

Coastal Access – Newquay to Penzance, lengths NQP1, NQP2, NQP5 and NQP6

Representations with Natural England’s comments

March 2020

1. Introduction

This document records the representations Natural England has received on lengths NQP1, NQP2, NQP5 and NQP6 of this report from persons or bodies. It also sets out any Natural England comments on these representations.

Where representations were made that relate to the entire stretch for Newquay to Penzance they are included here in so far as they are relevant to lengths NQP1, NQP2, NQP5 and NQP6.

2. Background

Natural England’s compendium of reports setting out its proposals for improved access to the coast from Newquay to Penzance, comprising an overview and eight separate length reports, was submitted to the Secretary of State on 30 June 2019. This began an eight-week period during which representations and objections about each constituent report could be made.

In total, Natural England received 33 representations pertaining to length reports NQP1, NQP2, NQP5 and NQP6 of the Newquay to Penzance stretch, of which 14 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 reproduced in Section 3 in their entirety, together with Natural England’s comments. Included in Section 4 is a summary of the 19 representations made by other individuals or organisations, referred to as ‘other’ representations. Section 5 contains the supporting documents referenced in the representations.

3. Record of ‘full’ representations and Natural England’s comments on them

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| Representation number: | MCA/NQPStretch/R/4/NQP1584 |
| Organisation/ person making representation: | RSPB |
| Route section(s) specific to this representation: | NQP-1-S014 to NQP-1-S019 |
| Other reports within stretch to which this representation also relates: | NQP4, Nature Conservation Assessment, Habitats Regulations Assessment |
| Representation in full* | |

Two reasons:

- To ensure wildlife is adequately considered in the decision-making for this project
- Concerns relating to the viability of part of the current network

**These are the details included on the representation form. A letter with annex accompanied the form with full details of the specific issues raised. These are included in full in section 5 of this document and the issues relevant to this section of coast are addressed in our comments below. See supporting document 5A - Letter and annex from RSPB.*

Natural England's comments

We welcome the positive engagement from RSPB during the development of our proposals and the supportive comments expressed in the representation.

During the preparation of our proposals and the drafting of the Nature Conservation Assessment and Habitats Regulations Assessment, representatives from Natural England discussed issues with RSPB, the Cornwall county bird recorder and South West Peregrine Group and gathered relevant evidence to inform our assessments of any potential impacts of coastal access along this stretch of coast.

In their representation the RSPB raised a number of issues relevant to this length of coast which are commented upon below. Issues were also raised in relation to NQP 4: Gwithian to Cloddy Point; these are addressed in the relevant 'Natural England's comments' document.

Provision of 50 additional signs around the coast for chough, peregrine and seabird colonies

We consulted the Project Officer for the Cornwall Chough Project and the local Peregrine group for this area during the preparation of our proposals and no particular sites were flagged up for signage of the type suggested in the representation. Concerns were raised by both parties in relation to putting up signs as it was felt this would advertise key locations and potentially increase instances of disturbance to nest sites. We would be happy to talk to the RSPB about this further if the situation has changed.

NQP1 - Kittiwake colony at the Old Dane and Tea Caverns

It is noted that kittiwake colonies are at risk in Cornwall, particularly in these locations within the coastal margin close to Towan Head in Newquay.

Under the Coastal Access Scheme we must use the least restrictive approach to strike an appropriate balance when considering issues such as disturbance. We note that there is a voluntary approach in place working with coasteering groups to protect kittiwakes in this area during the nesting period. This is usually a commercial activity and is not carried out under coastal access rights. Using the legal process of restricting access rights is considered the most restrictive end of the spectrum, and so must be considered carefully and fully justified. We have requested further information from RSPB in relation to assessing the case for a future potential restriction at Tea Caverns.

Old Dane is separated from the shore at all states of the tide and therefore will not be subject to coastal access rights and so cannot be considered for a restriction under Section 26(3)(a) of the Countryside and Rights of Way Act.

NQP1 - Signage around kittiwake colony and interpretation panel at Towan Head car park

We are open to the suggestion to provide some signage or interpretation in this area to make the public aware of the wildlife importance of the coast on the west side of the town, including the sensitivity of cliff nesting birds to public access. We would need to ensure that any signage is considered carefully so that the correct messages are included, and also that this section of coast does not feel overburdened with signs. We would be happy to liaise with the RSPB on this.

Relevant appended documents (see Section 5):

- 5A - Letter from RSPB 'RSPB response' dated 29/07/19 and Annex

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| Representation number: | MCA/NQP1/R/1/NQP1585 |
| Organisation/ person making representation: | Cornwall Countryside Access Forum |
| Route section(s) specific to this representation: | NQP-1-S034, NQP-1-S035, NQP-1-S036 |
| Other reports within stretch to which this representation also relates: | N/A |
| Representation in full | |
| (Pentire Point East) This new length of Coast Path is a considerable improvement, providing excellent coastal views to north and south and an all-round high quality coastal experience. The change is fully supported. | |
| Natural England's comments | |

We welcome the positive engagement from Cornwall Countryside Access Forum during the development of our proposals and the supportive comments expressed in their representation.

Relevant appended documents (see Section 5): N/A

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| Representation number: | MCA/NQP1/R/3/NQP1585 |
| Organisation/ person making representation: | Cornwall Countryside Access Forum |
| Route section(s) specific to this representation: | NQP-1-S043 to NQP-1-S055 and NQP-1-OA001 to NQP-1-OA012. |
| Other reports within stretch to which this representation also relates: | N/A |
| Representation in full | |
| <p>The establishment of a new route along the southern shore of the Gannel (route sections NQP-1-S053 to NQP-1-S055 inclusive) is welcomed and supported. However, the removal of the formal route from the Penpol tidal bridge is a grave concern, given the popularity of the route and the fact that it provides the best views of any of the crossings. Its tidal nature is acknowledged, but given the fact that it is otherwise the most preferable route it is suggested that the Penpol route be designated the first choice National Trail route, with the Trenance footbridge, supported by the new proposed riverside path, as the tidal alternative and Trevemper the even more occasional very high tide option.</p> | |
| Natural England's comments | |

Our proposed route via the Trenance footbridge provides the most continuous route for the walker being available for the greatest time of the three potential river crossing points (9 hours during each tide). The footbridge to Penpol is only accessible for 6 hours during each tide. We acknowledge that the proposed route provides estuary views while the footbridge leading to Penpol creek has excellent views out to sea.

The proposed route also offers the most flexibility for the walker, passing close to the crossing points at the seasonal Fernpit Ferry and the Penpol footbridge en route to the Trenance footbridge a further 1.5km upstream. The proposed interpretation boards and signage will provide walkers with the relevant information to select the most appropriate of these crossing points according to the time of year and state of the tide.

In terms of a potential alternative route, this would come into use when the 'ordinary' route of the coast path is unavailable and is designed to guarantee an unbroken onward journey. The suggestion from CCAF to align the ordinary route via the footbridge towards Penpol and have an alternative route via the Trenance footbridge, both of which are affected by tidal action, would fail in the key objective of ensuring a continuous route. The legislation allows for only one alternative route and therefore the proposed alternative high tide route via Trevemper is the only valid option.

The route across the Penpol footbridge follows a public right of way (Public Footpath numbers 411/19/2 and 402/9/1) and therefore will remain accessible and will continue to be maintained by Cornwall Council.

Relevant appended documents (see Section 5): N/A

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| Representation number: | MCA/NQP1/R/4/NQP1585 |
| Organisation/ person making representation: | Cornwall Countryside Access Forum |
| Route section(s) specific to this representation: | NQP-1-S060 |
| Other reports within stretch to which this representation also relates: | N/A |
| Representation in full | |
| (Penpol Hill) This amendment to the existing route takes the path off a road and provides intermittent estuary views where none exist on the current line. The amendment is welcomed and supported. | |
| Natural England's comments | |
| We welcome the positive engagement from Cornwall Countryside Access Forum during the development of our proposals and the supportive comments expressed in their representation. | |
| Relevant appended documents (see Section 5): N/A | |

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| Representation number: | MCA/NQP1/R/5/NQP1585 |
| Organisation/ person making representation: | Cornwall Countryside Access Forum |
| Route section(s) specific to this representation: | NQP-1-S109 and NQP-1-S110 |
| Other reports within stretch to which this representation also relates: | N/A |
| Representation in full | |
| <p>(Holywell Bay)</p> <p>It is acknowledged that this length is more coastal and more direct than the existing route. However, the existing route passes a number of facilities, including pub, shop and toilets, that walkers will not have encountered for several miles in both directions (as well as buses for access). There is no requirement under the Approved Scheme for the route to be the shortest available when other benefits to walkers are thereby lost. Indeed, the Scheme indicates that where there are existing public facilities it will be considered whether the proposals can make positive links with these. In this case, the current route already does so and the proposal removes such a link. It is therefore suggested that the current route be retained, for the benefit of walkers and businesses alike; the proposed direct route could be signed as a possible option, but omitting any facilities.</p> | |
| Natural England's comments | |
| <p>The current South West Coast Path moves inland through the village of Holywell for a total of around 600m, passing behind properties and hedges providing limited sea views at the eastern end of the route.</p> | |
| <p>The route included in our proposals cuts directly across the dunes seaward of the village, providing a more coastal experience, with good sea views. We feel that the village facilities are limited, comprising public toilets and a pub (the rear of which can be seen from the proposed route) and therefore an inland detour is not appropriate.</p> <p>Our proposed route best fits the key principles of alignment set out in section 4.1 of the Scheme. In particular:</p> <ul style="list-style-type: none"> • the safety and convenience of those using the route; • the desirability of it adhering to the periphery of the coast and providing views of the sea. <p>The route via the village will continue to be signposted for visitors wishing to make use of these facilities but will not form part of the England Coast Path.</p> | |
| Relevant appended documents (see Section 5): N/A | |

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| Representation number: | MCA/NQP1/R/15/NQP1592 |
| Organisation/ person making representation: | Ramblers Association, Cornwall |
| Route section(s) specific to this representation: | NQP-1-S053 to NQP-1-S055 |
| Other reports within stretch to which this representation also relates: | N/A |
| Representation in full | |
| <p>(South Gannel)</p> <p>We fully support the establishment of the ECP at this location. It gives a route which is closer to the saline estuary than the South West Coast Path, which uses paths Crantock 12 and 14, has good views of the estuary, is much less hilly and more direct. We recognise the need to retain Crantock 12 and 14 as an alternative route for extreme tidal or weather conditions.</p> | |
| Natural England's comments | |
| <p>We welcome the positive engagement from Ramblers Association during the development of our proposals and the supportive comments expressed in their representation.</p> | |
| Relevant appended documents (see Section 5): N/A | |

