

Representations with Natural England's comments

1. Introduction

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

2. Background

Natural England's report setting out its proposals for improved access to the coast between East Head and Shoreham-by-Sea was submitted to the Secretary of State on Wednesday 27th September 2017. This began an eight-week period during which formal representations and objections about the report could be made. A representation about the report could be made during this period by any person on any grounds and could include arguments either in support of or against Natural England's proposals.

Natural England received 44 representations in total, of which five 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. Also included in Section 3 is a summary of the thirty-nine representations made by other individuals or organisations, referred to as 'other' representations.

3. Representation and comment record

Full Representations

Representation number

MCA\East Head to Shoreham\R\29\EHS2948

Organisation/ person making representation

[REDACTED], West Sussex Local Access Forum

Report chapter

Chapters 2, 3 and 6

Route section(s)

EHS-2-S015 to EHS-2-S032; EHS-2-S027; EHS-2-S035; EHS-3-SO77; EHS-6-various sections.

Representation in full

General

2 - 2d, 2e

3 – 3e

6 – various

General. WSLAF members have the general view that Natural England, via the consultation process has, on the whole, proposed realistic and practical solutions in order for the ECP to keep, within reason, as close to the sea as possible and looks forward to the opening of the new section of ECP in the near future and the opportunities it represents to access the coast of West Sussex.

There are a few areas of concern arising from the report as detailed below:

EHS-2-S015 to EHS-2-S032 (maps 2d and 2e) – West Sands Caravan Park. The plan for dog walkers to go landward during the period when dogs are excluded from the beach, 1st May – 30th September, is on one level a very reasonable solution. Although not an official alternative route the signage for this footpath, particularly from the sea, is lacking on the ground. The signage from both ends, and along the route, needs to be present and the paths re-established as part of this process as at present it is very unclear where to go through the Caravan Park.

EHS-2-S027 (map 2d) - Although this section is loose shingle at the present time it would be accessible for all terrain motorised disabled buggies if they could get access. To enable this the existing steps would need to be converted to a ramp. This would be an easy way to provide local disabled users access to the path and the beach.

EHS-2-S035 (map 2e) - Medmerry Cliffs. The public footpath here has been eroded so the definitive line of the footpath is no longer available for use. The Forum is concerned that the rate of erosion will lead to roll back which will incur costs. It is not clear now such costs will be funded.

EHS-3-SO77 (map 3e) - At Middleton Point the route goes inland slightly to avoid the trail being cut off at high tide. The Forum requests a sign be displayed saying that an alternative route along the beach is available at times other than high tide.

EHS-6-various sections (map 6 various) – The route here coincides with the proposed cycle / shared use path NCN2 / South Coast Cycle Path. The Forum believes there is potential for conflict between cyclists and ECP users and asks Natural England to consider how this can best be managed, in particular to engage with cycle bodies over this matter.

General – Maintenance of the trail (page 38) – The report estimates that the annual cost of maintenance for this section will be £27,714.67. The Forum understands the existing National Trail budget will be stretched to cover the ECP, but is concerned this pot will be sufficient to cover the additional costs to ensure maintenance to the National Trail standards. It is also not clear if this covers maintenance solely to the path or includes some allowance for management of the coastal margin that may be required due to increased use. The Forum also asks how secure the funding in the long term.

The Forum is keen that where the ECP follows existing routes the responsibility during the implementation phase is with National England to maintain the standard of new gates and other furniture to reflect the original routes user's needs. The Forum expects these initial costs to be wholly provided by Natural England and not fall to West Sussex County Council Rights of Way service.

Natural England's comments

EHS-2-S015 to EHS-2-S032 (maps 2d and 2e) – West Sands Caravan Park. Clear signage will be provided for alternative route for dog walkers to go landward on an existing public footpath during the period when dogs are excluded from the beach, 1st May – 30th September.

EHS-2-S027 (map 2d) Include ramp on steps for disabled access from alleyway to the beach. Our assessment of the steps was that they were fit for purpose as part of a National Trail and that whilst we do take in to account the needs of those with reduced mobility, the cost of doing so at this location would have been very high.

EHS-2-S035 (map 2e) - Medmerry Cliffs. The concern is noted. Usually the costs for dealing with roll back are covered by the Trail Partnership. Given the PRoW has eroded here, applying roll back was the most suitable option to ensure continuity of the trail.

EHS-3-SO77 (map 3e) Have an alternative beach route sign at Middleton Point for use at low tides. The junctions from the greensward and beach to Old Point Road will be clearly waymarked. We will work with the Access Authority and local residents for an appropriate sign indicating that the beach is available at low tide.

EHS-6-various sections (map 6 various) - Potential conflicts with cyclists where a combined cycleway on seafront promenade – This is an existing multi – use route with clear signage indicating it is used by both cyclists and pedestrians. We would recommend the LAF liaise with the West Sussex County Council over any existing concerns at this location but we would be happy to ensure our signage is complimentary to any solutions.

General – Maintenance of the trail (page 38) – 'The annual maintenance estimate of £27,714, stated in the East Head to Shoreham Report, has been calculated using an agreed funding formula and includes a contribution from the relevant local authority(ies). Funding for the England Coast Path is additional to the budget assigned to the established family of National Trails. It is likely that for financial year 19/20 the grant from central government for the existing National Trails and commenced stretches of England Coast Path will be 5% less than in previous years. The focus of this funding is to deliver the agreed Quality Standards along the route of the trail.

National Trail and England Coast Path representatives, Defra and Natural England will be working together over the next 6 months, looking at funding for the next five years as part of the Comprehensive Spending Review. ‘

Representation number

MCA\East Head to Shoreham\R\23\EHS0004

Organisation/ person making representation

[REDACTED], Country Land and Business Association (CLA)

Report chapter

Chapters 2 and 3

Route section(s)

EHS-2-S040 –S043; EHS-3-S073; EHS-3-S076 to S078

Representation in full

We ask the Secretary of State to take account of the concerns expressed by landowners in respect of the proposals for the following sections of coast:

EHS-2-S040 –S043 Cherry Gardens, Selsey ([REDACTED]).

We note that Natural England initially advised landowners that the landward boundary of the coastal margin on this section would be the edge of the path. However, in the coastal access report, landward margin is included in accordance with article 3(3) of the Access to the Countryside (Coastal Margin) (England) Order 2010.

Natural England has contended that it has no discretion as to whether this should be included. This is incorrect: article 5 of the same order provides that Natural England may align the landward boundary of the coastal margin with a physical feature.

Article 5(3) provides that “It is immaterial [our emphasis] whether the effect of this article is –

- a) To include land as coastal margin, or
- b) To exclude part of an area of coastal land from being coastal margin.”

Natural England therefore has the ability to align the landward boundary of the coastal margin in order to achieve a fair balance, and in such a way that it excludes coastal land from the coastal margin.

It is argued that the footpath – which is clearly signed on the ground and also shown on the definitive map – is a physical feature within the meaning of the legislation. This seems reasonable as footpaths are deemed visible features for the purposes of cross compliance, and it would be entirely inconsistent for them to be visible for one purpose and invisible for another.

Natural England is required to achieve a fair balance. Evidence has been provided to it of the serious damage and anti-social behaviour which occurred when the public were able to walk close to fence boundaries as a result of the incorrect positioning of the footpath. This created an undue burden and stress on householders, which has been alleviated as a result of the footpath being correctly positioned. Whilst we acknowledge that it is Natural England’s intention that the public should follow the line of the footpath when using the coastal trail, it is nevertheless the case that the purpose of landward margin is to provide the public with rights of access; there will

be nothing to prevent the public exercising those rights of access. It is therefore also reasonable to expect that the exercise of those rights will lead to repeats of the anti-social behaviour experienced in the past (when the public were in close proximity to the fence boundaries). Thus, the failure to exercise the discretion to align the boundary of the landward margin with a physical feature means that a fair balance has not been achieved.

It is also argued that the footpath itself runs along an undefended section of beach. Landowners wish to see an alternative route in place for times when the route across the beach is unavailable – as Natural England has done for other sections of coast. A short alternative route – using existing footpaths and streets – would not be costly to provide, and would help to alleviate concerns about the impact on householders, and thus achieve a better balance between interests.

EHS-3-S073 - greensward at Middleton on Sea ([REDACTED]). Objection was withdrawn after discussions with NE and not sent to Defra.

We note residents' concerns about the possible designation of landward margin and the impact this would have on the greensward. We note that both the maps and description are unclear. We believe that the coastal margin should extend only to the landward boundary of the path, but this requires clarification to alleviate residents' concerns.

In the event that the margin does include the greensward, we would point out that there is no description of it, or justification for its inclusion, and would request that the boundary of the margin is aligned with the boundary of the path.

We understand that residents have submitted alternative proposals for the coastal route, which would avoid sensitive areas, currently forming part of a Site Nature Conservation Interest (SNCI), and this alternative should be investigated.

EHS-3-S076 to S078 Old Point road, Middleton on Sea ([REDACTED]).

We note that it is proposed that the path diverts inland and runs along Old Point and then back to the beach at the eastern end along a private twitten.

The coastal access report is misleading as it states that the proposed trail uses an "existing walked route" and "public highway".

We understand that this is incorrect: the routes in question are a private road and a private twitten. Both these are for the benefit of the residents, and are not public rights of access. This has been confirmed by the highway authority.

The misleading description of the path means that the impact of the proposals is not immediately apparent.

Far from using an existing highway, the proposals are for the public to be directed along currently private areas which serve the properties of the estate and which are wholly maintained by those estate owners. This distinction is important in assessing fair balance.

The effect of designating Old Point as the coastal path is to create coastal margin along the private twittens beside the properties. These are already a source of security and safety problems, and the effect of permitting public access to these will be to increase existing risks and concerns. We cannot see how this can provide the necessary fair balance.

