

Coastal Access Modification Report MR1

Proposed changes to the submitted England Coast Path proposals for Portsmouth to South Hayling

Locations affected: Eastney Peninsula and Kendalls Wharf

Natural England's Modification Report to the Secretary of State

March 2021

Purpose of this report

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.

2 On 17th July 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 from Portsmouth to South Hayling. 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 from Portsmouth to South Hayling, and will be providing an updated version of its Habitats Regulations Assessment (HRA)¹ to the Secretary of State in order to enable determination of its proposals (as proposed to be modified by this report) and of the related objections and representations/summary representations. Public rights of access to this stretch therefore have yet to commence.

3 Since submission of its report, it has become clear to Natural England that because of altered circumstances some minor changes are necessary to the route it proposed for the England Coast Path on this stretch.

4 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 two of the changes that are now considered necessary cannot be dealt with 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 at these two locations are shown as numbered point locations on the Ordnance Survey base map below headed Modifications Location Map:

- A – Eastney Peninsula

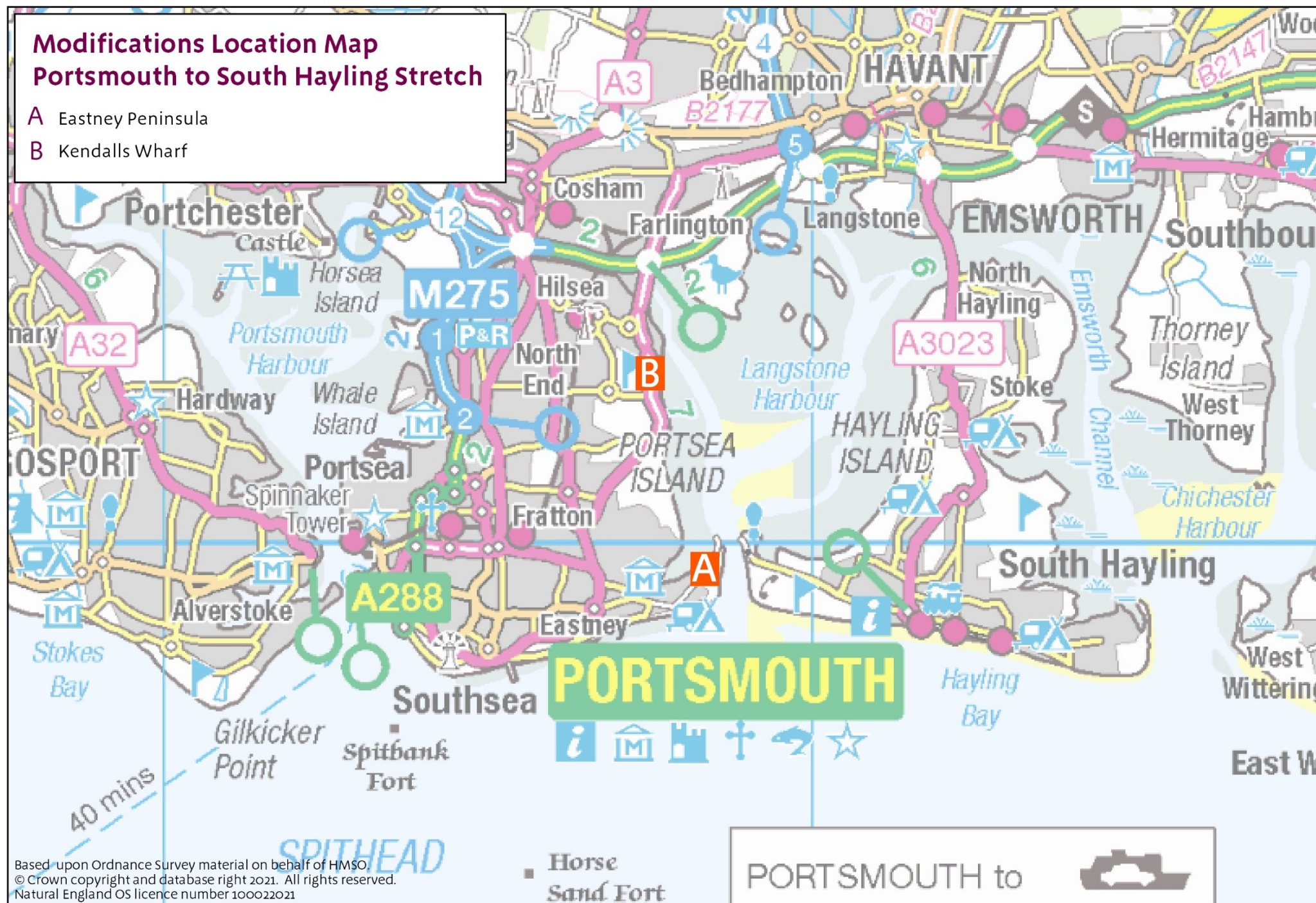
¹ Thus the updated version of the HRA replaces the HRA element of the previously published Access and Sensitive Features Appraisal.