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| Representation number: | MCA/NQP1/R/16/NQP1592 |
| Organisation/ person making representation: | Ramblers Association, Cornwall |
| Route section(s) specific to this representation: | NQP-1-S060 |
| Other reports within stretch to which this representation also relates: | N/A |
| Representation in full | |
| <p>(Penpol Hill)</p> <p>We fully support the rerouting of the path to use the south end of public footpath Crantock 8/3. The revised line will be more direct than the SWCP route, less hilly and nearer the sea.</p> | |
| Natural England's comments | |
| <p>We welcome the positive engagement from Ramblers Association during the development of our proposals and the supportive comments expressed in their representation.</p> | |
| Relevant appended documents (see Section 5): N/A | |

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| Representation number: | MCA/NQP1/R/17/NQP1592 |
| Organisation/ person making representation: | Ramblers Association, Cornwall |
| Route section(s) specific to this representation: | NQP-8-S102 to NQP-8-S110 |
| Other reports within stretch to which this representation also relates: | N/A |
| Representation in full | |
| <p>We strongly support the proposal to include designated coastal margin landward of the path at Holywell Bay. The Towans so designated are very much a feature of the marine margin and have mostly been subject to unrestricted public access on foot for as long as anyone can remember. As far as we are aware, public access on foot over a long period of time has not caused significant damage to the SSSI. Security of the right to roam in the future would be assured by the proposal.</p> <p>We support the new route proposed for the ECP NQP-1-S110. It is more direct than the South West Coast Path route, is entirely vehicle free and has more of a coastal feel than the present SWCP. For those walkers wishing to take advantage of the facilities further inland, the present SWCP route is likely to continue to be available because of public rights of way, Countryside and Rights of Way access rights, coastal margin rights or permission of the landowner, thought to be the National Trust.</p> | |
| Natural England's comments | |
| <p>We welcome the positive engagement from Ramblers Association, Cornwall during the development of our proposals and the supportive comments expressed in their representation.</p> <p>The route via the village will continue to be signposted for visitors wishing to make use of these facilities but will not form part of the England Coast Path.</p> | |
| Relevant appended documents (see Section 5): N/A | |

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| Representation number: | MCA/NQP2/R/1/NQP1585 |
| Organisation/ person making representation: | Cornwall Countryside Access Forum |
| Route section(s) specific to this representation: | NQP-2-S071 to NQP-2-S073 |
| Other reports within stretch to which this representation also relates: | N/A |
| Representation in full | |

The current route at this point is convoluted and gives no sea views; the proposed more seaward route is more logical, passes closer to Trevaunance Cove and maintains sea views. This more seaward line is welcomed and supported.

Natural England's comments

We welcome the positive engagement from Cornwall Countryside Access Forum during the development of our proposals and the supportive comments expressed in their representation.

Relevant appended documents (see Section 5): N/A

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| Representation number: | MCA/NQP2/R/3/NQP1592 |
| Organisation/ person making representation: | Ramblers Association, Cornwall |
| Route section(s) specific to this representation: | Map NQP 2h. Coastal margin landward of route sections NQP-2-S020 to NQP-2-S025. |
| Other reports within stretch to which this representation also relates: | N/A |
| Representation in full | |
| <p>(Penhale Towans)</p> <p>We strongly support the inclusion of the coastal margin landward of the trail shown on map 2h. The land is certainly coastal in character and is mainly sand dunes. There has been public access to much of the non-military land for a very long period and formalisation would be helpful in preserving access for the future. However we believe that adjoining land of identical character should also be designated as coastal margin, as shown on the aerial photograph below and located at OS grid reference SW774563. The eastern and southern boundaries of the additional land are much clearer on the ground than the boundaries on the proposals map, being Cornish hedges enclosing agricultural land to the east and south.</p> | |
| Natural England's comments | |

We welcome the positive engagement from Ramblers Association, Cornwall during the development of our proposals and the supportive comments expressed in their representation.

In order to define the extent of the dunes, and consequently the extent of the default landward coastal margin, we use a variety of data including site visits, aerial photography, Ordnance Survey maps and the Priority Habitats Inventory (a publically available habitat dataset). In this area the extent of the dune system was not clear and the evidence suggested that it did not consistently extend inland as far as the various Cornish hedges mentioned in the representation.

As the extent of the dune system in the Penhale area is unclear we chose to map the landward extent of the coastal margin as far as the public right of way. We feel that the public footpath provides a recognisable feature to mark the landward boundary of the coastal margin and gives clarity on the ground. As a result the extent of the landward margin also closely reflects the dune area as depicted by the Ordnance Survey on their map products.

Relevant appended documents (see section 5):

5B: Aerial photograph showing recommended revision of boundary.

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| Representation number: | MCA/NQP5/R/1/NQP1585 |
| Organisation/ person making representation: | Cornwall Countryside Access Forum |
| Route section(s) specific to this representation: | NQP-5-S003 and NQP-5-S004 |
| Other reports within stretch to which this representation also relates: | N/A |

Representation in full

(Hor Point)

There are currently two parallel walked paths at this location. The existing formal route is the inland one, and the proposal is to use the more seaward one. This route has more and better sea views, and passes the end of the headland at Hor Point, an atmospheric location. This line is therefore welcomed, although it is noted that it is a marginally more rugged route, which may require some lengths of surface improvements, not highlighted in the report.

Natural England's comments

We welcome the positive engagement from Cornwall Countryside Access Forum and the South West Coast Path Association during the development of our proposals and the supportive comments expressed in their representation.

We did not identify the need for any path improvements in this area during the preparation of the proposals, however this will be reviewed during the implementation phase.

Relevant appended documents (see Section 5): N/A

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| Representation number: | MCA/NQP5/R/2/NQP1585 |
| Organisation/ person making representation: | Cornwall Countryside Access Forum |
| Route section(s) specific to this representation: | NQP-5-S006 (west end) and NQP-5-S007 |
| Other reports within stretch to which this representation also relates: | N/A |
| Representation in full | |
| <p>(Pen Enys Point)</p> <p>The current, and proposed, route cuts across the neck of the headland of Pen Enys Point. An unofficial path has become established over Access Land which goes around the seaward side of the headland, keeping closer to the coast and maintaining sea views. The layout is such that walking east-west most walkers assume the coastal route to be the official line.</p> <p>Given this, its better environment and the sea views, and reflecting the proposal to use the seaward route at Hor Point headland a little to the east (route sections NQP-5 S003 and NQP-5-S004, same map), it is suggested that the seaward route round Pen Enys Point be used, leaving the current route available as an option.</p> | |
| Natural England's comments | |
| <p>The existing South West Coast Path (SWCP) route at Pen Enys Point uses a public footpath, and as stated in the representation takes a direct route across the neck of the Point.</p> <p>Section 4.3.2 of the Coastal Access Scheme states: 'People using the trail should not have to follow an indented coastline slavishly. The trail needs in general to be close to the sea and to offer sea views but also needs to enable people to make reasonable progress if their key aim is an onward walk round the coast.'</p> <p>In addition, where there is a public right of way (PRoW) which provides good sea views and a coastal feel we will usually align the ECP along this line unless there are compelling reasons to create a more seaward route. On the neighbouring headland (Hor Point) our proposed route follows a public footpath seaward of the existing SWCP route for the majority of the length. There are no seaward PRoWs at Pen Enys Point.</p> <p>We do not feel that there is a marked benefit for the walker from aligning the route over the Pen Enys headland, particularly as there are far reaching sea views from the route of the SWCP which follows a PRoW.</p> <p>The Pen Enys headland falls within the coastal margin and will therefore be accessible to walkers as part of the seaward spreading room.</p> | |
| Relevant appended documents (see Section 5): N/A | |

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| Representation number: | MCA/NQP6/R/1/NQP1585 |
| Organisation/ person making representation: | Cornwall Countryside Access Forum |
| Route section(s) specific to this representation: | NQP-6-S045 to NQP-6-S049 |
| Other reports within stretch to which this representation also relates: | N/A |
| Representation in full | |
| <p>(Cape Cornwall)</p> <p>The proposed route gives outstanding views and an excellent cliff environment to be experienced. It is a better route than the current formal route and does, indeed, follow the route previously informally agreed with the National Trust. The route is welcomed and supported, but it is noted that it will require careful waymarking, which has been a problem here in the past.</p> | |
| Natural England's comments | |
| <p>We welcome the positive engagement from Cornwall Countryside Access Forum and the South West Coast Path Association during the development of our proposals and the supportive comments expressed in their representation.</p> <p>Natural England will work with the Access Authority and National Trust to ensure that the route is clearly waymarked.</p> | |
| Relevant appended documents (see Section 5): N/A | |

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| Representation number: | MCA/NQP6/R/2/NQP1585 |
| Organisation/ person making representation: | Cornwall Countryside Access Forum |
| Route section(s) specific to this representation: | NQP-6-S060 to NQP-6-S062 |
| Other reports within stretch to which this representation also relates: | N/A |
| Representation in full. | |

(Cot Valley)

The current SWCP route here diverts slightly inland to pass the ruins of Wheal Rose mine, then uses a path parallel to and a little above the road down the Cot Valley to Porth Nanven. The proposal is to descend more directly to the road, omitting Wheal Rose, and to follow the road to Porth Nanven.

It is claimed there are advantages in that (a) this route is more seaward, (b) gives good views and (c) allows the opportunity to visit Porth Nanven. However, (a) the road route is no nearer the sea, although it does not divert inland to Wheal Rose – this is not necessarily an advantage, in avoiding an interesting site of industrial archaeology; (b) the road route is lower than the current route, meaning the views are not as good, and the route has to be shared with traffic – while not busy, avoidance of such sharing is nevertheless an advantage; (c) Porth Nanven is easily accessible from the current route.

Given these factors, the current route is to be preferred over the proposed route.

Natural England's comments

In relation to the trail, Natural England is required by section 297(2) of the 2009 Act to have specific regard to the desirability of it adhering to the periphery of the coast and providing views of the sea. In our view, our proposal better meets this criteria than the existing line of the SWCP.

The South West Coast Path (SWCP) in this location passes an additional 200m inland from the route set out in our proposals and does not feel particularly coastal. We acknowledge that Wheal Rose is a point of interest for some and therefore the route passing this site will be signed for walkers who wish to divert inland and see the site.