We note that the route along Old Point is proposed because a path along the beach – and which would provide views of the sea – is subject to tidal inundation.

However, the local authority states that the period for which the beach is available to walkers may have been underestimated by Natural England.

It seems to us that it would have been more reasonable – and achieved the necessary balance – if Natural England had designated the coastal trail along the beach, and provided an alternative route along Old Point for such times of day when the beach is inaccessible. This would have meant that walkers could have enjoyed the beach when it was possible to do so: whereas under Natural England's current proposal walkers will be directed away from the beach and the coastal experience, regardless of the state of the tides, to walk along a road which does not provide views of the sea and is bounded by residential properties. Designating Old Point as an alternative route, rather than the main coastal trail, would provide a better solution for the public and also provide the necessary fair balance for residents.

Natural England's comments

For the comments by the CLA in relation to [REDACTED] concerns

Section 297 of the 2009 Act requires us in discharging the coastal access duty to aim to strike a fair balance between the occupier's interests and the public's interest in having access rights over land. In our view, an appropriate balance between these two considerations is struck by our proposals.

NE believe that the vast majority of users of the ECP will behave responsibly and we do not believe their presence will increase the amount of crime or criminal behaviour. In fact we would hope that the presence of responsible ECP walkers might help decrease the instances of these behaviours along this well used PRow.

Natural England maintains that an alternative route is unnecessary at this location as the proposed route will be available at all states of the tide, except possibly during extreme storm events. There is only a short 90 metre (approx.) length on this section of compacted shingle beach and walkers will continue to cross this section as they do now (EHS-2-S041 to EHS-2-S044) following the most convenient desire line. We have proposed no surfacing, simply two sign posts to direct walkers, as the entire beach will automatically become 'default' coastal margin and so walkers will have rights of access to all of the beach regardless of the position of the England Coast Path (see Scheme 4.8.8). In our discussions with West Sussex County Council no need for an alternative route was identified at this location.

An optional alternative route (OAR) could only be put in place where the ordinary route becomes unavailable at some state of the tide. This is not the case here so an OAR is unavailable to us. An alternative route is also not available to us because there is no reason for us to close the ordinary route of the trail for other reasons (such as public safety, or land management).

Natural England does not have a coastal defence remit so no provision for recharging this section of coastline can be included within our report. The recharging of the beach is not relevant to our proposals.

With regards to the landward margin, the shingle beach is automatically included as landward margin due to it being one of the default coastal landforms (Scheme 4.8.8). The legislation does allow Natural England to propose to use its discretion to alter the boundary of landward coastal margin (either to expand or contract it). The Coastal Access Approved Scheme states at 4.8.11 that: *“Natural England has a discretionary power under section 55D(2) of the 1949 Act to propose that the landward boundary of the coastal margin should coincide with a recognisable physical feature. We consider using this discretion where it would:*

- *make the extent of people’s access rights clearer or more cohesive on the ground; or*
- *secure or enhance public enjoyment of the coast”*

If we were to use our discretion in the way suggested, it is NE’s opinion that we would not be complying with 4.8.11 as we would be contracting the boundary from a clear physical feature to the edge of a PRow that has fewer or no physical properties to identify with. The result of this would be that the extent of the access rights would become less clear. In addition, we also could not be said to be complying with the second bullet in 4.8.11 above. In a situation such as this on a beach with public access and no defined path on the ground, limiting the extent of the margin would not have any practical effect on how the public choose to use the beach. They will continue to use it as they do now.

4.8.14 of the Scheme discusses in more detail the circumstances where we might consider using our discretion in relation to ‘default’ coast margin. We set this out below. In relation to default margin it is clear that the Scheme intends that the discretion should only be used to provide greater clarity. This is particularly useful for land types such as cliff and dunes where the edge of that land type is not always obvious or consistent.

“4.8.14 Another way in which we use this discretion for this reason is to achieve greater clarity about the extent of any areas of default landward margin such as cliff or dune that connect with the trail. We normally look to align the landward boundary with suitable physical features that will enable all or most of such an area to be confirmed by our proposals as part of the coastal margin, rather than it forming part of the coastal margin by default but without such clarity. If this approach of confirming the inclusion of the default land is not practicable, we consider whether proposing to remove all or part of such an area from the coastal margin would increase clarity by enabling the landward boundary of the coastal margin to be aligned with a specified physical feature further seaward”.

The route here is following a long established PRow and NE would expect that once the new coastal access rights are introduced, that in practice very little will change as the majority of walkers will continue to use the beach in the same way that they have always done. In regards the impact on privacy and intrusion, NE maintains that this is a very populace area and our trail follows a well used Public Right of Way across an open beach that already experiences a high level of public use. We do not believe that the inclusion of the beach in the coastal margin will significantly change how the public chose to use the beach

EHS-3-S073 - greensward at Middleton on Sea.

Natural England confirms that the landward coastal margin is the landward edge of the trail, as requested by the landowner, and is not to the landward edge of the greensward. The applicant, on whose behalf the CLA have raised this point has since withdrawn their objection now the matter has been clarified.

EHS-3-S076 to S078 Old Point Road, Middleton on Sea.

Natural England recognises that we mapped both Old Point road and the twittens incorrectly. When this inaccuracy was pointed out to us, we updated our mapping data but were unable to change the information in our proposals as submitted. Any subsequent maps will however use the updated information. We have apologised directly to the legal interests for this error. However the private road and twittens do not fall in to any of the excepted land categories and therefore this new information does not affect our proposals for the route of the England Coast Path at sections EHS-3-S077 and EHS-3-S078.

Our decision not to have the main route along the beach is due to it not being available during high tide and the fact that a series of groynes need to be climbed across using steps that are often quite slippery and not all in good condition. The shingle movement here is also very dynamic and is loose underfoot making it difficult to walk on. By using Old Point Road and the twitten, we would provide formal access for the public at all states of the tide and walkers will be able to decide for themselves if they wish to continue along the less accessible beach route or take the safer and more convenient route we have proposed.

Whilst we expect that the vast majority of coast path users will act in a responsible way, we acknowledge the concerns of the MOSA who state that they have suffered from vandalism over the years. The "Problem Solving" note from the Police states that "*the majority of these offences are taking place when the tide has cut off access from the beach*". The proposed modification by the objector, of an alternative high tide route, would still mean routing people past this area at this time. By creating an official route through the twittens at all times, we would hope the presence of responsible ECP users would go some way to help to alleviate the issues. It is also worth noting the police document was provided in August 2001 yet to date no gate has been installed or signage erected by MOSA.

Representation number

MCA\East Head to Shoreham\R\25\EHS2919

Organisation/ person making representation

[REDACTED], Royal Society for the Protection of Birds (RSPB)

Report chapter

All

Route section(s)

None specific

Representation in full

The RSPB is pleased to have been consulted throughout the different implementation stages of this stretch, especially regarding Pagham Harbour and Medmerry Nature Reserve. We have reviewed the final report and we are content with the proposed path for the stretch from East Head to Shoreham by Sea. We are particularly satisfied to see on page 42, 43, 44 of the Overview Report that nature conservation restrictions have been put in place to safeguard the relevant areas for birds.

We are also pleased to have been made aware that geographic representation of restrictions under Section 25 and 26 will be available on Magic.gov and we would expect the same to be true for the National trail website. We find it important to have accurate map representations available online for those who either prefer to prepare in advance or exhibit a preference in using these communication channels. Given the technological advancements, the RSPB also thinks it would be prudent that the ECP considers the development of a mobile application.

Nevertheless, given the recreational pressure already present along this stretch the RSPB finds that interpretation panels and online information might not be sufficient to ensure the access restrictions are properly followed. Measures to ensure compliance with restrictions on the route should be pro-active and the effectiveness of these measures need to be monitored. Perhaps the ECP could consider wardens as a maintenance expense and therefore contribute to the existing strategic mitigation scheme for recreation in place for the Solent.

Natural England's comments

With regard to the point:

'Nevertheless, given the recreational pressure already present along this stretch the RSPB finds that interpretation panels and online information might not be sufficient to ensure the access restrictions are properly followed.'

We have proposed improvements to signage at key locations. We believe that signage can be an effective tool when used appropriately and strive to use best practice and think carefully about both the placement and wording of signs, including by making sure that messages are clear and relevant. If this is done then the evidence we have, including experience in managing our own NNR estate, is that people will usually comply.

With regard to the point:

'Perhaps the ECP could consider wardens as a maintenance expense and therefore contribute to the existing strategic mitigation scheme for recreation in place for the Solent.'

Wardening, as arranged by Bird Aware Solent is a strategic initiative, funded by contributions from house builders, to increase awareness amongst recreational users of the needs of wildlife and to deliver on site visitor management as mitigation for the impact of new development. Whilst developing our proposals, we have worked closely with Bird Aware Solent and other partners involved in managing access around the Solent. We recognise the importance of the work carried out by Bird Aware Solent and will continue to work with them and other partners, including the local authorities that will be responsible for establishing and managing the Coast Path, thereby contributing to efforts to manage visitors to the Solent coast alongside of protecting wintering birds and other nature conservation interests.

Representation number

MCA\East Head to Shoreham\R\17\EHS2947

Organisation/ person making representation

[REDACTED], The Ramblers

Report chapter

Chapter 3

Route section(s)

EHS-3-S041 FW to EHS-3-S051 FW

Representation in full

Chapter 3 Map 3b

EHS-3-S041 FW - EHS-3-S051 FW

It is accepted that the sea defence structure at Aldwick that blocks the beach should be bypassed using public footpaths and local roads. BUT the busy Aldwick Street/Fish Lane has no pavement on the right hand side. [See photo below]. A more suitable route would use two private roads: Aldwick Place and Aldwick Avenue.

