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Coastal Access Modification Report MR1

Proposed changes to the submitted England Coast Path proposals for the Minehead to Combe Martin stretch

**Locations affected:
Hurlstone Point and Glenthorne, Exmoor**

Natural England's Modification Report to the Secretary of State
July 2020



Part 1: Purpose of this report

1.1 Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. The duty is in two parts: one relating to securing a long-distance walking route around the coast; the other to creating an associated “margin” of land for the public to enjoy, either in conjunction with their access along the route line, or otherwise.

1.2 On 20th June 2017, Natural England submitted a report to the Secretary of State for the Environment, Food and Rural Affairs, setting out proposals for improved access to the coast between Minehead and Combe Martin. However a European Court judgment handed down in April 2018, known colloquially as ‘People over Wind’, affected how the impact of such proposals on environmentally protected sites could be assessed. As a consequence, Natural England has reviewed the impact of its proposals on European protected sites on the coast between Minehead and Combe Martin, and will be providing an updated version of the HRA to the Secretary of State in order to enable determination of its proposals and the related objections and representations/summary representations. Public rights of access to this stretch therefore have yet to commence.

1.3 Since submission of its report, it has become clear to Natural England because of altered circumstances that some minor changes are necessary to the route it proposed for the England Coast Path on this stretch. Some of these changes can, in Natural England’s view, be effected through the Secretary of State’s determination of representations and objections that have already been received. However it considers that two of the changes that have proved necessary cannot be determined in this way, and need to be proposed now through a separate Modification Report (MR), so that they can be considered alongside the rest of Natural England’s original proposals. The proposed changes are at these two places, which are shown as numbered point locations on the Ordnance Survey base map below headed Map MR1a - Modifications Location Map:

- Hurlstone Point
- Glenthorne

These changed proposals are subject to a fresh objections and representations process; to advice by the person appointed by the Secretary of State to advise on any objections that may be received to the proposals; and then to determination by the Secretary of State alongside Natural England’s original proposals.

1.4 It is therefore recommended that for determination purposes, Natural England’s original report relating to this stretch should be read in conjunction with this MR. In particular, the Overview to the original report provides vital context to many of the issues discussed within this MR. The original report can be viewed at www.gov.uk/government/collections/england-coast-path-minehead-to-combe-martin.

The South West Coast Path

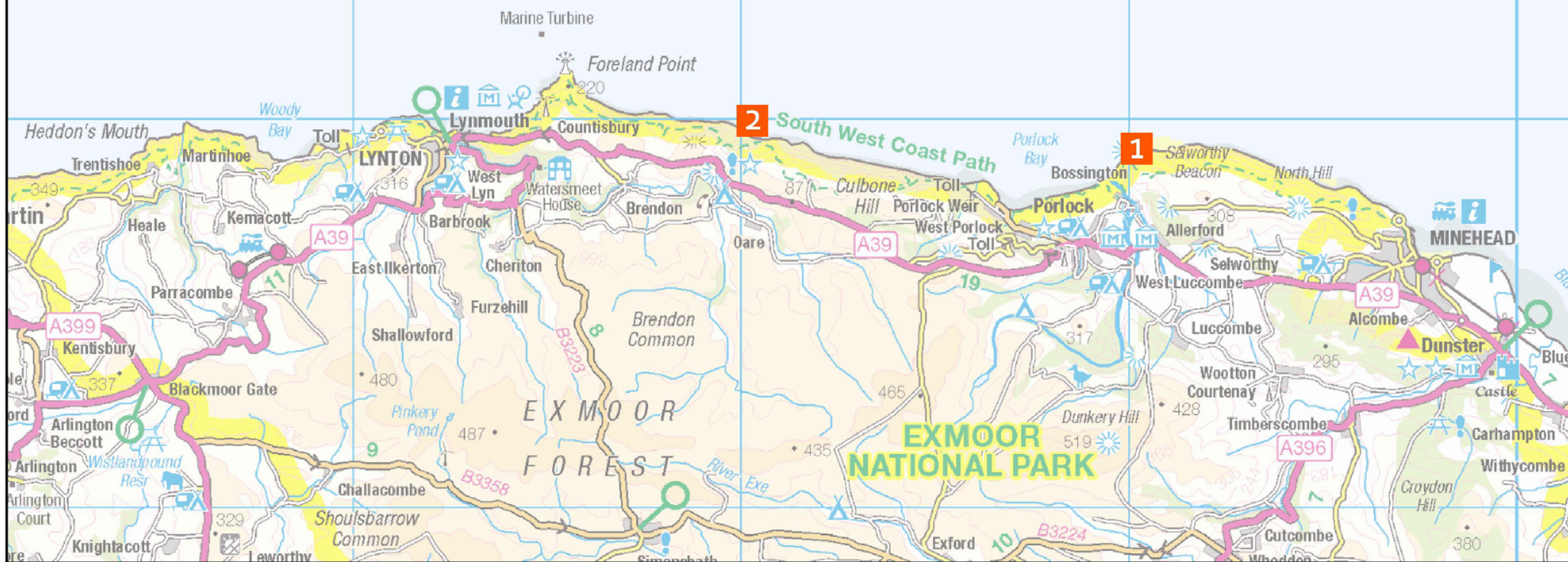
1.5 The South West Coast Path (SWCP) generally follows the coast over the Minehead to Combe Martin stretch and for the most part our original proposals proposed adopting the walked line of this route as the line of the England Coast Path. However, there are places such as at Hurlstone Point and Glenthorne where we have proposed improvements to the existing route line. There may also be places where the walked line of the SWCP differs slightly from the route that was originally approved for it by the Secretary of State, because the path has evolved over time to cope with coastal erosion and other processes. In both situations, as explained at part 6a of the Overview to the original report, assuming these proposals are approved, the intention is that a separate variation report to the Secretary of State should in due course change the route of the existing national trail to reflect the approved line of the England Coast Path, insofar as the two are different.