Our proposed route takes walkers close to the main access point to the cove at Porth Nanven, which we feel is an advantage due to the limited access to beaches and coves along this part of the Cornish coast. We recognise that the cove can also be seen and accessed by taking paths off the existing higher SWCP route.

With regard to the use of the road for part of the route, the adjacent verge will be cleared to remove the need to walk on the road, which as stated in the representation is not busy.

Relevant appended documents (see Section 5): N/A

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| Representation number: | MCA/NQP6/R/5/NQP1592 |
| Organisation/ person making representation: | Ramblers Association, Cornwall |
| Route section(s) specific to this representation: | NQP-6-S061 to NQP-6-S062 |

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| Other reports within stretch to which this representation also relates: | N/A |
| Representation in full | |
| <p>There are at least three possible routes at the Cot Valley:</p> <ol style="list-style-type: none"> 1. The route used by the South West Coast Path This is mostly off road, fairly pleasant and passes interesting remains of mining but is very indirect and further inland than is desirable. 2. The route proposed as the England Coast Path This is more direct and further to seaward than the SWCP but a longer proportion is on a minor road and there is a severe gradient south of Porth Nanven. 3. A variation on 2 following public footpath 114/96 diagonally up the valley side The route proposed by the Ramblers is shown on the aerial photograph below. It is the most direct route of the three, is mostly off road and avoids the severe gradient south of Porth Nanven. <p>Porth Nanven is within the coastal margin for all of these routes so can easily be visited if desired.</p> | |
| Natural England's comments | |
| <p>We agree that the route suggested by Ramblers Association is another possible option in this area which would meet many of the criteria set out in the Coastal Access Scheme.</p> <p>Our proposed route takes walkers close to the main access point to the cove at Porth Nanven, which we feel is an advantage due to the limited access to beaches and coves along this part of the Cornish coast. We recognise that the cove can also be seen and accessed from other more landward paths in the area.</p> <p>With regard to the use of the road for part of the route, the adjacent verge will be cleared to remove the need to walk on the road.</p> <p>The route put forward by Ramblers Association follows a public right of way and will remain available for walkers to use along with a large area of landward coastal margin.</p> | |
| Relevant appended documents (see section 5): | |
| 6C - Aerial photograph showing route proposed by Ramblers | |

4. Summary of 'other' representations, and Natural England's comments on them

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| Representations containing similar or identical points | |
| Representation number: | Organisation/ person making representation: |
| MCA/NQPStretch/R/2/NQP1580 | [REDACTED] |

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| MCA/NQPStretch/R/3/NQP1583 | [REDACTED] |
| MCA/NQPStretch/R/5/NQP1586 | [REDACTED] |
| MCA/NQPStretch/R/6/NQP1589 | [REDACTED] |
| MCA/NQPStretch/R/8/NQP1594 | [REDACTED] |
| Name of site: | Whole stretch |
| Report map reference: | All |
| Route sections on or adjacent to the land: | Whole stretch |
| Other reports within stretch to which this representation also relates: | NQP1 to NQP8 |
| Summary of point: | |
| <p>The respondents are concerned about reported plans to widen the coast path to 4 metres and promote access to cyclists and horse riders.</p> | |
| Natural England's comment: | |
| <p>There are no plans to physically widen the coast path to four metres on any part of this stretch of coast. The legislation allows for the path to be up to four metres total width, however in practice we have worked with the walked line of the existing South West Coast Path and topography of the land. Where possible we specify the boundary of the coastal margin on the landward side and therefore make clear the extent of people's access rights, for example this might be a boundary fence or hedge close to the route, and this is very often within two metres of the walked path. Where we are not able to do this, because there is no suitable physical feature, the access rights would extend to two metres on the landward side of the trail by default, however there will not be any physical widening or resurfacing of the walked path.</p> <p>Part 9 of the Marine and Coastal Access Act 2009 aims to improve public access to, and enjoyment of, the English coastline by creating clear and consistent public rights along the English coast for open-air recreation on foot. Our proposals do not create any additional rights of access for cyclists or horse-riders above those that already exist.</p> | |
| Relevant appended documents (see Section 5): N/A | |

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| Representations containing similar or identical points | |
| Representation number: | Organisation/ person making representation: |

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| MCA/NQP1/R/2/NQP1578 | [REDACTED] |
| MCA/ NQP1/R/11/NQP1591 | South West Coast Path Association |
| Name of site: | Gannel estuary/Penpol footbridge |
| Report map reference: | NQP 1b, NQP 1c |
| Route sections on or adjacent to the land: | NQP-1-S037 to NQP-1-S045 |
| Other reports within stretch to which this representation also relates | N/A |
| Summary of representation: | |
| <p>Disagrees with the proposed route via the Trenance footbridge for a number of reasons:</p> <ul style="list-style-type: none"> • The proposed route takes walkers away from the most tranquil and beautiful part of the estuary • Coastal views are obscured • Concerned about funding and maintenance issues if this route is not designated as the ECP which will lead to safety issues • The footbridge to Penpol creek is the preferred route for the England Coast Path and the Trenance footbridge could form alternative route | |
| Natural England's comment: | |
| <p>The proposed route takes the most seaward line along the northern bank of the Gannel; there is no safe route along the foreshore on the northern side of the river due to the unpredictable nature of the tidal currents in this area. There is also no suitable access point to the foreshore in the Pentire headland area when walking west to east. We acknowledge that there are some places along the route where coastal views are limited or obscured. These areas are mostly on the residential streets to the west of the footbridge leading to Penpol. It is also recognised that the proposed route provides estuary views while the footbridge leading to Penpol Penpol creek has views out to sea.</p> <p>Our proposed route via the Trenance footbridge provides the most continuous route for the walker being available for the greatest time of the three potential river crossing points (9 hours during each tide). The footbridge to Penpol is only accessible for 6 hours during each tide.</p> <p>The proposed route also offers the most flexibility for the walker, passing close to the crossing points at the Fernpit Ferry and the Penpol footbridge en route to the Trenance footbridge a further 1.5km upstream. The proposed interpretation boards and signage will provide walkers with the relevant information to select the most appropriate of these crossing points according to the time of year and state of the tide.</p> <p>In terms of a potential alternative route, this would come into use when the 'ordinary' route of the coast path is unavailable and is designed to guarantee an unbroken onward journey. The suggestion to align the ordinary route via the footbridge towards Penpol and have an alternative route via the Trenance footbridge, both of which are affected by tidal action, would fail in the key objective of ensuring a continuous route. The legislation allows for only one</p> | |

alternative route and therefore the proposed alternative high tide route via Trevemper is the only valid option.

The route across the Penpol footbridge follows a public right of way (Public Footpath numbers 411/19/2 and 402/9/1) and therefore will remain accessible and will continue to be maintained by Cornwall Council.

Relevant appended documents (see Section 5): N/A

Representations containing similar or identical points

| Representation number: | Organisation/ person making representation: |
|---|--|
| MCA/NQP1/R/6/NQP1588 | Pentire Residents Association |
| MCA/NQP1/R/7/NQP1582 | East Pentire Action Group |
| MCA/NQP1/R/8/NQP1582 | East Pentire Action Group |
| MCA/NQP1/R/9/NQP1590 | Pentire Esplanade Project |
| MCA/NQP1/R/19/NQP1582 | East Pentire Action Group |
| Name of site: | Esplanade and Pentire Point East |
| Report map reference: | NQP 1b |
| Route sections on or adjacent to the land: | NQP-1-S031 to NQP-1-S036 |
| Other reports within stretch to which this representation also relates | N/A |

Summary of point:

The proposals in this area of Newquay affect two Registered Town or Village Greens Esplanade Road Green (VG693) and Pentire Head (VG694) and will interfere with the use of the Greens by residents of the area by increasing pedestrian access across the greens.

The Acts of Parliament (Section 12 of the Inclosure Act 1857 and Section 29 of the Commons Act 1876 apply) and existing case law protecting Village Greens are clear and restrict legal access to residents of the neighbourhood thus excluding open access.

Section 12 of the Inclosure Act 1857 makes it a criminal offence to:

- wilfully cause injury or damage to any fence on a green;
- wilfully take any cattle or other animals onto a green without lawful authority;
- wilfully lay any manure, soil, ashes, rubbish or other material on a green;
- undertake any act which causes injury to the green (e.g. digging turf); or
- **undertake any act which interrupts the use or enjoyment of a green as a place of exercise and recreation** (e.g. fencing a green so as to prevent access).

Section 29 of the Commons Act 1876 makes it a public nuisance to:

- encroach on a green (e.g. extending the boundary of an abutting property so as to exclude people from that area);

- **enclose a green** (i.e. by fencing it in, **whether or not the effect is to exclude public access**);

The respondents suggest that both of the highlighted passages of text above could be relevant if the coastal paths, as proposed, were implemented. The proposed designated public coastal access path and other alterations would be considered a disturbance and be contrary to the Greens legislation. The owner of the land cannot over-ride these conditions nor grant permission for others to use the Greens even if there is established informal access.

The Gov.uk website clearly states that The Right to Roam does not apply to Registered Town and Village Greens. This means that the proposed Coastal Access provisions cannot apply to the Registered Greens. www.gov.uk/common-land-village-greens.

An inevitable effect of these proposals would be increased public access to the Greens and thus wear and tear to the existing paths, or even the creation of new paths. These proposals will conflict with the current village green residents' rights and affect their ability to use the Greens for recreation freely.

They do not accept that the proposed coastal paths and the additional coastal margin can legally be permitted on a Registered Town or Village Green and therefore they would like our proposals to be refused.

Natural England's comment:

In this area Natural England is proposing to align the coast path through two open areas in west Newquay which are registered as village greens. The recreational rights over greens flow from their registration as a green and only apply to people living in the locality.

Where a village green falls in the coastal margin, any new coastal access rights exist alongside the village green rights, the former being for the general public for 'open-air recreation' on foot, and the latter for local people (for all 'lawful sports and pastimes'). The breadth of the latter rights is such that local residents would remain able to use the land for a wider variety of recreational activities than the general public, whose rights will be limited by the 'General Restrictions' at Schedule 2 to the Countryside and Rights of Way Act 2000 (CROW Act). Any new coastal access rights therefore do not in any way replace or displace the existing local rights.

The coastal access legislation states that all land between the coast path and mean low water automatically becomes coastal margin, giving a public right of access on foot to this land unless it falls under one of the 'excepted land' categories at Schedule 1 to CROW, or the right is restricted or excluded by direction. In addition, with the permission of the landowner, Cornwall Council, land to the landward side of the proposed new route at Esplanade Road and Pentire Point East will also be included in the coastal margin. This decision was made as there is already a pattern of informal access in these areas and they were keen to benefit from the provision for a reduced landowner/occupier liability associated with the coastal access legislation.