The route would then go from EHS-3-S041 FW to part way along EHS-3-S046 FW then Aldwick Place and Aldwick Avenue to reach EHS-3-S052 FW.

Natural England's comments

Chapter 3 Map 3b

EHS-3-S041 FW to EHS-3-S051 FW

During our visits to the area and investigations of possible routes, it was not clear there was any way through the private estate, as Aldwick Place has a separate road system from Aldwick Avenue with no connection between them. Hence the trail follows the straight forward route along the pavement on the north side of Fish Road.

Representation number

MCA\East Head to Shoreham\R\27\EHS2943

Organisation/ person making representation

[REDACTED], Director of Highways and Transport, West Sussex County Council

Report chapter

All chapters

Route section(s)

EHS-1-S023RD; EHS-2-S177RD; EHS-2-S035; EHS-1-S001 FP and EHS-1-S003 FP; EHS-3-S074 FP; EHS-3-S095 to 103; EHS-4-S005 to 026; EHS-6-S024 to 030; EHS-6-S029 to 044.

Representation in full

Dear Sirs,

Please find enclosed the duly completed representation on behalf of West Sussex County Council on Natural England's Coastal Access Report for East Head to Shoreham-by-Sea, West Sussex.

If you need to speak to someone in regard to this response, please contact [REDACTED], our Principal Rights of Way Officer, on [REDACTED] or by email: [REDACTED].

Yours faithfully,

[REDACTED]

Director of Highways & Transport

This is a response by WSCC for the entire proposed length between East Head to Shoreham-by-Sea (EHS)

The WSCC response is attached and comment made under the following headings:

- Roles and responsibilities
- Status of the new England Coast Path
- Funding
- Establishment
- Maintenance
- Public safety and convenience
- Signage
- Future route development
- WSCC as landowner
- Other landowners
- Environment
- Heritage
- Promotion

Representation on behalf of West Sussex County Council on Natural England's Coastal Access Report for East Head to Shoreham-by-Sea, West Sussex

Question 5 of the representation form requests details and reasons for the representation being made by West Sussex County Council (WSCC) to Natural England's (NE) Coastal Access Report for East Head to Shoreham-by-Sea (EHS) to form part of the England Coast Path (ECP). This sheet provides the detail for the headings listed under question 5 of the completed representation form. The form has been authorised by [REDACTED], Director of Highways and Transport on 22 November 2017.

Roles and responsibilities

1. WSCC is both the local access authority (LAA) and the local highway authority (LHA) for the EHS section of the ECP.
2. The routing as proposed by NE will follow a number of private roads and streets. As these are not recorded on the Highways Gazetteer, the legal record of publically maintainable highways, the LHA has no duty to maintain their surfaces. NE has shown a number of sections of the ECP following private roads and streets to be 'Trail using an existing public right of way or highway'; this is therefore incorrect. Examples include East Bracklesham Drive (EHS-1-S023RD) and West Front Road in Pagham (EHS-2-S177RD). WSCC require NE to review and revise the entire length of the ECP EHS section so as to accurately record its intentions and the LHA's interests. In the event this is not completed accurately, future issues arising will be referred back to NE."
3. WSCC suggests that future iterations of maps use an adjusted key. The colours used for both 'Trail using existing public right of way or highway' and 'Trail using other existing walked route' are too similar and do not contrast sufficiently to readily and easily identify the differing status.

Status of the new England Coast Path

4. WSCC understands the sections of the ECP created on land currently not considered public highway will not create new public highway. The ECP, when outside of existing public highway, will be considered the equivalent of Access Land, i.e. the land will remain in someone's private title with a public walking access right over it and with a duty of maintenance from the LAA. Should landowners in future have issues arising from creation and/or use of the ECP, these will be directed to NE for response.

Funding

5. NE has outlined its expectation that the ECP will be established at a cost of £112.5k. All incurred establishment expense will be borne by NE.
6. NE has suggested £27.7k will be needed annually to maintain the EHS length to the national quality standards. No detail has been supplied as to how this sum has been calculated. This

detail needs to be shared with WSCC to enable it to agree whether or not this is a realistic sum for annual maintenance costs. If this was agreed for the first year, the sum needs to be index-linked to continue to meet the costs of on-going annual maintenance.

7. WSCC acknowledges it is expected to deliver on-going maintenance of the ECP. The report details that NE will provide on-going funding subject to match funding by the Authority, at a rate of 3:1, i.e. NE to provide £21k when WSCC commits £7k for annual maintenance.

8. WSCC is mindful that, as more and more of the ECP is established and so requires maintenance, NE will need a proportionately increased budget to support maintenance. Without this funding increase, those LAAs expected to maintain the ECP could be exposed to an overspend liability; WSCC will only undertake future maintenance works once NE has confirmed its funding commitment.

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

Establishment

10. The Report to the Secretary of State does not specify whether NE or WSCC will deliver the necessary works. WSCC encourages NE to deliver the works to establish the ECP, including consultation with various landowners and occupiers, given it has undertaken enquiries with various parties in forming the proposal and is familiar with the standard the ECP will be provided to. This is however subject to prior consultation with WSCC and receiving its support.

11. Improving accessibility is a key aim of the WSCC Local Transport Plan and listed as a key indicator within the National Trail Quality Standards. WSCC encourages accessibility to be improved for all users, be they in a wheelchair or using a pushchair, a cyclist, dog walker, skateboarder or other. Consideration should be given to accessibility to the beach for all users, where the surface remains as shingle.

12. In addition to works already identified by NE, WSCC recommends works as below to address specific areas of congestion and conflict (widening is dependent on feasibility studies, local consultation, land ownership, environmental factors and ecological factors). WSCC would be interested to know if NE can include these as part of the establishment works and, if so, whether NE has the funds to deliver.

a) Shoreham – WIDENING where the path ends by Widewater carpark and the ice cream hut

b) Adjacent to Widewater – WIDENING the path all the way along

c) Lancing – WIDENING the path in the area of The Perch café

d) Lancing – SURFACE TREATMENT TO HIGHLIGHT AREA OF CONFLICT near the bandstand where the path joins the pavement on the A259

e) Worthing – WIDENING/SURFACE TREATMENT TO HIGHLIGHT AREA OF CONFLICT Splashpoint near the bottom of Warwick Road

f) Worthing – SURFACE WARNING TO HIGHLIGHT AREA OF CONFLICT in the Worthing Pier area

g) Worthing – SURFACE TREATMENT TO HIGHLIGHT AREA OF CONFLICT at the Waterwise/Pirate Playpark at the bottom of Wallace Avenue

h) Littlehampton – SURFACE WARNING TO HIGHLIGHT AREA OF CONFLICT in front of Harbour Park on Littlehampton seafront

13. Any new structures, such as kissing gates, proposed to be sited within an existing highway boundary will need to be sited with lawful authority. NE must make appropriate application to WSCC in its capacity as LHA and receive its consent prior to installation.

Maintenance

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

15. Creation of the ECP will require increased regard from WSCC in the form of additional maintenance on those sections of the ECP following existing public highways, e.g. to new signs. It will also expand WSCC's role as LAA to sections of the ECP that are not public highway and

to new furniture on those sections, such as kissing gates (WSCC do not manage gates as part of its existing PROW service).

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

17. WSCC recommends NE produces and agrees with WSCC an easy-to-read guide detailing the differences between the Highways or PROW standards and the National Trail standards.

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

Public safety and convenience

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

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

21. The section at Medmerry Cliffs (EHS-2-S035) is proposed to run between the cliff edge and the landowner’s fence. WSCC officers have already highlighted to NE its concern for the safety of future path users as this section of coast is subject to active erosion, typically undercutting the cliffs that later, and without prior warning, fall onto the beach. NE has decided to retain this route within its proposal. WSCC is concerned for the potential of accident or injury for walkers and strongly recommends NE reviews its proposal before agreeing and implementing measures to the satisfaction of WSCC and the landowner.

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

Signage

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

24. Interpretation boards are proposed at a number of locations. In a harsh coastal environment these will be prone to bleaching or rapid oxidation if there are any metal components. They take time and money to design and produce and they can be a target for vandalism. In addition, they can be seen as introducing visual clutter. There is already a lot of street and sign clutter and WSCC does not support the new national trail adding to the problem. In addition, some people

object to any manmade objects (such as signage) being introduced to the environment at all. NE should encourage use of QR codes or other modern technology instead of interpretation boards to promote the ECP. This will also help minimise the on-going costs of management and support the increasing trend to use of mobile technology.

Future route development

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

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

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

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

WSCC as landowner

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

Other landowners

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

Environment

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

- a) EHS-1-S001 FP and EHS-1-S003 FP is within the West Wittering Beach LWS C79
- b) EHS-3-S074 FP is within/adjacent to Middleton Shingle LWS Ar19
- c) EHS-3-S095 to 103 is within/adjacent to Elmer Rocks LWS Ar18
- d) EHS-4-S005 to 026 is within/adjacent to Littlehampton Golf Course and Atherington Beach LWS Ar06
- e) EHS-6-S024 to 030 is within/adjacent to Widewater Lagoon LWS Ad04
- f) EHS-6-S029 to 044 is within/adjacent to Shoreham Beach LWS Ad03

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

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

Sussex Biodiversity Record Centre
Woods Mill
Henfield
West Sussex BN5 9SD
info@sxbrc.org.uk
http://sxbrc.org.uk/

Heritage

34. NE has looked at whether the scheme would have any impact upon protected sites (in the case of the historic environment this would mean monuments scheduled under the 1979 Ancient Monuments and Archaeological Areas Act or designated heritage assets as defined in the NPPF glossary). No protected / designated heritage assets are directly affected by the proposals. However, it is felt NE has focussed very much on the natural environment with only a passing reference to historic sites. Clarification is needed on how much involvement there has been from Historic England.