Map MR1a - Modifications Location Map Minehead to Combe Martin Stretch

- 1 Location 1 - Hurlstone Point
- 2 Location 2 - Glenthorne

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BRISTOL CHANNEL



Part 2: Proposed modification at Hurlstone Point

Start Point:	Grid reference: SS 9032 4892
End Point:	Grid reference: SS 9021 4896
Relevant Map:	MR1b
Section numbers from original proposals no longer being proposed:	
MCM-1-S017 and part of MCM-1-S018	

2.1 Introduction

Reason for and consequences of proposed modification:

2.1.1 Our original alignment of the ECP in this area, as proposed in Natural England's original report submitted to the Secretary of State, followed the public right of way (PRoW) along the ridge at Hurlstone Point. The original report can be viewed at www.gov.uk/government/collections/england-coast-path-minehead-to-combe-martin.

2.1.2 Following a site visit post submission, to gather information for the review of the Habitats Regulations Assessment (HRA) (see paragraph 1.2), it became apparent that a new cattle track had opened up some 20m to the west of the PRoW. This track was now being used by walkers and it seemed clear that adopting it, suitably improved, as part of the proposed ECP alignment would lead to a reduction in necessary establishment works, compared with the original proposal, and would therefore have even less impact on European Site features.

2.2 Proposals Narrative

The Trail:

2.2.1 Our proposal (see Map MR1b) is, from east to west, to re-route the path shown as MCM-1-S017 FP and part MCM-1-S018 FB in our original report. The realigned trail would extend for a length of 90 metres at a maximum of 22 metres westward of the original route proposed.

2.2.2 The proposed route would follow an existing cattle track through the dry heath vegetation along section MCM-MR1-S001.

Protection of the environment:

2.2.3 The section of path for which a new alignment is proposed is within an area of coastal heathland. This habitat is a qualifying feature of Exmoor Heaths SAC and a notified feature of the underpinning Exmoor Heaths SSSI.

2.2.4 Natural England's previous proposal for this section of the route (made in 2017) was to improve an existing walked route by cutting back encroaching vegetation and creating a new graded zig zag section of path with steps where the route traverses a steep rocky slope. This proposal would have led to a small loss of habitat where new stone steps needed to be installed. We concluded this impact was acceptable since the area affected was small in the context of the site and the improved route would

provide a better defined trail on the ground and reduce the risk of the path surface becoming eroded and the area subject to wider trampling.

2.2.5 The modified proposal is to align this section of path further down the slope, below the existing walked route, where trampling by livestock has created a new desire line on the ground. The livestock path is already being used by some walkers as it avoids the rocky section and offers a more even gradient.