- B - Kendalls Wharf

5 These changed proposals are set out below and are subject to a fresh objections and representations process; to advice by a person appointed by the Secretary of State about any objections that are received to the proposals; and then to determination by the Secretary of State alongside Natural England's original proposals.

Modifications Location Map Portsmouth to South Hayling Stretch

- A Eastney Peninsula
- B Kendalls Wharf



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A: Proposed modification at Eastney Peninsula

Start Point:	Grid reference: SZ 68472 99567
End Point:	Grid reference: SZ 68349 99602
Relevant Map:	Map MR1A
Section numbers from original proposals no longer being proposed: Part of PSH-2-S007 to part of PSH-2-S010	

A.1 Introduction

Reason for and consequences of proposed modification:

A.1.1 Our original alignment of the ECP in this area, as proposed in Natural England's original [report](#), followed the shingle beach up the peninsula towards the Life Boat Station and then onto Ferry Road and Fort Cumberland Road to continue around the harbour.

A.1.2 Subsequent to publishing our original report, a section of the shingle beach was washed away by a storm, and as a result the path became impassable and unsatisfactory to walk on.

A.2 Proposals Narrative

The Trail:

A.2.1 Our proposal is to shorten the proposed route around Eastney Peninsula. The modified route is approximately 160m in length and follows an existing access road between Ferry Road and the (public) slipway by the Southsea Anglers Club. The modified route is labelled PSH-MR1-S001 and PSH-MR1-S002 on Map MR1A and connects between original route sections PSH-2-S007 to PSH-2-S010.

Protection of the environment:

A.2.2 The modified route passes between a boat yard and area of scrub, along a track lined with dense hedgerows. There will be some increase in the area of coastal margin as a result of the proposed modification, although the majority of the area affected is in use as a boat yard and will be excepted land. No new impacts on protected sites would arise from the modified proposal. Disturbance to birds is a key issue in this area but the modified route proposed is outside of any designated sites and does not pass through, or adjacent to, locations identified as supporting habitat.

Accessibility:

A.2.3 The proposed trail consists of a tarmac road, therefore it is more suitable for some people with reduced mobility than parts of the original route. The original path was aligned on the shingle beach up the eastern side of the peninsula before following a tarmac road back down the western side of the peninsula. We have chosen this route alignment as it provides the next best route to ensure the continuity of the trail, whilst meeting the principles of the Coastal Access Scheme, namely closeness to

the coast and safety and convenience of those using the trail. In addition it is less likely to be subject to coastal erosion.

Where we have proposed exercising statutory discretions:

Landward boundary of the coastal margin:

A.2.4 Similar to our original proposals, the modified route will not create large areas of landward coastal margin as we have used our discretion to propose that the landward edge of the margin coincides with the landward edge of the road upon which the trail is aligned. However, as the proposed route cuts across the neck of the peninsula, the modified proposal would have a greater area of corresponding default seaward coastal margin.