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

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

Promotion

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

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

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

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

Natural England's comments

The WSCC response has provided comments under the following headings. Natural England uses these in order to provide our comments and for ease of reference we have provided our comments in red:

From the outset of the development of our proposals we have worked closely with WSCC and are aware that they have had longstanding concerns about their role in the delivery and maintenance of the England Coast Path. Throughout the development of our proposals we have endeavoured to work constructively with the Council and to that end, we have met separately with the Countryside Services team to go through the points raised in this representation. We

believe that they understand and accept Natural England's position about the ongoing management and maintenance of the trail and the funding arrangements associated with that.

Roles and responsibilities

1. WSCC is both the local access authority (LAA) and the local highway authority (LHA) for the EHS section of the ECP.
2. The routing as proposed by NE will follow a number of private roads and streets. As these are not recorded on the Highways Gazetteer, the legal record of publically maintainable highways, the LHA has no duty to maintain their surfaces. NE has shown a number of sections of the ECP following private roads and streets to be 'Trail using an existing public right of way or highway'; this is therefore incorrect. Examples include East Bracklesham Drive (EHS-1-S023RD) and West Front Road in Pagham (EHS-2-S177RD). WSCC require NE to review and revise the entire length of the ECP EHS section so as to accurately record its intentions and the LHA's interests. In the event this is not completed accurately, future issues arising will be referred back to NE.

Natural England recognises that there were mapping errors at several locations along this stretch incorrectly recording the status of the existing roads and streets. When this inaccuracy was pointed out to us, we updated our mapping data but were unable to change the information in our proposals as submitted. Any subsequent maps will however use the updated information and all our current GIS meta data is now recorded correctly. We apologise for this error. However the private road and twittens do not fall in to any of the excepted land categories and therefore our ability to include these in our proposals for the route of the England Coast Path for this stretch is unaffected.

3. WSCC suggests that future iterations of maps use an adjusted key. The colours used for both 'Trail using existing public right of way or highway' and 'Trail using other existing walked route' are too similar and do not contrast sufficiently to readily and easily identify the differing status.

This comment has been fed back to our Mapping Unit

Status of the new England Coast Path

4. WSCC understands the sections of the ECP created on land currently not considered public highway will not create new public highway. The ECP, when outside of existing public highway, will be considered the equivalent of Access Land, i.e. the land will remain in someone's private title with a public walking access right over it and with a duty of maintenance from the LAA. Should landowners in future have issues arising from creation and/or use of the ECP, these will be directed to NE for response.

NE hopes that WSCC and its partners will follow the example of other local authorities and form a Trail Partnership designed to manage the ECP and resolve any issues such as this, to ensure the path is well maintained and secured for the future.

Funding

5. NE has outlined its expectation that the ECP will be established at a cost of £112.5k. All incurred establishment expense will be borne by NE.

Agreed

6. NE has suggested £27.7k will be needed annually to maintain the EHS length to the national quality standards. No detail has been supplied as to how this sum has been calculated. This detail needs to be shared with WSCC to enable it to agree whether or not this is a realistic sum

for annual maintenance costs. If this was agreed for the first year, the sum needs to be index-linked to continue to meet the costs of on-going annual maintenance.

The ECP is part of the family of National Trails and wider arrangements for their funding and management apply to it as appropriate. NE will ensure that these arrangements are fully explained to WSCC and the links made during the establishment phase of the project to NE's National Trails team. NE hopes that a Trail Partnership will be formed to manage the ECP and to ensure the path is well maintained and secured for the future

7. WSCC acknowledges it is expected to deliver on-going maintenance of the ECP. The report details that NE will provide on-going funding subject to match funding by the Authority, at a rate of 3:1, i.e. NE to provide £21k when WSCC commits £7k for annual maintenance.

This ratio was correct at the time of report publication and correspondence was recently circulated to Trail Partnerships and Access Authorities explaining how maintenance budgets will work for the 2019/20 financial year.

8. WSCC is mindful that, as more and more of the ECP is established and so requires maintenance, NE will need a proportionately increased budget to support maintenance. Without this funding increase, those LAAs expected to maintain the ECP could be exposed to an overspend liability; WSCC will only undertake future maintenance works once NE has confirmed its funding commitment. **Noted.**

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

Noted.

□ **Establishment**

10. The Report to the Secretary of State does not specify whether NE or WSCC will deliver the necessary works. WSCC encourages NE to deliver the works to establish the ECP, including consultation with various landowners and occupiers, given it has undertaken enquiries with various parties in forming the proposal and is familiar with the standard the ECP will be provided to. This is however subject to prior consultation with WSCC and receiving its support.

The government's statutory methodology (the Coastal Access Scheme) recognises that the access authority will typically undertake any establishment works necessary to make the trail fit for use as the ECP and to enable users of it to be clear and confident about its alignment on the ground. This is a model that has been successfully and universally adopted throughout the country. NE therefore hopes that this stretch of the ECP would be established by WSCC with funding from Natural England, as they have the expertise and local knowledge to undertake the works in a manner that sufficiently ensures their expectations are met. NE does not have the necessary resources to deliver the works itself, (the Scheme does not envisage this) however if agreement cannot be made then we will seek to work closely with WSCC to identify a suitable body or organisation to carry out the works.

11. Improving accessibility is a key aim of the WSCC Local Transport Plan and listed as a key indicator within the National Trail Quality Standards. WSCC encourages accessibility to be improved for all users, be they in a wheelchair or using a pushchair, a cyclist, dog walker, skateboarder or other. Consideration should be given to accessibility to the beach for all users, where the surface remains as shingle.

Noted. We have only aligned along shingle beaches where we feel this best fits with our statutory criteria as identified in the Approved Scheme. Given the sensitivities of some of these areas, their mobile nature or short distances, we haven't proposed any board-walking or resurfacing for the reasons outlined in the relevant report chapters.

12. In addition to works already identified by NE, WSCC recommends works as below to address specific areas of congestion and conflict (widening is dependent on feasibility studies, local consultation, land ownership, environmental factors and ecological factors). WSCC would be interested to know if NE can include these as part of the establishment works and, if so, whether NE has the funds to deliver.

The existing stretches of promenade mentioned below meet National Trail standards. NE has consulted with landowners, interested parties and stakeholders as well as WSCC. We have made it very clear that locations a) to h) meet the criteria for a National Trail and that the cost involved in widening these routes and then having to maintain them is not proportionate to the benefit gained. These are already good quality routes, so whilst we understand WSCC's desire for these improvements to be made we do not feel that the ECP has the remit to deliver them.

- a) Shoreham – WIDENING where the path ends by Widewater carpark and the ice cream hut
- b) Adjacent to Widewater – WIDENING the path all the way along
- c) Lancing – WIDENING the path in the area of The Perch café
- d) Lancing – SURFACE TREATMENT TO HIGHLIGHT AREA OF CONFLICT near the bandstand where the path joins the pavement on the A259
- e) Worthing – WIDENING/SURFACE TREATMENT TO HIGHLIGHT AREA OF CONFLICT Splashpoint near the bottom of Warwick Road
- f) Worthing – SURFACE WARNING TO HIGHLIGHT AREA OF CONFLICT in the Worthing Pier area
- g) Worthing – SURFACE TREATMENT TO HIGHLIGHT AREA OF CONFLICT at the Waterwise/Pirate Playpark at the bottom of Wallace Avenue
- h) Littlehampton – SURFACE WARNING TO HIGHLIGHT AREA OF CONFLICT in front of Harbour Park on Littlehampton seafront

13. Any new structures, such as kissing gates, proposed to be sited within an existing highway boundary will need to be sited with lawful authority. NE must make appropriate application to WSCC in its capacity as LHA and receive its consent prior to installation.

NE has worked closely with WSCC staff to identify any necessary infrastructure and signage along the entire stretch. As per our comments at point 10, we would hope that WSCC would be involved in the establishment works and so could ensure all the necessary consents and applications are made.

Maintenance

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

Noted

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

Noted

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

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

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

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

Guidance for landowners and the public is provided on gov.uk:

<https://www.gov.uk/guidance/manage-your-land-on-the-england-coast-path>

□ Public safety and convenience

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

NE have had no conversations with cycling groups specifically, however where we are using multiuser routes, there is already an existing understanding of sharing these sections of path.

20. WSCC recommends the promotion of certain sections of the path as “routes for all users” – Littlehampton Eastern Bank has been improved for people in wheelchairs and people using pushchairs. This would also alert walkers to the presence of cyclists, skateboarders and others. The access authority can choose to do this and we would be happy to work with WSCC to incorporate these messages in to any new signage where appropriate.

21. The section at Medmerry Cliffs (EHS-2-S035) is proposed to run between the cliff edge and the landowner’s fence. WSCC officers have already highlighted to NE its concern for the safety of future path users as this section of coast is subject to active erosion, typically undercutting the cliffs that later, and without prior warning, fall onto the beach. NE has decided to retain this route within its proposal. WSCC is concerned for the potential of accident or injury for walkers and strongly recommends NE reviews its proposal before agreeing and implementing measures to the satisfaction of WSCC and the landowner.

This has already been discussed with the access authority, this is our preferred route with normal roll back proposed through the field. The landowner is happy with our proposals here and we are confident the path is set back far enough from the edge of this low cliff to allow walkers to use it safely, as the public currently does informally. The beach route remains available at certain states of the tide but would have required replacement steps to allow safe access to the beach. These steps would have been subject to erosion and undercutting and we felt therefore could become a maintenance burden. The route would also have required a long optional alternative route should we have not used the cliff top route along the field edge.

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

Agreed, coastline will have roll back here along edge of arable field and there may be erosion events prior to determination of our proposals, which we will take in to account when planning any establishment works.