2.2.6 A benefit of the new proposal is that it avoids the need to install new steps within the coastal heathland. Some widening and regrading along the line of the livestock path is needed to create an improved surface for walking. The livestock path is 30-50cm in width and will be widened to 1m by lifting turf on the higher (north east) side of the path and placing on the lower side. The length of the modified section of route is approximately 90m in length and the area of habitat affected is small in the context of the site. Being a shallower gradient, the surface of the new section of path is less likely to become eroded. Walkers will be directed along the new alignment and as a result, use of the existing walked line will decrease, allowing heathland vegetation to recolonize. The overall potential impact on the heathland habitat will reduce as a result of the modified proposal.

2.2.7 Modification to the proposed alignment will move the path onto a more sustainable alignment that will be easier to maintain and will not need hard surfacing to be installed. This will help make the surface of the path less liable to become damaged or eroded, which in turn will make localised spreading of trampling still less likely in the vicinity of the path – to the benefit of the coastal heathland.

2.2.8 Natural England is therefore satisfied that modifying the proposed alignment of the trail at Hurlstone Point in the way described does not change the outcome of the previous HRA¹ for this stretch of coast; will not have an adverse effect on the site integrity of the Exmoor Heaths SAC; and is fully compatible with conservation of Exmoor Heaths SSSI.

Accessibility:

2.2.9 The proposed trail consists of a path with a soil and turf surface. Like the original proposed route, the modified one is likely to be unsuitable for some people with reduced mobility because of the nature of the terrain. We have chosen a route alignment which takes the path off a rocky outcrop that could be slippery when wet.

Where we have proposed exercising statutory discretions:

Landward boundary of the coastal margin:

2.2.10 Our original proposal to include additional landward margin (covering much of the heathland on Bossington Hill) is very slightly reduced by this proposed modification. The part of the hill lying between our newly proposed route and the previously proposed route will instead become default seaward margin. The total area of coastal margin will not change as a result of this proposed modification.

See part 3 of the Overview to the original report - ‘Understanding the proposals and accompanying maps’, for an explanation of the default extent of the coastal margin and how we may use our discretion to adjust the margin, either to add land or to provide clarity.

¹ The previous HRA is contained in the Access and Sensitive Features Assessment (ASFA) published in June 2017 with Natural England’s original proposals for coastal access between Minehead and Combe Martin. Note that, following the People over Wind judgment referred to earlier, Natural England has reviewed the previous HRA and will be providing the updated version to the Secretary of State. The final version of the HRA will incorporate the conclusion noted in 2.2.8 above.

Restrictions and/or exclusions:

2.2.11 Access rights to the seaward margin would be subject to the excepted land rules and the national restrictions on coastal access rights. We do not propose any additional local restrictions or exclusions.

Coastal erosion:

2.2.12 Natural England is able to propose that the route of the trail would be able to change in the future, without further approval from the Secretary of State, in response to coastal change. This would happen in accordance with the criteria and procedures for 'roll-back' set out in part 8 of the Overview to the original report. Natural England may only propose the use of this roll-back power:

- as a result of coastal erosion or other geomorphological processes or encroachment by the sea, or
- in order to link with other parts of the route that need to roll back in direct response to such changes.

2.2.13 Column 4 of table 2.3.1 proposes that the modified section of trail should be able to roll back in this way, as the previously proposed alignment would have been able to. In relation to the modified route section MCM-MR1-S001, the route, as initially determined at the time this report is prepared, is to be at the centre of the line shown on map MR1b as the proposed route of the trail.

2.2.14 Under our proposal, if at any time in the future any part of this route section needs, in Natural England's view, to change for this reason in order for the overall route to remain viable, the new route for the part in question will be determined by Natural England without further reference to the Secretary of State. As noted above this will be done in accordance with the criteria and procedures described under the title 'Roll-back' in part 8 of the Overview to the original report and section 4.10 of the Coastal Access Scheme. If this happens, the new route will become the approved route for that section for the purposes of the Order which determines where coastal access rights apply.

Establishment of the trail:

2.2.15 Below we summarise how our proposed route for the repositioned part of the trail would be physically established to make it ready for public use before any new rights come into force along it.