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.

Restrictions and/or exclusions:

A.2.5 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:

A.2.6 The Overview to the original stretch report explains that Natural England can propose that the route of the trail should be able to change in the future, without further approval from the Secretary of State, in response to coastal change, and the proposals in this respect are then set out in that report/those reports.

A.2.7 We have chosen not to make any additional roll-back proposals in this modification report. Accordingly the route is to be at the centre of the line shown on map MR1b as the proposed modified route of the trail.

Establishment of the trail:

A.2.8 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.

A.2.9 Our estimate of the capital costs for these works is £472.00 (inclusive of VAT). This is the same cost as the original route set out in our report to the Secretary of State on 17 July 2020. This is because no significant additional infrastructure is required, other than the installation of two multi-finger signposts which were also required in the original proposals.

A.2.10 Summary of cost implications:

- Original cost estimate for establishment of submitted route (sections PSH-2-S007 to PSH-2-S010) = £472.00
- Cost estimate for establishment of proposed modified route = £472.00
- Likely saving = £0

A.2.11 These estimates are informed by information obtained from the access authority.

A.2.12 If the Secretary of State approves our report, Portsmouth City Council 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:

A.2.13 As for the previously proposed route, ongoing maintenance of the trail would be necessary from time to time. We anticipate that the overall annual cost to maintain the trail will be £75 which represents a £200 (exclusive of any VAT payable) decrease compared to the original route set out in our report to the Secretary of State on 17th July 2017.

A.3: Proposals Tables

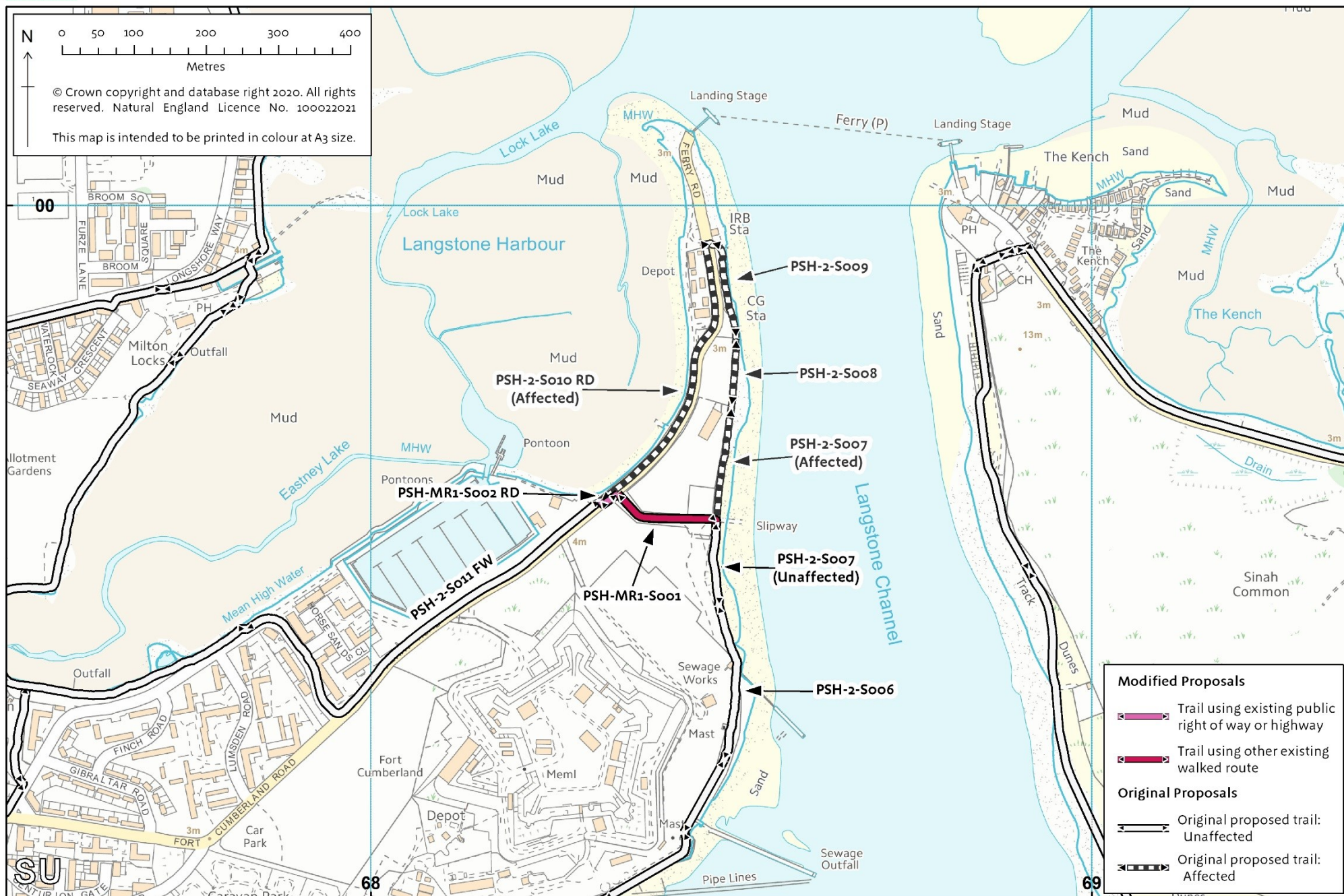
See Part 3 of Overview for guidance on reading and understanding the tables below