□ Signage

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

NE will continue to work with WSCC regarding details for waymarking signs, including location, design, materials and text. We do not include location of signage in the reports due to how cluttered it would make the maps however we have provided WSCC with the relevant GIS files showing the proposed locations. As per point 10, we hope WSCC will take an active lead in the establishment works and so therefore have oversight on all infrastructure.

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

Agreed in principle. The interpretation panels have been agreed for use at sensitive nature conservation sites, as part of the requirement for mitigation for the ECP identified through our Access and Sensitive Features Assessment (ASFA). The design and siting of them will be in consultation with the NE Responsible Officer, WSCC Rangers and the relevant landowner.

□ Future route development

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

NE requires details where the access authority believes the ECP will need widening, as currently the existing path width is considered sufficient. Surfacing works have already been identified at Pagham Harbour.

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

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

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

No such restrictions are proposed.

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

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

□ **WSCC as landowner**

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

Noted

□ **Other landowners**

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

Noted.

□ **Environment**

Local Wildlife Sites (LWS) have been omitted from the consultation. Known locally (county) as Sites of Nature Conservation Importance (non-statutory, locally designated sites of high ecological value). These sites were each assessed individually and screened out as not being affected by our proposals at an early stage for the reasons given below.

Potential negative impacts on the following LWS:

a) EHS-1-S001 FP and EHS-1-S003 FP is within the West Wittering Beach LWS C79

The proposed line of the trail follows the existing PRow through mobile sand dunes, which are all within the coastal margin. There is existing management by the landowner to limit disturbance to the sand dunes on each side of the public footpath. We assessed no impact on the site features.

b) EHS-3-S074 FP is within/adjacent to Middleton Shingle LWS Ar19. The trail follows the existing PRow upon the greensward, the LWS is automatically within the seaward coastal margin. The area is already well used. We assessed no impact on the site features.

c) EHS-3-S095 to 103 is within/adjacent to Elmer Rocks LWS Ar18. The proposed line of the trail is upon the raised sea defence managed by the EA. The interest features are unlikely to be on the trackway here. The track is already well used. We assessed no impact on the site features.

d) EHS-4-S005 to 026 is within/adjacent to Littlehampton Golf Course and Atherington Beach LWS Ar06. Sections 5 to 12 uses an existing PRoW upon the shingle beach. Sections 13 to 15 follow an informal path between the shingle beach and sand dunes. The ASFA provides mitigation with waymarking and interpretation panels. Sections 13 to 26 use an existing PRoW adjacent to Rope Walk, which is landward of the LWS.

e) EHS-6-S024 to 030 is within/adjacent to Widewater Lagoon LWS Ad04 The trail uses the existing promenade to the south of Widewater Lagoon, which does not form part of the coastal margin. The area is already well used. We assessed no impact on the site features.

f) EHS-6-S029 to 044 is within/adjacent to Shoreham Beach LWS Ad03 The proposed trail follows an existing well walked route on the shingle beach, where there is no vegetated shingle. It follows a direct line to and from the existing boardwalk and is already well used. We proposed no new works here and as such assessed no impact on the site features. To note - the local council has undertaken works since our proposals were submitted. These were done as Permitted Development and have included new boardwalk on the shingle.

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

We have discussed the above concerns with WSCC staff and explained our assessment and screening for each of the above sites a) to f). We consider this matter closed and therefore no need to re-assess our proposals.

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

Noted

Heritage

34. NE has looked at whether the scheme would have any impact upon protected sites (in the case of the historic environment this would mean monuments scheduled under the 1979 Ancient Monuments and Archaeological Areas Act or designated heritage assets as defined in the NPPF glossary). No protected / designated heritage assets are directly affected by the proposals. However, it is felt NE has focussed very much on the natural environment with only a passing reference to historic sites. Clarification is needed on how much involvement there has been from Historic England.

As a statutory consultee Historic England (and English Heritage) have been consulted. They raised no concerns over our proposals and provided no representations or objections for this stretch.

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

The ECP does not have a remit to protect or manage historic sites. Our proposals have been assessed as having no impact on any of the above features, however we have since discussed with WSCC the concern above and agreed that we should consider, when appropriate, how we could undertake joint messaging in our signing.

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

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

Promotion

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

Noted

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

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

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

Noted

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

Other Representations

Representation number:

MCA\East Head to Shoreham\R\14\EHS1245

Organisation/ person making representation:

[REDACTED]

Route section(s):

EHS-1-S001 to EHS-1-S002

Summary of representation: Landward coastal margin should not expand beyond the path itself

Natural England's comment: At the start of the stretch, the ECP trail follows the public footpath upon already publically accessible sand dunes. The beach including sand dunes are coastal land types and therefore become default landward coastal margin (LCM), so we cannot change the LCM boundary here. However the fence posts and guide ropes will remain as informal management measures to direct the public away from the more sensitive areas. No

concerns were raised by the relevant NE site officer and no need for a S.26 Nature Conservation Direction was identified.

Representation number:

MCA\East Head to Shoreham\R\21\3774

Organisation/ person making representation:

[REDACTED]

Route section(s):

EHS-1-S027

Summary of representation: [REDACTED] requests that existing steps at end of alleyway at East Bracklesham Drive are part replaced by a ramp for use by all users between beach and road.

Natural England's comment:

We follow the principles set out in our publication "By All Reasonable Means" to make the trail as easy to use as we reasonably can for disabled people and others with reduced mobility, whilst accepting that such opportunities will often be constrained by practical limitations, such as the rugged nature of the terrain or the availability of visitor transport and facilities (see section below). Where there is a choice of routes (after taking into account all the key principles in chapters 4 and 5 of the Scheme), we favour the one that is accessible to the widest range of people or most easily adapted for that purpose.

Our assessment of the steps was that they were fit for purpose as part of a National Trail. During discussions with the Access Authority over necessary changes to infrastructure, replacement of these steps with a ramp was not raised. It was felt that as the ramp would lead on to shingle it was unlikely many wheelchair users would continue on this route, reducing the cost benefit of it.

Representation number:

MCA\East Head to Shoreham\R\10\EHS3763

Organisation/ person making representation:

[REDACTED], Chichester District Council

Route section(s):

EHS-2-S039

Summary of representation: Chichester District Council (CDC) believes that the Marine car park at Selsey should not be within the automatic landward coastal margin, as it is not located on the shingle beach. They argue that it has a roughened surface but is not tarmacked. It is often overwashed in storms and shingle is thrown in to the car park, giving the impression it is beach. They ask that it be removed from the landward coastal margin to aid with control of the car park and the ability to gain a Safer Parking award.

They are happy with the route of the trail along the sea wall.

Natural England's comment:

Natural England visited this site and initially decided it was part of the wider beach system. The car park does, on first inspection, appear to be shingle. However NE agrees with the council

that we have incorrectly assessed the car park as part of the wider shingle beach. The car park is on a higher elevation than the beach seaward of the sea defences and the shingle is just a very thin layer, except where it has built up against certain strictures.

We note that CDC are happy with the route of the trail along the sea wall. Natural England agrees with this suggested modification proposed by CDC to remove the car park from the landward coastal margin for the reasons set out by CDC.

Natural England recommends that the Secretary of State should modify the landward coastal margin associated with route sections EHS-2-S038 and EHS-2-S039. We now propose that the landward coastal margin of these aforementioned route sections is modified to the default landward edge of trail (2m) shown by the amended EHS Chapter Map 2f: West Street to Selsey v1.1 (see below).

The following amendments to the proposals should also be modified:

- Part 2.2 Commentary on Maps: the proposal table EHS Chapter 3 Table 2.2.1 Section Details – Maps 2a to 2l: Bracklesham Bay to Pagham Harbour Estate should be amended as per text in table below

1	2	3	4	5	6a	6b	6c	7
Maps	Route section numbers (s)	Current status of this section	Current surface of this section	Roll-back proposed	Default landward coastal margin?	Landward boundary of margin	Reason for landward boundary discretion	Proposed exclusions or restrictions
2f	EHS-2-S038	Other existing walked route	Concrete	No	No	Landward edge of trail (2m)	Not used	None
2f	EHS-2-S039	Other existing walked route	Concrete	No	No	Landward edge of trail (2m)	Not used	None

Representation number:

MCA\East Head to Shoreham\R\11\EHS1148

Organisation/ person making representation:

[REDACTED]

Route section(s):

EHS-2-039 to EHS-2-045

Summary of representation: [REDACTED] questions the automatic landward coastal margin to the landward edge of shingle beach (they are landowner) and suggests that we require an alternative route. Also provided an objection with same comments which was deemed admissible.

Natural England's comment: We have provided the same response below as we did to the identical objection MCA/EHS/29 – 30.

Section 297 of the 2009 Act requires us in discharging the coastal access duty to aim to strike a fair balance between the occupier's interests and the public's interest in having access rights over land. In our view, an appropriate balance between these two considerations is struck by our proposals.

The two objections received from [REDACTED] and [REDACTED] are identical and so we have chosen to answer them as one. Natural England maintains that:

"a) Alternative Route :-

This domestic property stretches down to the mean high water line, beyond a low transparent fence at the end of the cultivated section of garden (Flag 1). The section of unconsolidated shingle foreshore lies between two defended coastal sections, sea walls.

When it is inaccessible, without an alternative Coastal Path, the public will be inclined to walk off the line of the Coastal Path higher up the beach and along the existing low fence line. This will re-introduce all the problems and intrusion that were caused by W.S.C.C.'s actions in laying an illegal path close to my fence. This illegal surface was removed from the foreshore in September 2016 (Flag 2 & 3). Since its removal there have been no further acts of burglary, theft, vandalism or anti-social behaviour in my garden / on my property.

NE believe users of the ECP will behave responsibly and we do not believe their presence will increase the amount of crime or criminal behaviour. In fact we would hope that the presence of responsible ECP walkers might help decrease the instances of these behaviours along this well used PRow.