2.2.16 Our estimate of the capital costs for these works is £150 as the majority of the work will be completed by using volunteers. This is a decrease of around £1350 compared to the original route proposed by our report to the Secretary of State on 20th June 2017. This is mainly due to the fact that there will no longer be a need for the addition of a zig-zag down from the highest point of the PRow onto the existing path.

2.2.17 Summary of cost implications:

- Original cost estimate for establishment of submitted route (sections MCM-1-S016 to MCM-1-S019) = £1500
- Cost estimate for establishment of proposed modified route = £150
- Likely saving = £1350

2.2.18 These estimates are informed by information already held by the National Trust, the owners of the land, and the access authority Exmoor National Park.

2.2.19 There is one main element to the overall capital costs:

- The cattle track will need manually widening to 1 metre by lifting turf on the higher (north east) side of the track and placing on the lower side. Some additional manual work will be required to level the surface along part of the new length

2.2.20 If the Secretary of State approves our report, Exmoor National Park Authority will liaise with the affected land owners and occupiers about relevant aspects of the establishment works and installation of new signs that are needed on their land. Prior to works being carried out on the ground, all necessary permissions, authorisations and consents will be obtained. All such works would conform to the published standards for National Trails and the other criteria described in our Coastal Access Scheme.

Maintenance of the trail:

2.2.21 As for the previously proposed route, ongoing maintenance of the trail would be necessary from time to time. This modification would make no significant change to our overall estimate for the originally submitted route, as set out in our report to the Secretary of State on 20th June 2017.

Part 2.3: Proposals Tables

See Part 3 of Overview for guidance on reading and understanding the tables below

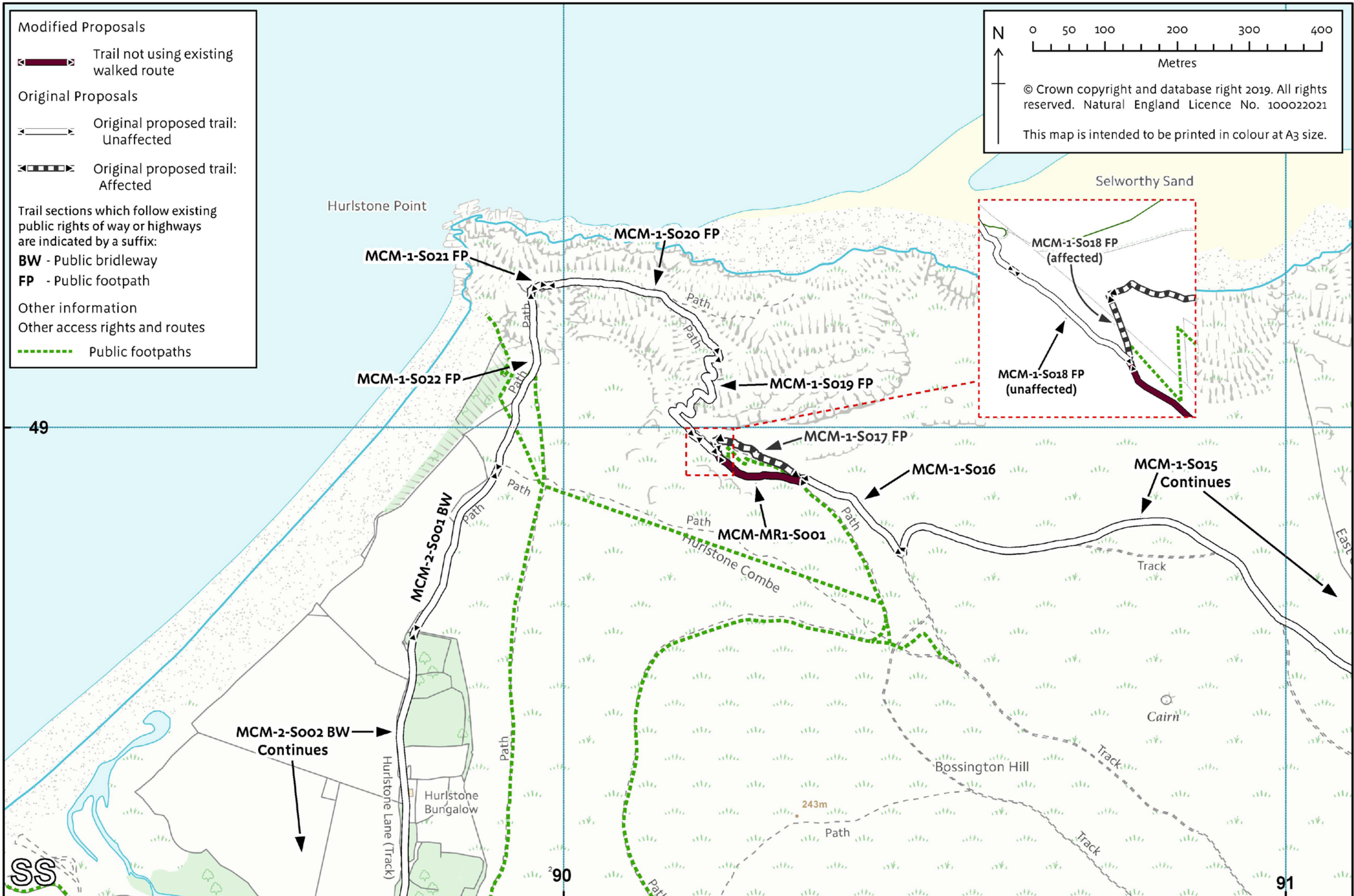
Table 2.3.1 Details for sections that differ from the existing South West Coast Path – Map MR1b: Hurlstone Point