Table A.3.1 Details for sections that differ from the original proposed route - Map MR1A: Eastney Peninsula

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)	New 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
MR1A	PSH-MR1-S001	Other existing walked route	No	No	Landward edge of road	Clarity and cohesion	See paragraph A.2.4
MR1A	PSH-MR1-S002	Public Highway	No	No	Landward edge of road	Clarity and cohesion	See paragraph A.2.4



B: Proposed modification at Kendalls Wharf

Start Point:	Grid reference: SU 67400 03368
End Point:	Grid reference: SU 67572 02792
Relevant Map:	Map MR1B
Section numbers from original proposals no longer being proposed: Part of PSH-2-S022, part of PSH-2-S023, PSH-2-S024 and part of PSH-2-S025	

B.1 Introduction

Reason for and consequences of proposed modification:

B.1.1 Our original alignment of the ECP in this area, as proposed in Natural England's [original report](#), followed the long distance walking route, the Solent Way, along the former sea wall.

B.1.2 The local authority informed us that the coastal defences are to be upgraded at this location which would require a minor modification of the England Coast Path. The path, along with the Solent Way, will be routed inland as there isn't scope to align along the refurbished seawall.

B.2 Proposals Narrative

The Trail:

B.2.1 Our proposal (see Map MR1B) is, from south to north, to re-route the path shown as PSH-2-S022 (part of), PSH-2-S023 (part of), PSH-2-S024 and PSH-2-S025 (part of) in our original report. The realigned trail is 509 metres in length and up to 50 metres westward of the original route proposed.

B.2.2 The proposed route would follow an existing grass track along section PSH-MR1-S003 then through a tarmac car park along section PSH-MR1-S004. The proposed route will then follow the road behind the Tudor Sailing club, adjacent to the sports ground along section PSH-MR1-S005 to PSH-MR1-S006 where it joins with the original route. Part way along section PSH-2-S023, the modified route then follows a gravel track through some trees along sections PSH-MR1-S007 and PSH-MR1-S008 and then re-joins the original route (see map MR1B).

