough on-site interpretation here.

The proposed trail briefly uses the edge of a shingle beach on the western side of Cuckmere Haven, following an existing public footpath and promoted route. The beach here is mobile and can occasionally be swept by the sea during stormy weather when combined with particularly high tides. The 2009 Management Plan describes the vegetated shingle at West

Beach, Cuckmere Haven as 'actively managed as a sea defence, (it) shows signs of disturbance and severe compaction. The beach is constantly eroding and requires regular recycling. Under the new flood risk management strategy for the area, recycling work will be continued for a period of 15 years after 2011, at which time the area will be left to evolve naturally.' We consider that our proposals here will not create additional risk to any remaining vegetated shingle habitat on West Beach, as the route is already widely used and the trail alignment avoids any direct impact on vegetated shingle habitat.

Natural England would consider funding signs explaining the value of this special habitat here and elsewhere along the coast as part of the establishment of the England Coast Path. In order to do so, interpretation panels would need to be maintained by a partner body and have the approval of landowners and preferably be a part of a coordinated interpretation strategy. We will liaise further with the County Ecologist over any further appropriate opportunities for signage along the trail, prior to work starting on establishing the path.

With regard to comments concerning other signage, site assessments will be undertaken to carefully choose the best locations for both new and existing interpretation panels, to make sure that they are clearly visible for trail users.