Key notes on table:

1. Column 4 – ‘No’ means no roll-back is proposed for this route section. ‘Yes – Normal’ means roll-back is proposed and is likely to follow the current feature (e.g. cliff edge/beach) for the foreseeable future as any coastal change occurs.
2. Column 5a - Certain coastal land types are included automatically in the coastal margin where they fall landward of the trail if they touch it at some point. The relevant land type (foreshore, cliff, bank, barrier, dune, beach, flat or section 15 land – see Glossary in Annex B to the 2017 Overview) is shown in this column where appropriate. “No” means none present on this route section.
3. Columns 5b and 5c – Any entry in these columns means we are proposing to align the landward boundary of the coastal margin on this route section with the physical feature(s) shown in 5b, for the reason in 5c. No text here means that for this route section the landward edge of the margin would be that of the trail itself - or if any default coastal land type is shown in 5a, that would be its landward boundary instead.

1	2	3	4	5a	5b	5c	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See part 8 of 2017 report Overview)	Landward margin contains coastal land type?	Proposal to specify landward boundary of margin	Reason for landward boundary proposal	Explanatory notes
MR1b	MCM-MR1-S001	Not an existing walked route	Yes – Normal	No	Proposal in original report slightly reduced	Proposal in original report slightly reduced	See paragraph 2.2.10

Map MR1b - Modification 1 - Hurlstone Point



Part 3: Proposed modification at Glenthorne

Start Point:	Grid reference: SS 7993 4950
End Point:	Grid reference: SS 7942 4977
Relevant Map:	MR1c
Section numbers from original proposals no longer being proposed:	
MCM-3-S011 to MCM-3-S021	

3.1 Introduction

Reason for and consequences of proposed modification:

3.1.1 Our original alignment of the ECP in this area, as proposed in Natural England's original report submitted to the Secretary of State, reflected an undertaking at the time by the then landowner of Glenthorne to dedicate part of the gardens of Glenthorne House for coastal access. This offer of dedication was to enable Natural England to propose a new seaward route for the coast path through the landholding despite its status as excepted land under the legislation. The original report can be viewed at www.gov.uk/government/collections/england-coast-path-minehead-to-combe-martin

3.1.2 However subsequent to submission of the proposals, ownership of Glenthorne House and Estate has changed and the new owners do not want to dedicate a route through the gardens in this way. As the gardens extend to the cliff top, this makes it impossible to identify a route for the coast path to the seaward side of the buildings and other excepted land.

3.1.3 Natural England has worked with the current landowners of Glenthorne House and with the neighbouring landowner, to negotiate a changed route for the ECP seaward of the existing alignment of the South West Coast Path, but landward of any areas of excepted land.

3.1.4 In our original proposals we proposed an 'optional alternative route' which would operate at times when part of the route along the beach would be unavailable due to high tides. However, as the proposed modification no longer aligns any part of the main trail here along the beach, an optional alternative route is no longer needed.