Protection of the environment:

B.2.3 The modified route passes through an area used for sports and recreation, with sports fields, car parks, sports halls and other buildings. There will be a small increase in the area of coastal margin as the modified route is up to 50m landwards of the previously proposed route along the sea wall. The area affected by the proposed modification is not within a protected site but the sports fields are identified within the Solent Wader and Brent Goose Strategy² and classed as a core area due to large numbers of brent geese feeding. Where the proposed route passes around the edge of the sports fields, it is

² Deborah Whitfield, "Solent Waders and Brent Goose Strategy 2009 Interim Project Report," Hampshire & Isle of Wight Wildlife Trust, 2019.

between buildings and car parks or is partly screened from the fields by trees such that the functionality of the sports fields for occasional use by brent geese is not affected by people using the proposed route.

Accessibility:

B.2.4 There are few artificial barriers to accessibility on the proposed route. However, the natural coastal terrain is often challenging for some people with reduced mobility and this is the case on sections of our proposed route because:

- The trail would follow uneven grass or bare soil paths along the majority of the route.

The modified alignment however is unlikely to cause significantly more difficulties for people with reduced mobility compared to the original route.

Where we have proposed exercising statutory discretions:

Landward boundary of the coastal margin:

B.2.5 Similar to our original proposals, the modified route will propose a landward coastal margin to the edge of the trail (2m). However, as the new route lies inland of the originally proposed route, the modified proposal would have a slightly greater area of corresponding default seaward coastal margin.

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.

Restrictions and/or exclusions:

B.2.6 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:

B.2.7 The Overview to the original stretch report explains that Natural England can propose that the route of the trail should be able to change in the future, without further approval from the Secretary of State, in response to coastal change, and the proposals in this respect are then set out in that report/those reports.

B.2.8 We have chosen not to make any additional roll-back proposals in this modification report. Accordingly the route is to be at the centre of the line shown on map MR1B as the proposed modified route of the trail.

Establishment of the trail:

B.2.9 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.

B.2.10 Our estimate of the capital costs for these works is £8.00 (inclusive of VAT). This is the same cost of the original route set out in our report to the Secretary of State on 17 July 2020. This is due to no additional infrastructure being required.

B.2.11 Summary of cost implications:

- Original cost estimate for establishment of submitted route (sections as PSH-2-S022 and part of PSH-2-S023 to part of PSH-2-S025) = £8.00

- Cost estimate for establishment of proposed modified route = £8.00
- Likely increase = £0

B.2.12 These estimates are informed by information from the access authority.

B.2.13 This capital cost is for 4 roundels which will be installed on existing infrastructure to signpost direction of the route.

B.2.14 If the Secretary of State approves our report, Portsmouth City Council 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:

B.2.15 As for the previously proposed route, ongoing maintenance of the trail would be necessary from time to time. We anticipate that the overall annual cost to maintain the trail will be £498 which represents a £60 (exclusive of any VAT payable) increase compared to the original route set out in our report to the Secretary of State on 17th July 2017.

B.3: Proposals Tables

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

Table B.3.1: Details for sections that differ from the original proposed route - Map MR1B - Kendalls Wharf

Key notes on table:

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.

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.

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)	New 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	PSH-MR1-S003	Other existing walked route	No	No	Landward edge of trail (2m)		See paragraph B.2.5
MR1B	PSH-MR1-S004	Other existing walked route	No	No	Landward edge of trail (2m)		See paragraph B.2.5
MR1B	PSH-MR1-S005	Other existing walked route	No	No	Landward edge of trail (2m)		See paragraph B.2.5

1	2	3	4	5a	5b	5c	6
Map(s)	New 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	PSH-MR1-S006	Other existing walked route	No	No	Landward edge of trail (2m)		See paragraph B.2.5
MR1B	PSH-MR1-S007	Other existing walked route	No	No	Landward edge of trail (2m)		See paragraph B.2.5
MR1B	PSH-MR1-S008	Other existing walked route	No	No	Landward edge of trail (2m)		See paragraph B.2.5

Map MR1B - Kendalls Wharf