The key issue raised in the representations is the assertion that our proposals for coastal access constitute an offence under section 12 of the Inclosure Act 1857 or a public nuisance under Section 29 of the Commons Act 1876.

Creation of a coast path and associated coastal margin in these areas will not interrupt local people's use or enjoyment of the green as a place of exercise and recreation and therefore does not breach section 12 of the 1857 Act. Neither is anything being proposed here that would constitute for the purposes of section 29 of the 1876 Act 'encroachment on or inclosure of [the green]' or 'any erection thereon or disturbance or interference with or occupation of the soil thereof, which is made otherwise than with a view to the better enjoyment of [the green]'. There is nothing in either section that prevents the creation of additional access rights over the same land, so long as nothing in the way that is done falls foul of these very specific offence and public nuisance provisions.

The Esplanade and Pentire Point East are currently publicly accessible to local residents, as village greens. There is also a well-established pattern of informal access at both sites and it is likely that visitors to the area also access these spaces. This typically happens in practice on village greens. Signs are in place on both sites stating that the areas are 'for the free enjoyment of visitors and residents', indicating that visitors are also welcome to access and enjoy these areas.

In pointing out that the generic right to roam over registered commons introduced under the CROW Act does not apply on registered greens, the Gov.UK text quoted in the representation is merely making the point that CROW did not create any such 'national' right to roam over greens, as a class of land that is often confused with commons. This webpage is correctly highlighting that commons and village greens are legally distinct, and greens are not within the

scope of the original CROW rights over mapped areas of 'open country' (mountain, moor, heath and down) or registered common land.

In terms of the works required for Coastal Access purposes at The Esplanade and Pentire Point East, the proposed works are minor and de minimis. They comprise:

- Placement of waymarker posts at various points along each route (two at the Esplanade and five at Pentire Point East)
- Some limited scrub clearance and cutting in of a path on the coastal slope along the western end of the Esplanade along the line of the existing narrow walked path. *Note – please see our comments in the table immediately below in relation to representations citing safety issues at this location.*
- Repair and installation of timber steps at the far west of the Esplanade close to where it meets the road to Lewinnick Lodge. *Note – please see our comments in the table below in relation to representations citing safety issues at this location.*
- Limited scrub clearance alongside the road to Lewinnick Lodge along the line of the existing narrow walked path on the East Pentire Headland.

Our proposals do not include any resurfacing works and no other path infrastructure is planned for these areas.

[Defra's guidance](#) on the management and protection of village greens states: 'If the above provisions were to be interpreted strictly, an act which causes any injury to a green would appear to be an offence under section 12 of the 1857 Act and any disturbance or interference with the soil of the green (other than for the purpose of better enjoyment of the green) would technically be deemed a public nuisance under section 29 of the 1876 Act. However, in Defra's view, in considering whether or not any given development or action contravenes either or both of these statutes a court is likely to be concerned with whether material harm has been caused to a green and whether there has been interference with the public's recreational enjoyment.'

As above, we do not consider that these works would interfere with the ability of local residents to access and enjoy the Greens and therefore do not contravene section 12 of the Inclosure Act 1857 or Section 29 of the Commons Act 1876.

Relevant appended documents (see Section 5):

- 5D - MCA/NQP1/R/7/NQP1582 - East Pentire Action Group - Village Green Registration map - Pentire Head
- 5E - MCA/NQP1/R/7/NQP1582 - East Pentire Action Group - Map showing preferred route at Pentire Head
- 5F - MCA/NQP1/R/7/NQP1582 - East Pentire Action Group - Photos x 10 of East Pentire headland
- 5G - MCA/NQP1/R/8/NQP1582 - East Pentire Action Group - Village Green Registration map - Esplanade
- 5H - MCA/NQP1/R/8/NQP1582 - East Pentire Action Group - Photos x 12 of Esplanade Green
- 5I - MCA/NQP1/R/19/NQP1582 - East Pentire Action Group - Photo showing preferred route at The Esplanade
- 5J - MCA/NQP1/R/19/NQP1582 - East Pentire Action Group - Email chain from Natural England dated 14 August 2019
- 5K - MCA/NQP1/R/19/NQP1582 - Photos provided by Natural England of signs on East Pentire and Esplanade greens

Representations containing similar or identical points

| Representation number: | Organisation/ person making representation: |
|---|--|
| MCA/NQP1/R/6/NQP1588 | Pentire Residents Association |
| MCA/NQP1/R/14/NQP0818 | [REDACTED] |
| MCA/NQP1/R/18/NQP1593 | Newquay Town Council |
| Name of site: | Esplanade, Newquay |
| Report map reference: | NQP 1b |
| Route sections on or adjacent to the land: | NQP-1-S031 and NQP-1-S032 |
| Other reports within stretch to which this representation also relates | N/A |

Summary of point:

The proposed new route seaward of Esplanade Road is precipitous. It is very dangerous in wet or windy weather and at other times is only suitable for the extremely fit with a good head for heights.

Natural England's comment:

In light of the representations received from various parties we revisited the Esplanade area to reassess the route with a particular view to looking at the safety of the route in wet and windy conditions. Our conclusion is that even with the improvements proposed this route is likely to be hazardous in inclement weather. Therefore, on balance, considering objective of

providing a safe and convenient route, we feel that a higher route along the road would be preferable.

We recommend that the SoS approves a modified route which follows the current route of the South West Coast Path along the surfaced paths at The Esplanade, the pavement on Esplanade Road and the unadopted road leading to the Pentire Point East headland. This recommended route is shown on the map in Section 6M, with sections NQP-1-S031 and NQP-1-S032 amended to follow the line in blue. The recommended modified route sections would not require the rollback provision.

Relevant appended documents (see Section 5):

- 5H - MCA/NQP1/R/8/NQP1582 - East Pentire Action Group - Photos x 12 of Esplanade Green
- 5I - MCA/NQP1/R/19/NQP1582 - East Pentire Action Group - Photo showing preferred route at The Esplanade
- 5L - MCA/NQP1/R/6/NQP1588 - Pentire Residents' Association - Photos x 9 of proposed route along The Esplanade
- 5M- MCA/NQP1/R/9/NQP1590 - Pentire Esplanade Project - Alternative new coastal path proposal using pavement on Esplanade Road
- 5P - Map showing Natural England's recommended modification to the proposed ECP route at The Esplanade, Newquay

Representations containing similar or identical points

| Representation number: | Organisation/ person making representation: |
|---|--|
| MCA/NQP1/R/6/NQP1588 | Pentire Residents Association |
| MCA/NQP1/R/8/NQP1582 | East Pentire Action Group |
| Name of site: | Esplanade, Newquay |
| Report map reference: | NQP 1b |
| Route sections on or adjacent to the land: | NQP-1-S031 and NQP-1-S032 |
| Other reports within stretch to which this representation also relates | N/A |

| |
|---|
| Summary of point: |
| Coastal views are better from the existing South West Coast Path route along the road. |
| Natural England's comment: |
| We feel that the coastal views from the proposed route and the road are equally good. |
| <i>Note - Please also see our comments in the table immediately above regarding the safety concerns raised in relation to this route.</i> |
| Relevant appended documents (see Section 5): N/A |

| Representations containing similar or identical points | |
|---|--|
| Representation number: | Organisation/ person making representation: |
| MCA/NQP1/R/7/NQP1582 | East Pentire Action Group |
| MCA/NQP1/R/8/NQP1582 | East Pentire Action Group |
| MCA/NQP1/R/9/NQP1590 | Pentire Esplanade Project |
| MCA/NQP1/R/19/NQP1582 | East Pentire Action Group |
| Name of site: | Esplanade and Pentire Point East |
| Report map reference: | NQP 1b |
| Route sections on or adjacent to the land: | NQP-1-S031 to NQP-1-S036 |
| Other reports within stretch to which this representation also relates | N/A |

Summary of point:

Points quoted from the representations as below:

'The areas claimed as Coastal Strip Roll Back appear to be extremely and unnecessarily large.'

On the Pentire Point East headland 'the Headland roll-back area is about half of the size of the Headland and together with the Coastal Margin proposed almost comprise the area of the Registered Greens 16.3 Hectares or 40.27 Acres. This should be considered to be excessive and unnecessary for a Coastal Path - no matter what other interests may approve.'

At the Esplanade 'the cliffs are relatively stable and any coastal erosion is negligible.'

'The stated reasons for the extremely large areas for roll-back do not appear to be valid, in that, the area is considered geologically stable and the existing land paths readily accessible. The areas as drawn should be considerably reduced after consultation with professional Engineering Geologists.'

'The large areas proposed for statutory inclusion as Coastal Margin similarly are not was intended within the National Parks and Access to the Countryside Acts 1949.'

Natural England's comment:

There appears to be some confusion in the representations in relation to the distinction between coastal margin and rollback.

Coastal margin

Under the coastal access legislation all land between the trail and the low water mark automatically falls into the coastal margin. This happens as an automatic legislative consequence of the position of the trail rather than a specific proposal made by Natural England.

Any additional coastal margin landward of the trail is proposed where the landowner, in this case Cornwall Council, agrees that there may be a recreational benefit and also agrees to its inclusion. This also allows these wider areas to benefit from the uniquely low level of owner/occupier liability.

Rollback

Rollback has been proposed on sections of the trail where evidence suggests that erosion or other types of coastal change may impact on the line of the coast path (see section 6d of the Newquay to Penzance Overview). Data provided by the Cornwall and Isles of Scilly Shoreline Management Plan suggested that the proposed route at The Esplanade may be subject to coastal erosion in the future and therefore these sections were flagged as potentially needing to make use of the rollback provision at some point. The recommended modified route at this location, as detailed in the table immediately above, would not require the rollback provision. Rollback has not been proposed for the route sections on the Pentire Point East headland (sections NQP-1-S034 to NQP-1-S036).

The inland extent of any rollback is not specified in our proposals and is not in any way reflected by the proposed landward coastal margin.

As detailed in our comments in relation to village greens we do not believe that either the presence of coastal margin or the proposed rollback (at The Esplanade) would interfere with local residents' use and enjoyment of these areas.