3.2 Proposals narrative

The Trail:

3.2.1 Our proposal (see map MR1c) is, from east to west, to re-route the path between Yenworthy Combe to the east of Glenthorne House, and The Towers at Little Wood to the west of Glenthorne estate (route sections MCM-3-S0011 to MCM-3-S0021 of our original report).

3.2.2 The proposed route would follow an existing walked route (a permissive path known locally as 'Ben's Path') along sections MCM-MR1-S003 and MCM-MR1-S005 and a public footpath along section MCM-MR1-S004 to a track. It would then follow a new path, not used as an existing walked route, through woodland along sections MCM-MR1-S006 and MCM-MR1-S007, to a point where it would join the previously submitted route at The Towers.

3.2.3 As a consequence of these proposed changes, the area of coastal margin would increase - although much of the increased area would be excepted land as a result of being buildings, curtilage and land used as gardens.

3.2.4 Other options for a modified route proposal included an alignment through fields to the seaward side of the proposed route. However we think the proposed route strikes the required fair balance, because it makes use of existing walked routes along some of its length, it still has intermittent views of the sea, and it avoids crossing a steep sided agricultural enclosure, with the result that no new infrastructure would be required. We also considered aligning the trail along the existing South West Coast Path (SWCP) further to the landward side of Glenthorne, but opted for the modified route alignment as it is closer to the sea and offers a more varied and interesting route with intermittent views of the sea; the existing SWCP at its furthest extent is about 800m inland from the coast and due to the wooded nature of the landscape there are no views of the sea.

Protection of the environment:

3.2.5 No internationally or nationally designated sites will be affected by this modification, and therefore there is no need to consider the consequences of it for the HRA of coastal access proposals between Minehead and Combe Martin or the Access and Sensitive Features Appraisal submitted with the original proposals.

3.2.6 Natural England is satisfied that the proposed modification is in accordance with relevant environmental protection legislation.

Accessibility:

3.2.7 The proposed trail consists of a path predominantly of a soil and turf surface. Like the originally proposed route, the modified one is likely to be unsuitable for some people with reduced mobility because of the nature of the terrain. While we have been unable to completely avoid sloping ground, we have chosen a route alignment which makes best use of following contour lines and avoids the need for new infrastructure such as steps or gates.

Where we have proposed exercising statutory discretions:

Landward boundary of the coastal margin:

3.2.8 With the agreement of the landowner, we have used our discretion on all sections of the newly-proposed route to map the landward extent of the coastal margin to the edge of the path or track in question, to make the extent of the new access rights clearer. These proposals are shown where relevant in table 3.3.1 below.

See part 3 of the Overview to the original report - 'Understanding the proposals and accompanying maps', for an explanation of the default extent of the coastal margin and how we may use our discretion to adjust the margin, either to add land or to provide clarity.

Optional alternative route – withdrawal of original proposal:

3.2.9 In our original proposals we proposed an 'optional alternative route' along the existing public footpath currently used as the route of the South West Coast Path, to operate at times when the part of the route that we were proposing should run along the beach would be unavailable due to high tides. However, as the proposed modification no longer aligns any part of the main trail along the beach, an

optional alternative trail is no longer needed, and that part of our original proposals is therefore withdrawn.

Restrictions and/or exclusions:

3.2.10 Access rights to the seaward margin would be subject to the excepted land rules and the national restrictions on coastal access rights. We do not propose any additional local restrictions or exclusions.

Coastal erosion:

3.2.11 Natural England is able to propose that the route of the trail would be able to change in the future, without further approval from the Secretary of State, in response to coastal change. This would happen in accordance with the criteria and procedures for 'roll-back' set out in part 8 of the Overview to the original report.

Natural England may only propose the use of this roll-back power:

- as a result of coastal erosion or other geomorphological processes or encroachment by the sea, or
- in order to link with other parts of the route that need to roll back in direct response to such changes.

3.2.12 Column 4 of table 3.3.1 indicates where roll-back has been proposed. In relation to the modified route sections MCM-MR1-S002 to MCM-MR1-S007, the route, as initially determined at the time this report is prepared, is to be at the centre of the line shown on map MR1c as the proposed route of the trail.