It is therefore not unreasonable to avoid the prospect of delay, stress, and all the uncertainty therein, to provide an alternative route at the outset. It is also the most cost effective solution to implement this at the outset."

Natural England maintains that an alternative route is unnecessary at this location as the proposed route will be available at all states of the tide, except possibly during extreme storm events. There is only a short 90 metre (approx.) length on this section of compacted shingle beach and walkers will continue to cross this section as they do now (EHS-2-S041 to EHS-2-S044) following the most convenient desire line. We have proposed no surfacing, simply two sign posts to direct walkers, as the entire beach will automatically become 'default' coastal margin and so walkers will have rights of access to all of the beach regardless of the position of the England Coast Path (see Scheme 4.8.8). In our discussions with West Sussex County Council no need for an alternative route was identified at this location.

An optional alternative route (OAR) could only be put in place where the ordinary route becomes unavailable at some state of the tide. This is not the case here so an OAR is unavailable to us. An alternative route is also not available to us because there is no reason for us to close the ordinary route of the trail for other reasons (such as public safety, or land management).

"Chichester District Council (the Coastal Defence authority) will only replenish the unconsolidated shingle beach as long as they have the funding and their policy concurs. As we all know, Councils are strapped for funding and are presently reducing all sorts of services. In any event there could be a delay, of perhaps months, before they undertook remedial works. This uncertainty is further evidenced by the fact that there is no

provision for re-charging of the beach in either Natural England's initial, or future, maintenance budgets for this stretch of the coastline."

Natural England does not have a coastal defence remit so no provision for recharging this section of coastline can be included within our report. The recharging of the beach is not relevant to our proposals.

b) Landward Margin :-

"In respect of the nuisance factors, as always, it is the minority that causes the difficulty - but that small number causes insecurity, stress and grief to an even smaller number ! The increase in footfall will exacerbate that level of nuisance.

If the Landward Margin boundary (for Spreading Room) is set at my fence line, the public may in practice sit against / close to it, lean / prop their bikes upon it and all the problems that ensued before W.S.C.C.'s illegal path was removed will return again. The issues it caused included burglary, theft of items from gardens, dogs / dog faeces bags being thrown over the fence, uninvited entry to the garden and litter dropping over the fence. The Chichester Constabulary, PCSOs, CDC Environmental Protection Officers and their Community Wardens have all been involved at various junctures. Examples at Flag 7, 8, 9,10, and 11.

Because of the constant intrusion on my privacy by passing members of the public and their animals, before the illegal surface was removed, it was necessary to re-locate my garden table some 25 yards away from its original site which previously enjoyed close proximity to my beach and the fence line. This was / is not a "fair balance" !

The solution offered by some (but not also offering to contribute to the cost) is to "substantially increase the fence height and close board" the fence. However, in the planning approval process for Wessex Lodge, Chichester District Council Officers stated this part of the coast "...forms part of a visually important open space running parallel with the coast line and therefore any planting or fencing should remain as informal as possible in order to preserve that character." (Flag 5, p2, penultimate paragraph).

With regards to the landward margin, the shingle beach is automatically included as landward margin due to it being one of the default coastal landforms (Scheme 4.8.8). The legislation does allow Natural England to propose to use its discretion to alter the boundary of landward coastal margin (either to expand or contract it). The Coastal Access Approved Scheme states at 4.8.11 that: *"Natural England has a discretionary power under section 55D(2) of the 1949 Act to propose that the landward boundary of the coastal margin should coincide with a recognisable physical feature. We consider using this discretion where it would:*

- make the extent of people's access rights clearer or more cohesive on the ground; or*
- secure or enhance public enjoyment of the coast"*

If we were to use our discretion in the way suggested, it is NE's opinion that we would not be complying with 4.8.11 as we would be contracting the boundary from a clear physical feature to the edge of a PRow that has fewer or no physical properties to identify with. The result of this would be that the extent of the access rights would become less clear. In addition, we also could not be said to be complying with the second bullet in 4.8.11 above. In a situation such as this on a beach with public access and no defined path on the ground, limiting the extent of the

margin would not have any practical effect on how the public choose to use the beach. They will continue to use it as they do now.

4.8.14 of the Scheme discusses in more detail the circumstances where we might consider using our discretion in relation to 'default' coast margin. We set this out below. In relation to default margin it is clear that the Scheme intends that the discretion should only be used to provide greater clarity. This is particularly useful for land types such as cliff and dunes where the edge of that land type is not always obvious or consistent.

“4.8.14 Another way in which we use this discretion for this reason is to achieve greater clarity about the extent of any areas of default landward margin such as cliff or dune that connect with the trail. We normally look to align the landward boundary with suitable physical features that will enable all or most of such an area to be confirmed by our proposals as part of the coastal margin, rather than it forming part of the coastal margin by default but without such clarity. If this approach of confirming the inclusion of the default land is not practicable, we consider whether proposing to remove all or part of such an area from the coastal margin would increase clarity by enabling the landward boundary of the coastal margin to be aligned with a specified physical feature further seaward”.

The route here is following a long established PRow and NE would expect that once the new coastal access rights are introduced, that in practice very little will change as the majority of walkers will continue to use the beach in the same way that they have always done. In regards the impact on privacy and intrusion, NE maintains that this is a very populace area and our trail follows a well used Public Right of way across an open beach that already experiences a high level of public use. We do not believe that the inclusion of the beach in the coastal margin will significantly change how the public chose to use the beach

Representation number

MCA\East Head to Shoreham\R\18\EHS2947

Organisation/ person making representation

[REDACTED], Green Links across the Manhood Local access Forum

Route section(s)

EHS-2-S050

Summary of Representation

Chapter 2 Map 2f, EHS-2-S050 at Bill House, Selsey.

“New steps required” is the NE proposal. A new ramped access would provide better for those with restricted mobility who could then access a length of the Trail to the west. Please see photos below.

Natural England's comments

NE identified a need to improve the current very high step down at this location. We initially discussed having a ramp here with the Access Authority, however they considered that there was not enough width to install a ramp upon the narrow seawall and that exposure to stormy weather may make it susceptible to damage, so we have therefore proposed steps. There was also concern that any ramp might hinder use of the slip way due to the width of the ramp itself, jutting out on to the slip way.

Representation number

MCA\East Head to Shoreham\R\19\EHS2947

Organisation/ person making representation

[REDACTED], Green Links across the Manhood Local Access Forum

Route section(s)

EHS-2-S158 to EHS-2-S 160

Summary of Representation

Chapter 2 Map 2j, EHS-2-S158 to EHS-2-S 160

NE says that "At Halseys Farm, Sidlesham (sections EHS-2-S158 to EHS-2-S160), the trail can become wet and boggy along the public footpath through the field during periods of wet weather. It is intended that this section will be resurfaced".

The GLaM group support this proposal but local people point out that this route is very often wet, not just in the field and not just in wet weather. For the trail to be useable it may be necessary to raise the level of the path which will increase costs.

Also, there are proposals by the Environment Agency for sheet piling coastal defences around Pagham Harbour. NE should liaise with EA over the possibility that a public footpath that runs on the shoreline could be upgraded [widened and made significantly drier!] between S153 and S160.

Natural England's comments

The works have been discussed with WSCC Access Authority Ranger & the RSPB and due to the boggy nature of the ground the surface will be raised to provide a stable and durable foundation for a long term hard wearing surface.

Conversations with the EA and RSPB suggest that there is no immediate plan for an upgrading of the sea defences along the shoreline to the east of Sidlesham. However, should this happen in the future and the footpath then becomes more accessible, the trail may be relocated to the shoreline through a variation report at that time.

Representation number:

MCA\East Head to Shoreham\R\11\EHS1148

Organisation/ person making representation:

[REDACTED]

Route section(s):

EHS-2-039 to EHS-2-045

Summary of representation: [REDACTED] questions the automatic landward coastal margin to the landward edge of shingle beach (they are landowner) and suggests that we require an alternative route. [REDACTED] provided an objection with same comments which was deemed admissible.

Natural England's comment: We have provided the same response below as we did to that objection (MCA/EHS/29 – 30)

Section 297 of the 2009 Act requires us in discharging the coastal access duty to aim to strike a fair balance between the occupier's interests and the public's interest in having access rights over land. In our view, an appropriate balance between these two considerations is struck by our proposals.

The two objections received from [REDACTED] and [REDACTED] are identical and so we have chosen to answer them as one. Natural England maintains that:

"a) Alternative Route :-

This domestic property stretches down to the mean high water line, beyond a low transparent fence at the end of the cultivated section of garden (Flag 1). The section of unconsolidated shingle foreshore lies between two defended coastal sections, sea walls.

When it is inaccessible, without an alternative Coastal Path, the public will be inclined to walk off the line of the Coastal Path higher up the beach and along the existing low fence line. This will re-introduce all the problems and intrusion that were caused by W.S.C.C.'s actions in laying an illegal path close to my fence. This illegal surface was removed from the foreshore in September 2016 (Flag 2 & 3). Since its removal there have been no further acts of burglary, theft, vandalism or anti-social behaviour in my garden / on my property.

NE believe users of the ECP will behave responsibly and we do not believe their presence will increase the amount of crime or criminal behaviour. In fact we would hope that the presence of responsible ECP walkers might help decrease the instances of these behaviours along this well used PRoW.

It is therefore not unreasonable to avoid the prospect of delay, stress, and all the uncertainty therein, to provide an alternative route at the outset. It is also the most cost effective solution to implement this at the outset."

Natural England maintains that an alternative route is unnecessary at this location as the proposed route will be available at all states of the tide, except possibly during extreme storm events. There is only a short 90 metre (approx.) length on this section of compacted shingle beach and walkers will continue to cross this section as they do now (EHS-2-S041 to EHS-2-S044) following the most convenient desire line. We have proposed no surfacing, simply two sign posts to direct walkers, as the entire beach will automatically become 'default' coastal margin and so walkers will have rights of access to all of the beach regardless of the position of the England Coast Path (see Scheme 4.8.8). In our discussions with West Sussex County Council no need for an alternative route was identified at this location.