Relevant appended documents (see Section 5): N/A

Representations containing similar or identical points

| Representation number: | Organisation/ person making representation: |
|---|--|
| MCA/NQP1/R/6/NQP1588 | Pentire Residents Association |
| MCA/NQP1/R/8/NQP1582 | East Pentire Action Group |
| MCA/NQP1/R/9/NQP1590 | Pentire Esplanade Project |
| MCA/NQP1/R/14/NQP0818 | [REDACTED] |
| MCA/NQP1/R/18/NQP1593 | Newquay Town Council |
| MCA/NQP1/R/19/NQP1582 | East Pentire Action Group |
| Name of site: | Esplanade, Newquay |
| Report map reference: | NQP 1b |
| Route sections on or adjacent to the land: | NQP-1-S031 and NQP-1-S032 |
| Other reports within stretch to which this representation also relates | N/A |

Summary of point:

The coast path should follow the existing surfaced disabled access paths at the eastern end of the Esplanade rather than create an additional route. The paths are designed to minimise the desire lines across the Green which result in visible damage to the grass of the Green.

Natural England's comment:

Natural England will align the route of the coast path utilising the existing surfaced paths at the eastern end of the Esplanade rather than create an additional route at this location.

Relevant appended documents (see Section 5):

- 5M - MCA/NQP1/R/9/NQP1590 - Pentire Esplanade Project - Alternative new coastal path proposal using pavement on Esplanade Road
- 5N - MCA/NQP1/R/9/NQP1590 - Pentire Esplanade Project - Photos x 6 of surfaced paths at east end of The Esplanade

Representations containing similar or identical points

| Representation number: | Organisation/ person making representation: |
|---|--|
| MCA/NQP1/R/7/NQP1582 | East Pentire Action Group |
| MCA/NQP1/R/8/NQP1582 | East Pentire Action Group |
| MCA/NQP1/R/19/NQP1582 | East Pentire Action Group |
| Name of site: | Esplanade and Pentire Point East |
| Report map reference: | NQP 1b |
| Route sections on or adjacent to the land: | NQP-1-S031 to NQP-1-S036 |
| Other reports within stretch to which this representation also relates | N/A |

Summary of point:

The proposals will have an adverse effect on flora, fauna, and archaeology.

The East Pentire headland is a County Wildlife Site and archaeological site and includes skylark breeding grounds, stonechats, butterflies, other coastal birds, wild flowers and rare bryophytes. The Esplanade area includes bird breeding grounds, butterflies, other coastal bird habitats, and wild flowers. These would be adversely affected by increases in pedestrian usage.

Natural England's comment:

A full assessment of any potential impacts on wildlife and habitats was undertaken as part of the preparation of our proposals. The results of this are detailed in the Nature Conservation

Assessment which was published and publically available on gov.uk at the same time as the proposals for Newquay to Penzance.

As stated on page 15 of the Overview document 'We also engaged with internal specialists and relevant organisations locally - including Cornwall Wildlife Trust, Royal Society for the Protection of Birds, Cornwall Seal Group and Cornwall Area of Outstanding Natural Beauty - to consider any potential for impacts on key sensitive features.'

The proposed route in these areas uses existing walked lines and mown paths to avoid key areas of habitat. With the existing pattern of informal access in this area we do not consider that our proposals would have an impact on the species highlighted in the representation.

In terms of the archaeological interest on the East Pentire headland, Natural England attended a site visit with a representative from Historic England to identify a route which would not impact on the Scheduled Ancient Monuments.

Relevant appended documents (see Section 5): N/A

Representations containing similar or identical points

| Representation number: | Organisation/ person making representation: |
|---|--|
| MCA/NQP1/R/7/NQP1582 | East Pentire Action Group |
| MCA/NQP1/R/19/NQP1582 | East Pentire Action Group |
| Name of site: | Pentire Point East |
| Report map reference: | NQP 1b |
| Route sections on or adjacent to the land: | NQP-1-S036 |
| Other reports within stretch to which this representation also relates | N/A |

Summary of point:

On the southern part of the Pentire Point East headland there are existing small paths closer to the coast which could be utilised.

Natural England's comment:

The route around the headland was surveyed by Natural England and Cormac and considered to be a suitable route for the coast path, utilising walked lines and existing mown strips, while providing good coastal views. Under our proposals the existing small paths closer to the coast would still be available to the public as part of the coastal margin.

Relevant appended documents (see Section 5): N/A

Representations containing similar or identical points

| | |
|---|--|
| Representation number: | Organisation/ person making representation: |
| MCA/NQP1/R/14/NQP0818 | [REDACTED] |
| MCA/NQP1/R/18/NQP1593 | Newquay Town Council |
| Name of site: | Trethellan Footbridge |
| Report map reference: | NQP 1c |
| Route sections on or adjacent to the land: | NQP-1-S042 |
| Other reports within stretch to which this representation also relates | N/A |

Summary of point:

The 'Penpol boardwalk' is a misleading title - this is known locally as the Trethellan footbridge.

Natural England's comment:

These representations refer to the low tidal footbridge from the northern side of the River Gannel over the main channel leading towards Penpol. Natural England is aware that some local signs refer to the 'footbridge' or 'boardwalk' to Penpol.

We thank the responders for this information and will in future refer to this as the Trethellan footbridge.

Relevant appended documents (see Section 5): N/A

| | |
|--|----------------------------|
| Representation number: | MCA/NQPStretch/R/1/NQP1577 |
| Organisation/ person making representation: | [REDACTED] |
| Name of site: | Whole stretch |
| Report map reference: | N/A |

| | |
|--|--------------|
| Route sections on or adjacent to the land: | N/A |
| Other reports within stretch to which this representation also relates | NQP1 to NQP8 |
| Summary of representation: | |
| <p>The coast path should not be renamed the 'England Coast Path' in Cornwall. Cornwall is covered by the provisions of the Framework Convention for the protection of National Minorities. The proposed name is in contravention of Article 5.1 of the Convention because it imposes a false English identity, and thus fails to preserve the identity of the national Cornish minority.</p> | |
| Natural England's comment: | |
| <p>There is no intention to retitle the coast path within Cornwall. Page 6 of the Newquay to Penzance stretch Overview Report states: 'The 2009 Act refers to the continuous trail with its associated margin and other access rights as being the 'England Coast Path'. Where appropriate we have used existing established coastal trail routes already known by local and regional names, such as the South West Coast Path. It is recognised and welcomed that other local established route names will continue to be used on the ground. Natural England will continue to work closely with Cornwall Council and others in extending the use of Cornish as appropriate on new or replacement signing.'</p> | |
| Relevant appended documents (see Section 5): N/A | |

| | |
|--|---------------------------|
| Representation number: | MCA/NQP1/R/7/NQP1582 |
| Organisation/ person making representation: | East Pentire Action Group |
| Name of site: | Pentire Point East |
| Report map reference: | NQP 1b |
| Route sections on or adjacent to the land: | NQP-1-S034 |
| Other reports within stretch to which this representation also relates | N/A |
| Summary of point: | |
| <p>The tarmac access road to Lewinnick Lodge to the north of NQP-1-S034 would be more correct for the proposed path as it is nearer the coast and would not cause unnecessary additional erosion of the currently lightly-used unmade foot-way inland.</p> | |

Natural England's comment:

The road referred to is approximately 200m in length, single track with occasional passing places and leads to a car park for a hotel and restaurant. Although this is a no through road it is likely to be in use by vehicles throughout each day, including delivery traffic for the aforementioned business.

For public safety reasons we would not usually opt to align the coast path on a road if a suitable off road route exists (as detailed in section 4.2.4 of the Coastal Access Scheme).

Relevant appended documents (see Section 5): N/A

| | |
|---|--------------------------------------|
| Representation number: | MCA/NQP1/R/19/NQP1582 |
| Organisation/ person making representation: | East Pentire Action Group |
| Name of site: | The Esplanade and Pentire Point East |
| Report map reference: | NQP 1b |
| Route sections on or adjacent to the land: | NQP-1-S031 to NQP-1-S036 |
| Other reports within stretch to which this representation also relates | N/A |

Summary of point:

Coastal access rights on the village greens at The Esplanade and Pentire Point East should be excluded as is permitted within the powers of the legislation.

Natural England's comment:

Under the coastal access legislation all land between the trail and the low water mark automatically falls into the coastal margin. This happens as an automatic legislative consequence of the position of the trail rather than a specific proposal made by Natural England to open up the affected area to public access.

Natural England has powers under Chapter 2 of the Countryside and Rights of Way Act 2000 to restrict or exclude access to areas of coastal margin for a number of reasons, including nature conservation issues and public safety. In all cases we are required to take the least restrictive approach. Using this legal process of restricting access rights is considered the most restrictive end of the spectrum, and must be fully evidenced and assessed carefully. We are not aware of any relevant issues in the areas of The Esplanade and Pentire Point East which would justify the implementation of a formal restriction or exclusion to public access.

| |
|--|
| Relevant appended documents (see Section 5): N/A |
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| | |
|--|------------------------------------|
| Representation number: | MCA/NQP1/R/10/NQP1591 |
| Organisation/ person making representation: | South West Coast Path Association |
| Route section(s) specific to this representation: | NQP-1-S034, NQP-1-S035, NQP-1-S036 |
| Other reports within stretch to which this representation also relates: | N/A |
| Summary of representation: | |
| (Pentire Point East) This new length of Coast Path is a considerable improvement, providing excellent coastal views to north and south and an all-round high quality coastal experience. The change is fully supported. | |
| <i>Note - This is identical to the 'full' representation submitted by Cornwall Countryside Access Forum (MCA/NQP1/R/1/NQP1585)</i> | |
| Natural England's comment: | |
| We welcome the positive engagement from the South West Coast Path Association during the development of our proposals and the supportive comments expressed in their representation. | |
| Relevant appended documents (see Section 5): N/A | |

| | |
|--|-----------------------------------|
| Representation number: | MCA/NQP1/R/12/NQP1591 |
| Organisation/ person making representation: | South West Coast Path Association |
| Route section(s) specific to this representation: | NQP-1-S060 |
| Other reports within stretch to which this representation also relates: | N/A |

| |
|--|
| <p>Summary of representation:</p> <p>(Penpol Hill)</p> <p>This amendment to the existing route takes the path off a road and provides intermittent estuary views where none exist on the current line. The amendment is welcomed and supported.</p> <p><i>Note - This is identical to the 'full' representation submitted by Cornwall Countryside Access Forum (MCA/NQP1/R/4/NQP1585)</i></p> |
| <p>Natural England's comment:</p> <p>We welcome the positive engagement from the South West Coast Path Association during the development of our proposals and the supportive comments expressed in their representation.</p> |
| <p>Relevant appended documents (see Section 5): N/A</p> |

| | |
|---|-----------------------------------|
| Representation number: | MCA/NQP1/R/13/NQP1591 |
| Organisation/ person making representation: | South West Coast Path Association |
| Route section(s) specific to this representation: | NQP-1-S109 and NQP-1-S110 |
| Other reports within stretch to which this representation also relates: | N/A |
| <p>Summary of representation:</p> <p>(Holywell Bay)</p> <p>The ECP should follow the existing South West Coast Path route via the village of Holywell.</p> <p><i>Note - This is identical to the 'full' representation submitted by Cornwall Countryside Access Forum (MCA/NQP1/R/5/NQP1585)</i></p> | |

Natural England's comment:

The current South West Coast Path moves inland through the village of Holywell for a total of around 600m, passing behind properties and hedges providing limited sea views at the eastern end of the route.