3.2.13 If at any time in the future any part of a route section upon which roll-back has been specified needs, in Natural England's view, to change in order for the overall route to remain viable, the new route for the part in question will be determined by Natural England without further reference to the Secretary of State. As noted above this will be done in accordance with the criteria and procedures described under the title 'Roll-back' in part 8 of the Overview to the original report and section 4.10 of the Coastal Access Scheme. If this happens, the new route will become the approved route for that section for the purposes of the Order which determines where coastal access rights apply.

Establishment of the trail:

3.2.14 Below we summarise how our proposed route for the repositioned part of the trail would be physically established to make it ready for public use before any new rights come into force along it.

3.2.15 Our estimate of the capital costs for these works is £9,340. This is significantly lower than the likely cost of implementing the proposals in our original report for this part of the route. This is mainly due to the fact that there will no longer be a need for the installation of a new flight of steps leading up from the beach.

3.2.16 Summary of cost implications:

- Original cost estimate for establishment of submitted route (sections MCM-3-S011 to MCM-3-S021) = £76,000
- Cost estimate for establishment of proposed modified route = £9,340
- Likely saving = £66,660

3.2.17 These estimates are informed by:

- information already held by the access authority, Exmoor National Park Authority;
- information gathered while visiting affected land and talking to the people who own and manage it about the options for the route.

3.2.18 There are two main elements to the overall capital costs:

- The surface of part of the proposed route is currently not walked and requires some improvement to create a suitable path, including vegetation clearance and levelling.
- A number of new signs would be needed on the trail.

3.2.19 If the Secretary of State approves our report, Exmoor National Park Authority will liaise with the affected land owners and occupiers about relevant aspects of the establishment works (including funding) and installation of new signs that are needed on their land. Prior to works being carried out on the ground, all necessary permissions, authorisations and consents will be obtained. All such works would conform to the published standards for National Trails and the other criteria described in our Coastal Access Scheme.

Maintenance of the trail:

3.2.20 Ongoing maintenance of the trail would be necessary from time to time. This modification would result in an increase of approximately £265 in the overall annual maintenance estimate from the originally submitted route, as set out in our report to the Secretary of State on 20th June 2017.

Part 3.3: Proposals Tables

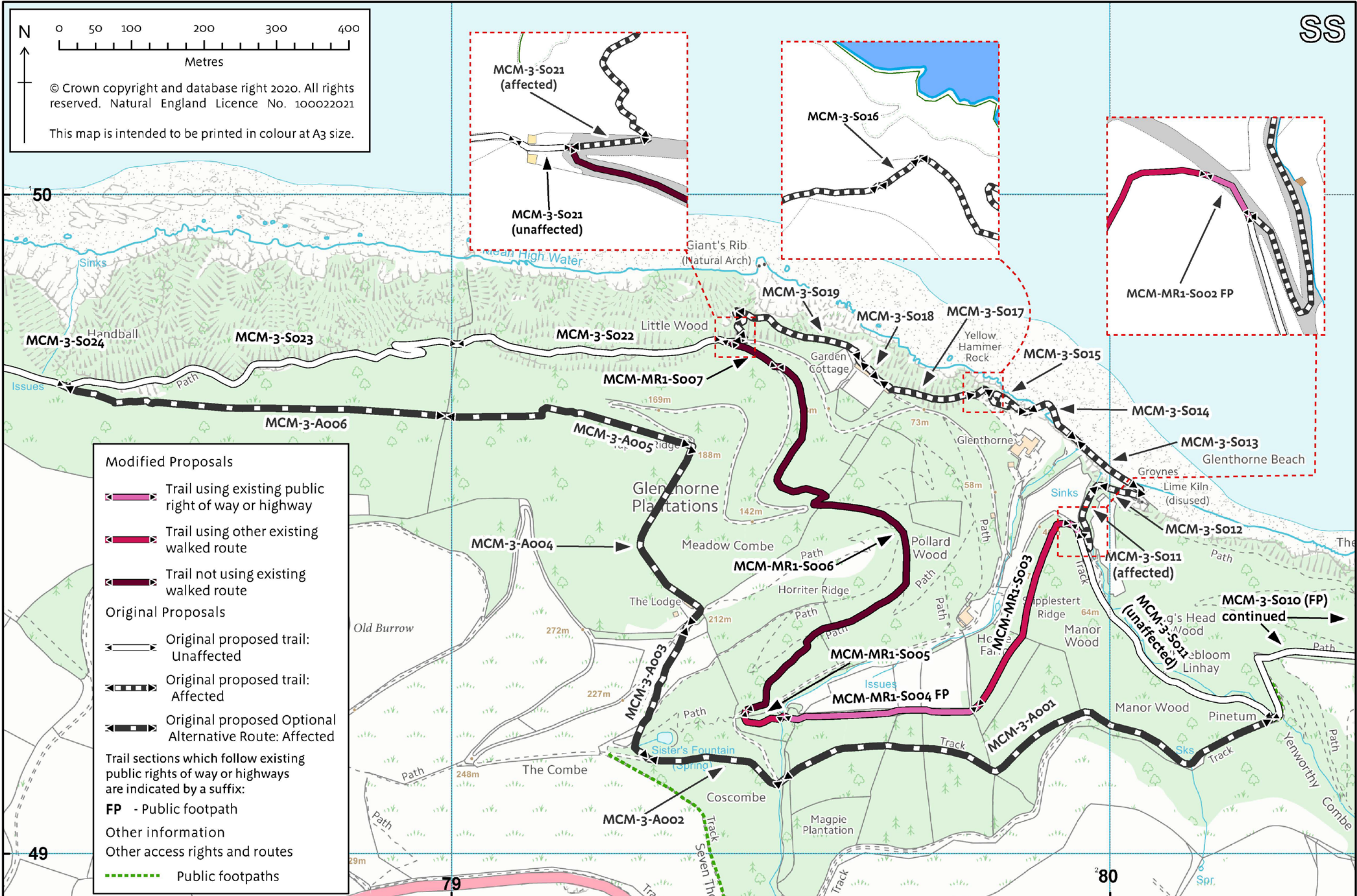
See Part 3 of Overview for guidance on reading and understanding the tables below