An optional alternative route (OAR) could only be put in place where the ordinary route becomes unavailable at some state of the tide. This is not the case here so an OAR is unavailable to us. An alternative route is also not available to us because there is no reason for us to close the ordinary route of the trail for other reasons (such as public safety, or land management).

“Chichester District Council (the Coastal Defence authority) will only replenish the unconsolidated shingle beach as long as they have the funding and their policy concurs. As we all know, Councils are strapped for funding and are presently reducing all sorts of services. In any event there could be a delay, of perhaps months, before they undertook remedial works. This uncertainty is further evidenced by the fact that there is no provision for re-charging of the beach in either Natural England's initial, or future, maintenance budgets for this stretch of the coastline.”

Natural England does not have a coastal defence remit so no provision for recharging this section of coastline can be included within our report. The recharging of the beach is not relevant to our proposals.

b) Landward Margin :-

“In respect of the nuisance factors, as always, it is the minority that causes the difficulty - but that small number causes insecurity, stress and grief to an even smaller number ! The increase in footfall will exacerbate that level of nuisance.

If the Landward Margin boundary (for Spreading Room) is set at my fence line, the public may in practice sit against / close to it, lean / prop their bikes upon it and all the problems that ensued before W.S.C.C.'s illegal path was removed will return again. The issues it caused included burglary, theft of items from gardens, dogs / dog faeces bags being thrown over the fence, uninvited entry to the garden and litter dropping over the fence. The Chichester Constabulary, PCSOs, CDC Environmental Protection Officers and their Community Wardens have all been involved at various junctures. Examples at Flag 7, 8, 9,10, and 11.

Because of the constant intrusion on my privacy by passing members of the public and their animals, before the illegal surface was removed, it was necessary to re-locate my garden table some 25 yards away from its original site which previously enjoyed close proximity to my beach and the fence line. This was / is not a “fair balance” !

The solution offered by some (but not also offering to contribute to the cost) is to “substantially increase the fence height and close board” the fence. However, in the planning approval process for Wessex Lodge, Chichester District Council Officers stated this part of the coast “...forms part of a visually important open space running parallel with the coast line and therefore any planting or fencing should remain as informal as possible in order to preserve that character.” (Flag 5, p2, penultimate paragraph).

With regards to the landward margin, the shingle beach is automatically included as landward margin due to it being one of the default coastal landforms (Scheme 4.8.8). The legislation does allow Natural England to propose to use its discretion to alter the boundary of landward coastal margin (either to expand or contract it). The Coastal Access Approved Scheme states at 4.8.11 that: *“Natural England has a discretionary power under section 55D(2) of the 1949 Act to propose that the landward boundary of the coastal margin should coincide with a recognisable physical feature. We consider using this discretion where it would:*

- make the extent of people's access rights clearer or more cohesive on the ground; or*
- secure or enhance public enjoyment of the coast”*

If we were to use our discretion in the way suggested, it is NE's opinion that we would not be complying with 4.8.11 as we would be contracting the boundary from a clear physical feature to

the edge of a PRoW that has fewer or no physical properties to identify with. The result of this would be that the extent of the access rights would become less clear. In addition, we also could not be said to be complying with the second bullet in 4.8.11 above. In a situation such as this on a beach with public access and no defined path on the ground, limiting the extent of the margin would not have any practical effect on how the public choose to use the beach. They will continue to use it as they do now.

4.8.14 of the Scheme discusses in more detail the circumstances where we might consider using our discretion in relation to 'default' coast margin. We set this out below. In relation to default margin it is clear that the Scheme intends that the discretion should only be used to provide greater clarity. This is particularly useful for land types such as cliff and dunes where the edge of that land type is not always obvious or consistent.

“4.8.14 Another way in which we use this discretion for this reason is to achieve greater clarity about the extent of any areas of default landward margin such as cliff or dune that connect with the trail. We normally look to align the landward boundary with suitable physical features that will enable all or most of such an area to be confirmed by our proposals as part of the coastal margin, rather than it forming part of the coastal margin by default but without such clarity. If this approach of confirming the inclusion of the default land is not practicable, we consider whether proposing to remove all or part of such an area from the coastal margin would increase clarity by enabling the landward boundary of the coastal margin to be aligned with a specified physical feature further seaward”.

The route here is following a long established PRoW and NE would expect that once the new coastal access rights are introduced, that in practice very little will change as the majority of walkers will continue to use the beach in the same way that they have always done. In regards the impact on privacy and intrusion, NE maintains that this is a very populace area and our trail follows a well used Public Right of way across an open beach that already experiences a high level of public use. We do not believe that the inclusion of the beach in the coastal margin will significantly change how the public chose to use the beach

Representation number:

MCA\East Head to Shoreham\R\28\EHS3671

Organisation/ person making representation:

[REDACTED], Craigwell House and its Environs Conservation Area Association, Aldwick

Route section(s):

EHS-3-S0 16 to EHS-3-S039

Summary of representation: As head of the Craigwell House Conservation Area and Craigwell House Area of Soocial Character in Craig, [REDACTED] raises concern over the route itself being on private land, privacy for residents and damage to vulnerable Bognor Reef SSSI features from the laying of a pathway across the shingle and intrusion from signage.

He requests an inspectors hearing and that he is invited to attend to voice his anger and dismay.

Natural England's comment:

We are not proposing any development on the beach. During our extensive dialogue with residents, we have repeated that fact, in order to make it clear that the route of the ECP will

follow existing walked routes along the compacted shingle. We are not proposing any surfacing works or infrastructure on the land mentioned above. In correspondence to [REDACTED] on 10th March 2017 for example, I reiterated the fact no works were proposed on the ground.

The proposed route follows the current worn trail along the more compacted shingle along the top of the beach and fits with the statutory criteria that the trail should be close to the sea. The beach is located in an urban area and is already very well accessed by locals and visitors. As it is already a popular area for visitors, dog walkers and locals alike, we believe our proposals would create no new privacy issues. The public is already using the beach, including the proposed line of the trail, as such we would expect those properties with gardens adjacent to the beach to be accustomed to beach users close to their boundary.

Section 7.12.6 of the Scheme explains how shingle beaches will normally qualify automatically as spreading room and this is the case here, meaning that coastal access rights would still apply to the beach even if the path was aligned inland. It is therefore our opinion that should the trail be aligned along the road in front of the houses, most walkers would 'vote with their feet' and continue to legally walk along the beach, following the desire lines across the shingle.

The route we have proposed avoids the most sensitive and well-established areas of vegetated shingle and the Natural England officer responsible for the SSSI has advised that our proposals would not have a detrimental impact on the notified features. The concerns raised about impacts on the SSSI were considered as part of our Access and Sensitive Features Appraisal and the current route used by the public and residents, where we have proposed to align the trail, was assessed as not damaging the interest features of the SSSI. Other more seaward routes here would, in our opinion:

- a. Impact large areas of vegetated shingle that may be sensitive to trampling,
- b. Require a surface, such as a boardwalk to be viable. A boardwalk along the more seaward route would have been expensive to install and maintain and unlikely to have been given consent due to the habitat loss that would result.

There was no evidence to suggest that a direction to restrict access was necessary for the protection of sensitive features/species given how well accessed the site already is by the public and the current condition of the vegetated shingle. By applying a restriction we would be curtailing access that is already informally enjoyed by the public. Instead we believe that informal management through signage would be more effective. It could inform the public that:

- At low tide the easiest walking is at the bottom of the beach
- At higher stages of the tide, coast path users should follow the proposed line of the trail along the compacted shingle at the top of the beach.

Finally, our proposals do not mean that Natural England will "take over" anyone's land. Section 5.2.4 of the Coastal Access Scheme explains that the legislation does not take land away from land owners or interfere with their freedom to manage it. The access authority will be responsible for the management and ongoing maintenance of the England Coast Path but the legislation does not pass control of the land to Natural England or the access authority.

Representation number:

MCA\East Head to Shoreham\R\16\EHS1897

Organisation/ person making representation:

[REDACTED]

Route section(s):

EHS-3-S094

Summary of representation: Additional foot traffic across/around affected properties. Encroachment on privacy. Foot traffic across land that is not a dedicated footpath. Foot traffic along a private residential road Manor Way.

Natural England's comment:

Manor Way has a public footpath upon the pavement, which we are using for this section referred to here. His property is within the coastal margin, however the property and curtilage will be excepted land. The beach is within the coastal margin, so at low tide walkers are may choose to use this rather than the road, however a beach route is not available at all states of the tide and the shingle is not very firm so we decided it didn't meet the required standard when a suitable route landward, along existing Public Rights of Way were available. Homeowners on the beach also raised concerns about putting the trail here and those concerns were also a factor in our decision.

[REDACTED] also submitted an objection (ref MCA/EHS/37) concerned walkers would follow the beach and not the road.

This is a very built up urban area, well accessed by locals and visitors alike so we don't believe our proposals will greatly increase footfall. Landowners are used to the PRow being used as part of a circular walk locally and there is space between the road and the gardens for walkers, so as to avoid encroachment on to private property.

If we were not to use the PRow along the road, or the beach route, we would have to take a long landward detour through the private housing estate.

Representation number:

MCA\East Head to Shoreham\R\5\EHS3676

Organisation/ person making representation:

[REDACTED]

Route section(s):

EHS-3-S007

Summary of representation: TWO LETTERS TO NATURAL ENGLAND
- IGNORED

Natural England's comment:

[REDACTED] says that he has sent NE two letters in the post, which have been ignored. We have no record of these letters or any other correspondence from [REDACTED]

Representation number:

Organisation/ person making representation:

[REDACTED]

Route section(s):

EHS-3-S003 and EHS-3-S041

Summary of representation:

[REDACTED] live adjacent to the route by the entrance to Barrack lane and they have concerns over existing issues of vandalism, barbeques & litter on Aldwick beach. Please add to the proposed interpretation 'No barbeques'.