The route included in our proposals cuts directly across the dunes seaward of the village, providing a more coastal experience, with good sea views. We feel that the village facilities are limited, comprising public toilets and a pub (the rear of which can be seen from the proposed route) and therefore inland detour is not appropriate.

The route via the village will continue to be signposted for visitors wishing to make use of these facilities but will not form part of the England Coast Path.

Relevant appended documents (see Section 5): N/A

| | |
|---|-------------------------------------|
| Representation number: | MCA/NQP1/R/14/NQP0818 |
| Organisation/ person making representation: | [REDACTED] |
| Name of site: | Pentire Headland The Gannel Estuary |
| Report map reference: | NQP 1b, NQP 1c |
| Route sections on or adjacent to the land: | NQP-1-S037 to NQP-1-S045 |
| Other reports within stretch to which this representation also relates | N/A |

Summary of representation:*

Pentire Headland

Other than some minor reservations discussed below, [REDACTED] believes the proposed extended route is an excellent proposal encouraging visitors to see one of Cornwall's most beautiful routes around Pentire Headland and along the River Gannel.

Safety (quarry on Pentire Headland)

The map suggests there is a path from the western Tumulus down to the path that leads to the quarry. While it is possible to scramble up and down the slope east of the quarry, in wet weather particularly, this could be dangerous. They would prefer to see the route taking the existing clear route down the centre of the Headland joining the quarry lane at a safe spot. As a registered green the number of worn away desire lines should be minimised.

Trevean

It is not entirely clear whether this route runs along the River Gannel foreshore or along the South edge of Trevean Green. The east meadow of Trevean Green has been left “to nature” and there may need to be negotiations with Cornwall Council to keep the path clear.

**Note - Common points from the representation are included in section 4 above.*

Natural England’s comment:

Pentire Headland

We are grateful for the supportive comments expressed in relation to the proposed route in the Pentire area.

Safety (quarry)

The proposed route at Pentire Point East passes landward of the quarry and then moves down the slope to take up a lower route before joining the quarry track.

Despite the relatively steep incline we believe that this route is safe and is preferable to the more landward route suggested by [REDACTED], as it provides better views over Crantock Beach and facilitates a route around the headland.

Trevean

The proposed route seaward of Trevean Way follows existing paths and one of the signposted routes of the South West Coast Path passing along the northern bank of the Gannel rather than the foreshore. Path clearance works will occur during the establishment of the trail and the route will continue to be cleared as part of the annual coast path maintenance programme.

Relevant appended documents (see Section 5): N/A

| Representation number: | Organisation/ person making representation: |
|--|--|
| MCA/NQPStretch/R/7/NQP0073 | Lichfields on behalf of Bourne Leisure Limited |
| MCA/NQP2/R/4/NQP0073 | Lichfields on behalf of Bourne Leisure Limited |
| Route section(s) specific to this representation: | N/A |
| Other reports within stretch to which this representation also relates: | NQP4, Overview document |

Summary of point:

The proposals do not specifically state that Natural England will contact and consult with landowners in determining a new route when making use of the rollback provision.

Lichfields request that the Overview report is amended to specifically state that Natural England will contact and consult with owners and occupiers in relation to any rollback – including where the trail is being adjusted to follow the current feature, e.g. the beach or foreshore. This is important in order to ensure that landowners are kept informed, so that any issues can be raised with Natural England and that landowners’ views are taken into account if rollback needs to take place.

Natural England’s comment:

We welcome the positive engagement from Lichfields during the development of our proposals.

We confirm that if rollback is required new route options will be discussed with Bourne Leisure Ltd prior to implementation.

Relevant appended documents (see Section 5): N/A

| | |
|--|-----------------------------------|
| Representation number: | MCA/NQP2/R/2/NQP1591 |
| Organisation/ person making representation: | South West Coast Path Association |
| Route section(s) specific to this representation: | NQP-2-S071 to NQP-2-S073 |
| Other reports within stretch to which this representation also relates: | N/A |
| Summary of representation: | |
| <p>The current route at this point is convoluted and gives no sea views; the proposed more seaward route is more logical, passes closer to Trevaunance Cove and maintains sea views. This more seaward line is welcomed and supported.</p> <p><i>Note - This is identical to the ‘full’ representation submitted by Cornwall Countryside Access Forum (MCA/NQP2/R/1/NQP1585)</i></p> | |
| Natural England’s comment: | |
| <p>We welcome the positive engagement from the South West Coast Path Association during the development of our proposals and the supportive comments expressed in their representation.</p> | |

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| Relevant appended documents (see Section 5): N/A |
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|--|--|
| Representation number: | MCA/NQP2/R/4/NQP0073 |
| Organisation/ person making representation: | Lichfields on behalf of Bourne Leisure Limited |
| Route section(s) specific to this representation: | NQP-2-S018 to NQP-2-S024 |
| Other reports within stretch to which this representation also relates: | N/A |

Summary of point:

The report states at paragraph 2.2.23 that, once the Secretary of State has approved the report, Cornwall Council will “liaise with affected land owners and occupiers about relevant aspects of the design, installation and maintenance of the new signs and infrastructure that are needed on their land”.

The proposals do not commit either Natural England or the Council to provide signage if required. Natural England previously stated in an email of 26 October 2018 that it would provide advice and a supply of roundels to the General Manager at the Park once the legislation is closer to coming into force on this stretch of coast.

Natural England’s comment:

Natural England will provide a supply of ‘end of access land’ roundels to the site manager prior to the commencement of the coastal access rights. We will also discuss the need for any additional signage at this time.

There are no plans to install any infrastructure on land owned by Bourne Leisure Ltd, however should this situation change Natural England will liaise with Bourne Leisure Ltd and/or their representatives.

| |
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| Relevant appended documents (see Section 5): N/A |
|--|

| | |
|--|-----------------------------------|
| Representation number: | MCA/NQP5/R/3/NQP1591 |
| Organisation/ person making representation: | South West Coast Path Association |
| Route section(s) specific to this representation: | NQP-5-S003 and NQP-5-S004 |
| Other reports within stretch to which this representation also relates: | N/A |

Summary of representation:

(Hor Point)

There are currently two parallel walked paths at this location. The existing formal route is the inland one, and the proposal is to use the more seaward one. This route has more and better sea views, and passes the end of the headland at Hor Point, an atmospheric location. This line is therefore welcomed, although it is noted that it is a marginally more rugged route, which may require some lengths of surface improvements, not highlighted in the report.

Note - This is identical to the 'full' representation submitted by Cornwall Countryside Access Forum (MCA/NQP5/R/1/NQP1585)

Natural England's comment:

We welcome the positive engagement from the South West Coast Path Association during the development of our proposals and the supportive comments expressed in their representation.

We did not identify the need for any path improvements in this area during the preparation of the proposals, however this will be reviewed during the implementation phase.

Relevant appended documents (see Section 5): N/A

| | |
|---|--------------------------------------|
| Representation number: | MCA/NQP5/R/4/NQP1591 |
| Organisation/ person making representation: | South West Coast Path Association |
| Route section(s) specific to this representation: | NQP-5-S006 (west end) and NQP-5-S007 |
| Other reports within stretch to which this representation also relates: | N/A |
| Summary of representation: | |
| (Pen Enys Point) | |
| The current, and proposed, route cuts across the neck of the headland of Pen Enys Point. An unofficial path has become established over Access Land which goes around the seaward side of the headland, keeping closer to the coast and maintaining sea views. The layout is such that walking east-west most walkers assume the coastal route to be the official line. | |
| Given this, its better environment and the sea views, and reflecting the proposal to use the seaward route at Hor Point headland a little to the east (route sections NQP-5 S003 and NQP-5-S004, same map), it is suggested that the seaward route round Pen Enys Point be used, leaving the current route available as an option. | |
| <i>Note - This is identical to the 'full' representation submitted by Cornwall Countryside Access Forum (MCA/NQP5/R/2/NQP1585)</i> | |

Natural England's comment:

The existing South West Coast Path (SWCP) route at Pen Enys Point uses a public footpath, and as stated in the representation takes a direct route across the neck of the Point.

Section 4.3.2 of the Coastal Access Scheme states: 'People using the trail should not have to follow an indented coastline slavishly. The trail needs in general to be close to the sea and to offer sea views but also needs to enable people to make reasonable progress if their key aim is an onward walk round the coast.'

In addition, where there is a public right of way (PRoW) which provides good sea views and a coastal feel we will usually align the ECP along this line unless there are compelling reasons to create a more seaward route. On the neighbouring headland (Hor Point) our proposed route follows a public footpath seaward of the existing SWCP route for the majority of the length. There are no seaward PRoWs at Pen Enys Point.

We do not feel that there is a marked benefit for the walker from aligning the route over the Pen Enys headland, particularly as there are far reaching sea views from the route of the SWCP which follows a PRoW.

The Pen Enys headland falls within the coastal margin and will therefore be accessible to walkers as part of the seaward spreading room.

Relevant appended documents (see Section 5): N/A

| | |
|---|----------------------|
| Representation number: | MCA/NQP5/R/5/NQP0773 |
| Organisation/ person making representation: | [REDACTED] |
| Route section(s) specific to this representation: | NQP-5-S061 |
| Other reports within stretch to which this representation also relates: | N/A |
| Summary of representation: | |
| <p>People use the path across their land to enjoy the views and wildlife. Time and money has been spent to provide habitat for the rare Cornish chough and any improvement to the path would undo all the work done.</p> <p>The report states that 'proposals were discussed in detail with the owners' however, [REDACTED] claims that they were not been contact by NE.</p> | |

Natural England's comment:

A full assessment of any potential impacts on wildlife and habitats was undertaken as part of the preparation of our proposals. The results of this are detailed in the Nature Conservation Assessment which was published and publically available on gov.uk at the same time as the proposals for Newquay to Penzance.