Table 3.3.1 Details for sections that differ from the existing South West Coast Path – Map MR1b: Hurlstone Point

Key notes on table:

1. Column 4 – ‘No’ means no roll-back is proposed for this route section. ‘Yes – Normal’ means roll-back is proposed and is likely to follow the current feature (e.g. cliff edge/beach) for the foreseeable future as any coastal change occurs.
2. Column 5a - Certain coastal land types are included automatically in the coastal margin where they fall landward of the trail if they touch it at some point. The relevant land type (foreshore, cliff, bank, barrier, dune, beach, flat or section 15 land – see Glossary in Annex B to the 2017 Overview) is shown in this column where appropriate. “No” means none present on this route section.
3. Columns 5b and 5c – Any entry in these columns means we are proposing to align the landward boundary of the coastal margin on this route section with the physical feature(s) shown in 5b, for the reason in 5c. No text here means that for this route section the landward edge of the margin would be that of the trail itself - or if any default coastal land type is shown in 5a, that would be its landward boundary instead.

1	2	3	4	5a	5b	5c	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See part 8 of 2017 report Overview)	Landward margin contains coastal land type?	Proposal to specify landward boundary of margin (See maps)	Reason for landward boundary proposal	Explanatory notes
MR1c	MCM-MR1-S002	Public footpath	Yes – Normal	No	Landward edge of path	Clarity and cohesion	
	MCM-MR1-S003	Other existing walked route	Yes – Normal	No	Landward edge of path	Clarity and cohesion	
	MCM-MR1-S004	Public footpath	Yes – Normal	No	Landward edge of path	Clarity and cohesion	
	MCM-MR1-S005	Other existing walked route	Yes – Normal	No	Landward edge of path	Clarity and cohesion	
	MCM-MR1-S006	Not an existing walked route	Yes – Normal	No	Landward edge of path	Clarity and cohesion	
	MCM-MR1-S007	Not an existing walked route	Yes – Normal	No	Landward edge of track	Clarity and cohesion	



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This map is intended to be printed in colour at A3 size.

Modified Proposals

- Trail using existing public right of way or highway
- Trail using other existing walked route
- Trail not using existing walked route

Original Proposals

- Original proposed trail: Unaffected
- Original proposed trail: Affected
- Original proposed Optional Alternative Route: Affected

Trail sections which follow existing public rights of way or highways are indicated by a suffix:

- FP** - Public footpath

Other information

- Other access rights and routes
- Public footpaths

Front cover photo: Hurlstone Point

Jane Beech/Natural England

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