As stated on page 15 of the Overview document 'We also engaged with internal specialists and relevant organisations locally - including Cornwall Wildlife Trust, Royal Society for the Protection of Birds, Cornwall Seal Group and Cornwall Area of Outstanding Natural Beauty - to consider any potential for impacts on key sensitive features.'

The proposal in this area is to follow the route of the existing South West Coast Path (SWCP) with no plans for any trail improvement works. All land shown as coastal margin and owned by [REDACTED] currently has access rights over it having been designated as Open Access land in 2005. Taking into account the findings of the Nature Conservation Assessment and the existing access in this area we do not consider that our proposals would have any impact on the species highlighted.

Natural England wrote to [REDACTED] on two occasions in relation to work on the coastal access project. An introductory letter was sent to [REDACTED] on 8 August 2017 setting out the aspiration for a walking route around the country alongside a margin of accessible land. A follow up letter with full details of our proposals and a bespoke map showing the landholding, proposed route following the existing SWCP and area of coastal margin seaward of the trail were sent to [REDACTED] on 5 June 2018 inviting them to get in touch if they had any concerns or queries.

Relevant appended documents (see Section 5): N/A

| | |
|--|-----------------------------------|
| Representation number: | MCA/NQP6/R/3/NQP1591 |
| Organisation/ person making representation: | South West Coast Path Association |
| Route section(s) specific to this representation: | NQP-6-S045 to NQP-6-S049 |
| Other reports within stretch to which this representation also relates: | N/A |
| Summary of representation: | |
| (Cape Cornwall) The proposed route gives outstanding views and an excellent cliff environment to be experienced. It is a better route than the current formal route and does, indeed, follow the route previously informally agreed with the National Trust. The route is welcomed and supported, but it is noted that it will require careful waymarking, which has been a problem here in the past. | |

Note - This is identical to the 'full' representation submitted by Cornwall Countryside Access Forum (MCA/NQP6/R/1/NQP1585)

Natural England's comment:

We welcome the positive engagement from Cornwall Countryside Access Forum during the development of our proposals and the supportive comments expressed in their representation.

Natural England will work with the Access Authority and National Trust to ensure that the route is clearly waymarked.

Relevant appended documents (see Section 5): N/A

| | |
|--|-----------------------------------|
| Representation number: | MCA/NQP6/R/4/NQP1591 |
| Organisation/ person making representation: | South West Coast Path Association |
| Route section(s) specific to this representation: | NQP-6-S060 to NQP-6-S062 |
| Other reports within stretch to which this representation also relates: | N/A |

Summary of representation:

(Cot Valley)

The current SWCP route here diverts slightly inland to pass the ruins of Wheal Rose mine, then uses a path parallel to and a little above the road down the Cot Valley to Porth Nanven. The proposal is to descend more directly to the road, omitting Wheal Rose, and to follow the road to Porth Nanven. It is claimed there are advantages in that (a) this route is more seaward, (b) gives good views and (c) allows the opportunity to visit Porth Nanven. However, (a) the road route is no nearer the sea, although it does not divert inland to Wheal Rose – this is not necessarily an advantage, in avoiding an interesting site of industrial archaeology; (b) the road route is lower than the current route, meaning the views are not as good, and the route has to be shared with traffic – while not busy, avoidance of such sharing is nevertheless an advantage; (c) Porth Nanven is easily accessible from the current route. Given these factors, the current route is to be preferred over the proposed route.

Note - This is identical to the 'full' representation submitted by Cornwall Countryside Access Forum (MCA/NQP6/R/2/NQP1585)

Natural England's comment:

In relation to the trail, Natural England is required by section 297(2) of the 2009 Act to have specific regard to the desirability of it adhering to the periphery of the coast and providing views of the sea. In our view, our proposal better meets this criteria than the existing line of the SWCP.

The South West Coast Path (SWCP) in this location passes an additional 200m inland from the route set out in our proposals and does not feel particularly coastal. We acknowledge that Wheal Rose is a point of interest for some and therefore the route passing this site will be signed for walkers who wish to divert inland and see the site.

Our proposed route takes walkers close to the main access point to the cove at Porth Nanven, which we feel is an advantage due to the limited access to beaches and coves along this part of the Cornish coast. We recognise that the cove can also be seen and accessed by taking paths off the existing higher SWCP route.

With regard to the use of the road for part of the route, the adjacent verge will be cleared to remove the need to walk on the road, which as stated in the representation is not busy.

Relevant appended documents (see Section 5): N/A

5. Supporting documents

- **5A - MCA/NQPStretch/R/4/NQP1584 - Letter and Annex from RSPB 'RSPB response'**

This letter has been redacted from this record due to containing personal information.

Annex 1

6. Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment') (HRA)

Summary I) Introduction

We welcome the inclusion of the HRA, but it is unclear how the issue of functional linkage has been addressed, specifically for lesser black-backed gull on the Hayle Estuary, which are known features of Special Protection Areas.

Lesser black-backed gull

Up to 1,000 or more individuals of this migratory species have been counted on the Hayle Estuary at various times of the year. Reading colour rings show that birds from the Isles of Scilly SPA use this site (e.g. GA09965 ringed as nestling Gugh, Isles of Scilly 16/07/98, colour

ring read 02/03/2015 Hayle Estuary). There has been no thorough review of colour-ringed bird records for the Hayle Estuary, but this may highlight birds from other SPAs further north such as Skomer, Skokholm and the seas of Pembrokeshire SPA, and the Ribble and Alt Estuaries SPA.

7. Assessment of Coastal Access Proposals between Newquay and Penzance on sites and features of nature conservation concern

Porthgwarra to Pordenack Point SSSI page 11

This year closures were made to climbing routes to protected schedule one nesting birds and this indicates that the situation can change annually (see comments below re page 48/49).

Hayle Estuary and Carrack Gladdens SSSI page 21

We strongly support the conclusion of the assessment for non-breeding bird aggregations.

Schedule one and other breeding birds page 48/49

Chough and peregrine nest along the coast, as well as seabird colonies and these are vulnerable to disturbance during the nesting season. There has been a need at several locations in different years to provide guidance on site closures to people undertaking various activities along the coast including climbers and coasteerers. We would recommend that NE produce a set of standard metal A4 signs which are made available for land owners to advise the public on avoiding the disturbance to breeding birds. The initial production of 50 of these signs should be adequate for the coast path in this section.

Additional Information on sensitive species (page 48/49)

The breeding population of kittiwake at the Old Dane and Tea Caverns is one of four remaining sites for this rapidly declining species in Cornwall. This site is vulnerable to heavy disturbance from climbing and coasteering which is accessed from the coast path. We would recommend that there is a seasonal long-term access exclusion in place (March to Mid-July) at this site. There is currently a voluntary closure in place agreed with coasteering groups operating in the area and formalising this would strengthen the ability of the operators and non-government organisations in protecting these birds. We can share maps of the site, if required. (Report: NQP 1, map: NQP 1a, sections: NPQ1 SO14-19). This information should be included in the assessment.

8. Report NQP 1: Newquay Station to Penhale Point

Part 1.2: Proposals Narrative Establishment of the trail: 1.2.23 (page 6)

We recommend that signs are in place along the relevant section of the coast path (Map NQP 1a, sections: NPQ1 SO14-19) and an interpretation board is placed at Towan Head Car Park to help support the management of access at this site. The signs should highlight the sensitive times when disturbance of the birds should be avoided (March to mid – July).

9. Report NQP 4: Gwithian to Clodgy Point

Part 4.2: Proposals Narrative Establishment of the trail: 4.2.23 (page 5)

To ensure that the proposed long-term no access area (see directions map NQP 4A) is properly advertised to the public the RSPB would require Natural England to provide five A3 no access notice signs to be installed around the no access area and two A1 wildlife information signs to be installed at the access points to Lelant and Carnsew Pool. We are happy to provide more details.

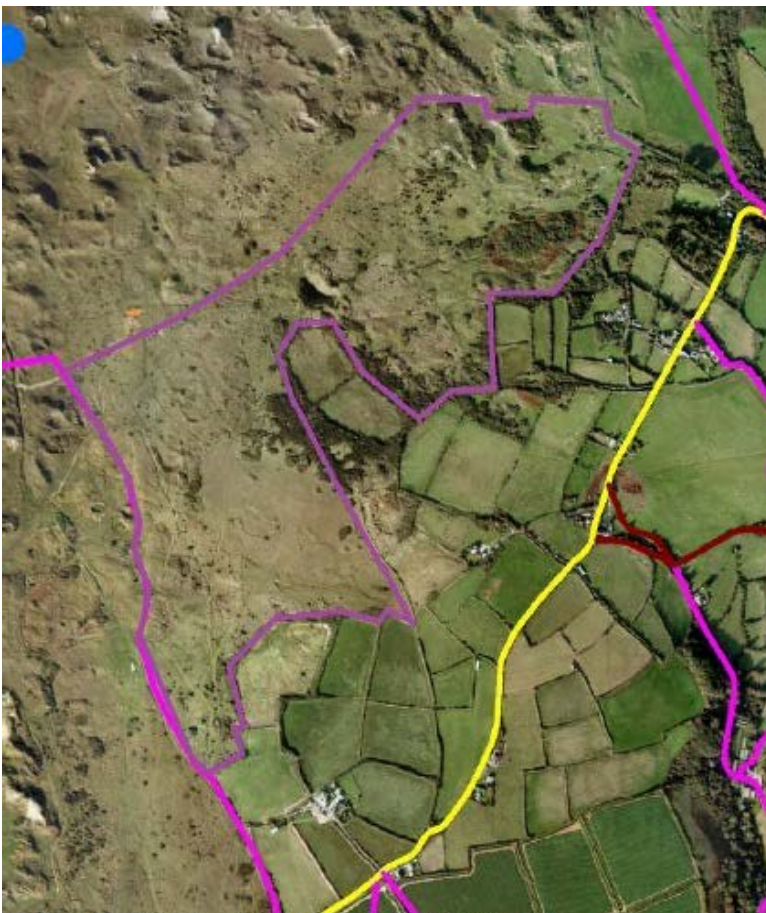
Additional signs at Porth kidney (map NQP 4e, sections NQP 4 SO56-59) would also greatly benefit the public's understanding and enjoyment of the SSSI. We are happy to provide more details.

Part 4.4: Proposal maps Map NQP4d: Penpol Terrace to Lelant Station Path Section: NQP-4-SO43FP

We query the continued promotion of the footpath along the south-east edge of Carnsew Pool as this section is currently undergoing serious erosion which raises both safety issues and its long-term viability. **Directions Map NQP 4A**

We strongly support the inclusion of the long-term access exclusion to Lelant Water due to its importance as a feeding and roosting area for water bird features of the SSSI, RSPB Nature Reserve and birds associated with SPAs. This area needs to be adequately signed to ensure people are made aware of the no access area.

- 5B - MCA/NQP2/R/3/NQP1592 - Aerial photograph showing recommended revision of boundary.



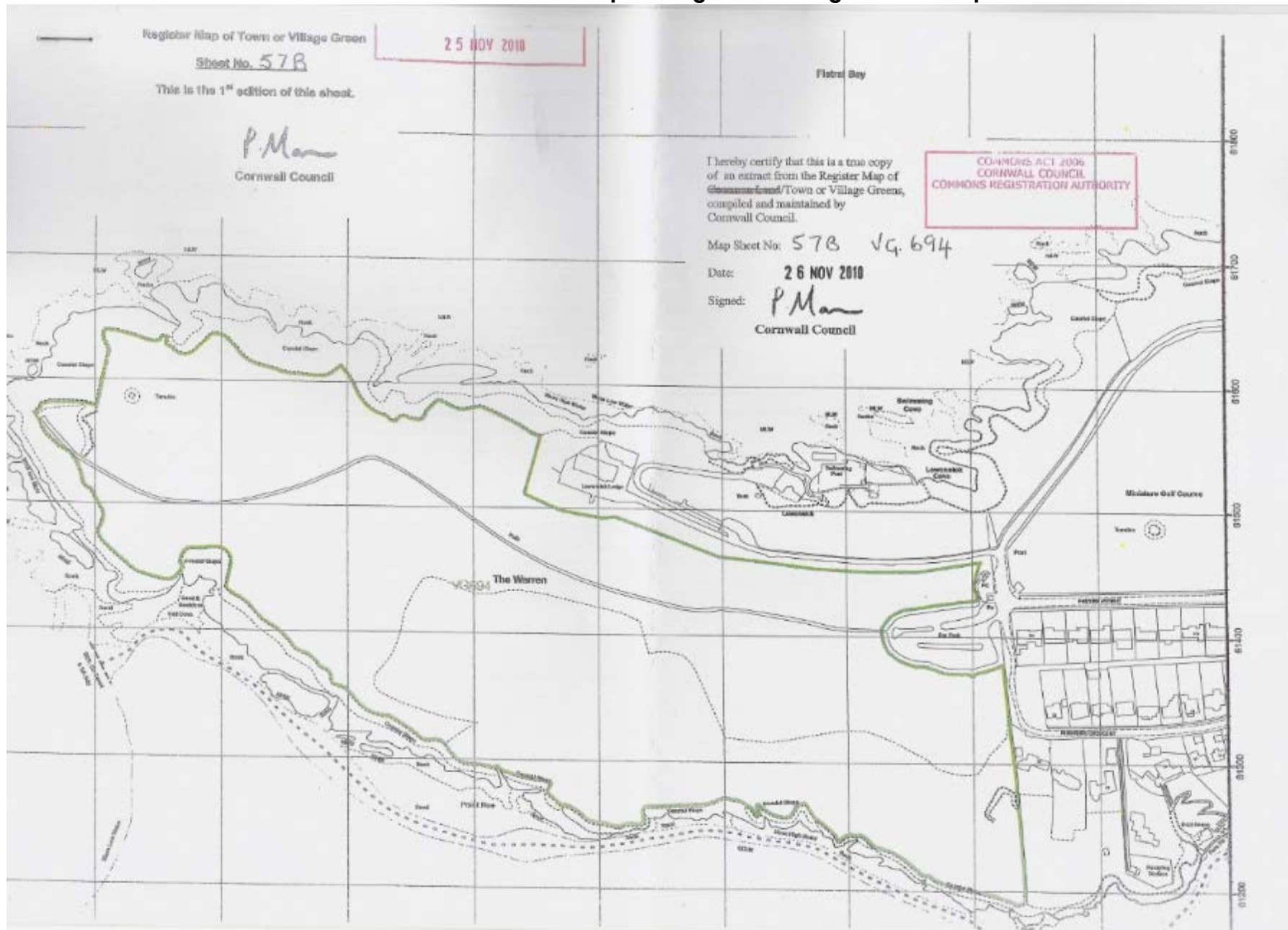
Suggested additional coastal margin land outlined in purple

- 5C - MCA/NQP6/R/5/NQP1592 - Aerial photograph showing route proposed by Ramblers

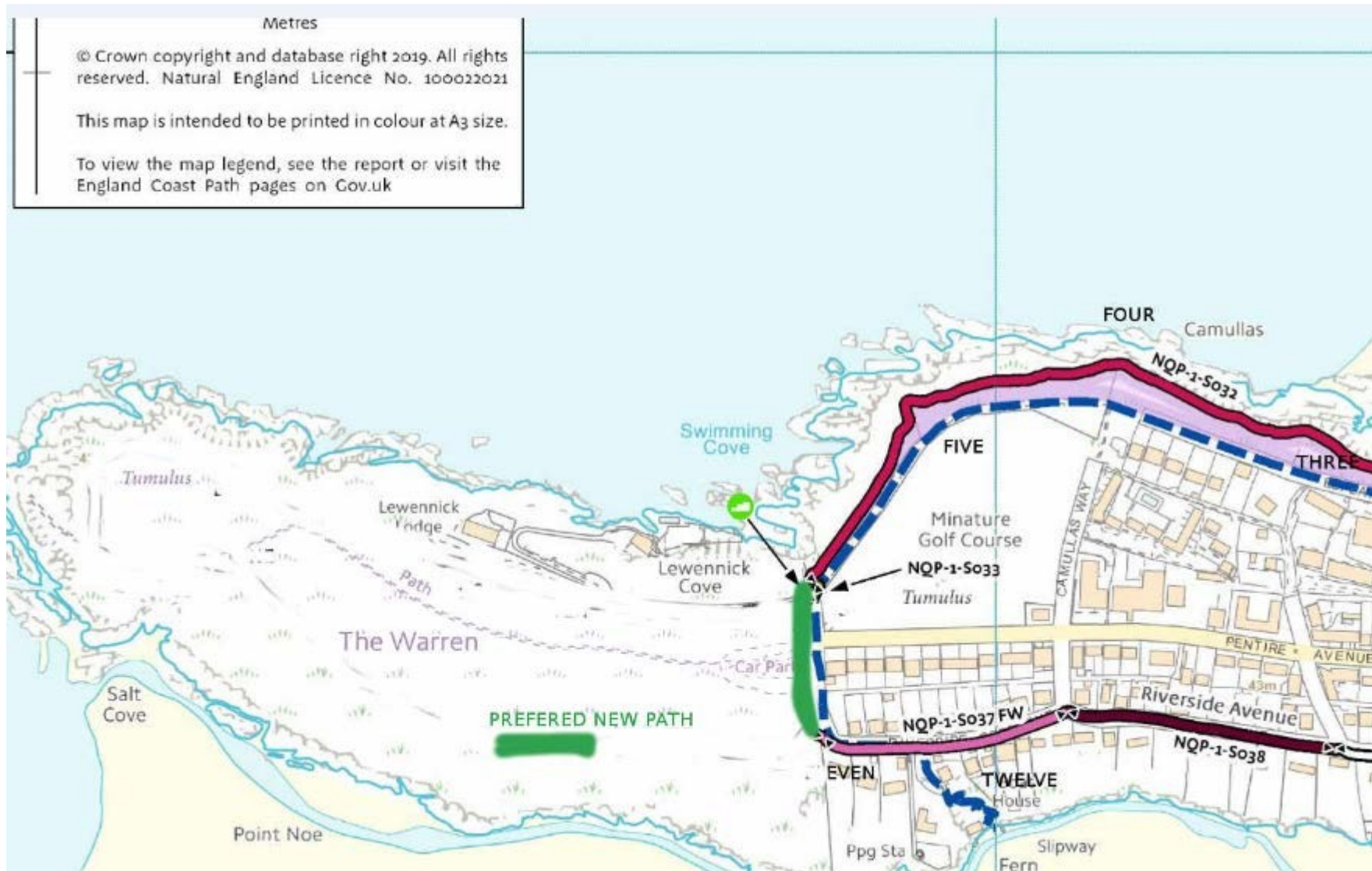


Proposed route shown in blue

- 5D - MCA/NQP1/R/7/NQP1582 - East Pentire Action Group - Village Green Registration map - Pentire Head



- 5E - MCA/NQP1/R/7/NQP1582 - East Pentire Action Group - Map showing preferred route at Pentire Head



- **5F - MCA/NQP1/R/7/NQP1582 - East Pentire Action Group - Photos x 10 of East Pentire headland**

Headland to south west



Headland plaque





Headland to west



County wildlife site sign

East Pentire Headland June 2016



East Pentire Headland



Headland car park



East Pentire Headland



East Pentire Headland



Headland Green sign

- **5H - MCA/NQP1/R/8/NQP1582 - East Pentire Action Group - Photos x 12 of Esplanade Green**

These pictures have been redacted from this record due to containing personal information.

- 5I - MCA/NQP1/R/19/NQP1582 - East Pentire Action Group - Photo showing preferred route at The Esplanade



- **5J - MCA/NQP1/R/19/NQP1582 - East Pentire Action Group - Email chain from Natural England dated 14 August 2019**

This email chain has been redacted from this record due to containing personal information.

- 5K - MCA/NQP1/R/19/NQP1582 - Photos provided by Natural England of signs on East Pentire and Esplanade Greens



- **5L - MCA/NQP1/R/6/NQP1588 - Pentire Residents' Association - Photos x 9 of proposed route along The Esplanade**

These pictures have been redacted from this record due to containing personal information.

- **5M - MCA/NQP1/R/9/NQP1590 - Pentire Esplanade Project - Alternative new coastal path proposal using pavement on Esplanade Road**

NQP-1-S031 and part of NQP-1-S032 (part) ,(alternative NQP-1-S032* part),
ALTERNATIVE NEW COASTAL PATH PROPOSAL



ALTERNATIVE NEW COASTAL PATH – avoiding conflict with new disabled paths and steps

- **5N - MCA/NQP1/R/9/NQP1590 - Pentire Esplanade Project - Photos x 6 of surfaced paths at east end of The Esplanade**

These pictures have been redacted from this record due to containing personal information.