Natural England's comment:

NE will consider including the text 'No Barbeques' on the interpretation panels for Aldwick Beach. We are aware many people here are concerned about too much signage encroaching on the beach so we will liaise closely with all interested parties to see what can be achieved.

Representation number:

MCA\East Head to Shoreham\R\2\EHS3306

Organisation/ person making representation:

[REDACTED], Ferring Parish Council

Route section(s):

EHS-5-S066 to EHS-5-S078

Summary of representation:

[REDACTED], a Ferring Parish Councillor, requests an improved walking surface for the trail upon the unconsolidated shingle beach along the landward edge of the beach beside the car park and Bluebird Café at Ferring for the less abled (sections EHS-5-S066 to EHS-5-S078). This has long been an aspiration of the Parish Council and forms part of their Neighbourhood Plan

Natural England's comment:

There were two options available to us at this location and we choose to stay on the beach and take the path landward of the cafes, beach huts and car park at Ferring. This was to reduce the extent of seaward coastal margin, as being within the margin and opening up the car park, beach huts and café was a concern raised by those interests. Our proposed route is close to the sea, maintains sea views and is only on the shingle for approximately 280 metres.

For those with reduced mobility who wish to continue on a firmer surface, a Public Right of Way continues off the beach, through the car park and it is then possible to continue through the car park and join another PRow to rejoin the coast path.

The cost of establishing a boardwalk or similar here would also have been very high and have placed a significant maintenance requirement on the Access Authority. Given the alternatives available for those with reduced mobility, we felt the standard of our proposed route was of an adequate standard.

Representation number:

MCA\East Head to Shoreham\R\3\EHS2116

Organisation/ person making representation:

[REDACTED]

Route section(s):

EHS-5-S052

Summary of representation:

[REDACTED] owns the beach from the end of her garden at Shore House, East Preston down to the mean high water line and requests that no structures are constructed on her land for the trail route on the shingle beach at East Preston. She has no objection to the route crossing her land, acknowledging that there is already access here.

Natural England's comment:

No structures (ie. Boardwalk) are proposed for this section.

Representation number:

MCA\East Head to Shoreham\R\4\3759

Organisation/ person making representation:

[REDACTED], Ferring Conservation Group

Route section(s):

EHS- 5 – S066 to S081

Summary of representation:

[REDACTED] would like to see a proper path surface being laid here for the proposed trail route on the beach adjacent to Bluebird Café, Ferring. Alternatively to take the route through the car park.

Natural England's comment.

As per representation ref: MCA\East Head to Shoreham\R\2\EHS3306, there were two options available to us at this location and we choose to stay on the beach and take the path landward of the cafes, beach huts and car park at Ferring. This was to reduce the extent of seaward coastal margin, as being within the margin and opening up the car park, beach huts and café was a concern raised by those interests. Our proposed route is close to the sea, maintains sea views and is only on the shingle for approximately 280 metres.

For those with reduced mobility who wish to continue on a firmer surface, a Public Right of Way continues off the beach, through the car park and it is then possible to continue through the car park and join another PRoW to rejoin the coast path.

The cost of establishing a boardwalk or similar here would also have been very high and have placed a significant maintenance requirement on the Access Authority. Given the alternatives available for those with reduced mobility, we felt the standard of our proposed route was of an adequate standard.

Representation number:

MCA\East Head to Shoreham\R\9\EHS2934

Organisation/ person making representation:

[REDACTED], Littlehampton Town Council

Route section(s):

Chapter 5

Summary of representation:

The proposals were considered by the Planning and Transportation Committee of Littlehampton Town Council at its meeting held on Monday 16th October 2017 and supported.

Natural England's comment:

Natural England has no comment but notes that Littlehampton Town Council are supportive of our proposals.

Representation number:

MCA\East Head to Shoreham\R\31\EHS3599

Organisation/ person making representation:

[REDACTED]

Route section(s):

EHS-5-S003

Summary of representation:

[REDACTED] has concerns that his pontoons will be within the coastal margin when at low tide and that people may have access to them. Our proposals do not indicate or specify the privately-owned pontoons as being excluded. Trespass already takes place & direct access via the pontoons to land is possible. It is requested that the public maps do not include the pontoon areas.

Natural England's comment:

The properties, including the pontoons, seaward of the England Coastal Path proposal would be considered excepted.

It appears that [REDACTED] concerns are related to how the coastal margin is depicted on the Ordnance Survey (OS) maps, however the mapping of coastal margin does not form part of our proposals.

In correspondence with [REDACTED] we have provided the following information:

The decision by the OS to depict the coastal margin with a mauve wash, resulted from discussions with key national stakeholders including conservation and land owner representative organisations, (RA, OSS, BMC, CLA, NFU, MOD, National Trust and the RSPB).

With regard to excepted land within the coastal margin it was recognised by all parties to the discussions as impracticable (if not impossible) to manually remove the myriad parcels of excepted land from the digitised margin mapping dataset. Further, it could be potentially misleading because land use changes regularly e.g. a field may be in arable

(an excepted land category) and later in grass (not excepted), development takes place etc and so people would assume because some areas were shaded and some not, the shaded areas must have access rights whereas with a wash over all areas irrespective it is obvious that this is not the case.

We are unaware of any issues or problems that this approach has resulted in. An early example of the OS' approach to depicting the coastal margin is the first stretch of coast to launch (summer 2012): Weymouth Bay (Rufus Castle to Lulworth Cove). On the Isle of Portland where because of the need for the ECP to cut across the north east corner of the island, substantial areas of excepted and non-excepted land fall into the margin and are depicted as such. These include Portland Port, the Verne prison and a young offender's institute in addition to land designated as SAC etc.

Representation number:

MCA\East Head to Shoreham\R\6\EHS2508

Organisation/ person making representation:

[REDACTED]

Route section(s):

EHS – 5 - S060FP and para 5-1-7

Summary of representation:

[REDACTED] refers to confusing details between the maps and report text for the kissing gates on the West Kingston and Kingston Gorse Estate Greenswards. Therefore some clarification is required about the proposals for the Kissing Gates and fences, particularly at the eastern end of the West Kingston section.

Natural England's comment:

NE believes that [REDACTED] has confused which Kissing gates are to be removed. In the report it states in Chapter 5 at section 5.1.7 that the kissing gates at EHS-5_S064 and EHS-5-S065 will be removed by the landowner (Kingston Gorse Estate). It does not state that the kissing gate at EHS-5-S060 will be removed. This one is to be retained as per Map 5.d

So to clarify The West Kingston kissing gates are to be retained.

Representation number:

MCA\East Head to Shoreham\R\7\EHS3271

Organisation/ person making representation:

[REDACTED]

Route section(s):

EHS-6-S037

Summary of representation:

[REDACTED] says that there is not enough room for the coastal path on the beach in front of her property, as it is too close to the sea. She would prefer the trail on the pavement in front of her house. Her supporting letter indicates that there are also vandalism and possible privacy issues here.

Natural England's comment:

The trail is located on the beach here to connect the promenade to the east with the boardwalk on the beach to the west. The proposed trail route is already well walked here. The boardwalk may be extended to this section in the future by the local authority, if so the trail would then be located upon the likely line of a future boardwalk, or stay on the beach if the boardwalk is not constructed.

Since the submission of our report and [REDACTED] representation, the local authority has, under permitted development, created an extension to the boardwalk in this location. It appears this follows the line identified within our report for the ECP. As such this route will now form part of a wider local route and become highly accessed by locals and visitors alike and NE does not expect the volume of use to increase much as a result of our proposals.

This area is very well accessed and we expect landowners with beach front properties to be used to the public close to their boundaries. If we had chosen a route landward along the road, the beach would still form part of the coastal margin and the public would continue to use it as they currently do. Therefore we expect the status quo to remain.

Representation number:

MCA\East Head to Shoreham\R\13\3766

Organisation/ person making representation:

[REDACTED], The Goring & Ilex Conservation Group

Route section(s):

EHS-6-S001 to EHS-6-S003

Summary of representation: [REDACTED] has provided info on village green status on Goring Greensward and has requested not to change the existing surface of the path.

Natural England's comment: The background information provided does not affect ECP, the greensward is landward of the trail and is not landward coastal margin. The surface is considered adequate, so we do not intend to change the surface.

Representation number:

MCA\East Head to Shoreham\R\30\3782

Organisation/ person making representation:

[REDACTED], Applewood Property Management Ltd

Route section(s):

EHS-6-S052

Summary of representation:

The route crosses private land, that is not blocked or restricted from use by the public. However security & privacy concerns for householders adjacent to walkway through Emerald Quay, Shoreham by Sea.

Natural England's comment:

This is a wide pedestrian walkway, already accessible for the public with good views across Shoreham Harbour, which meets the criteria for the ECP. There are several linear route to the promenade from the surrounding streets and it passes many shops and businesses. The properties are modern blocks of flats/ apartments purpose built and sold with the current access in place.

The objector is concerned about the impact of the ECP on privacy and security and that there will be nuisance created by the ECP users. However we believe that in practice the residents will experience very little change to the way the area is currently used. People who wish to walk, visit or sit and enjoy the views will continue to do so and those people who wish to follow the coastal path will most likely stick to the established desire line as they do now. We expect these properties to already be accustomed to the public close to their boundaries and we maintain that we do not think that there will be an adverse effect on the residents' privacy. This is in part because the existing walked route that the ECP will be aligned along is not hard up against the boundary of the properties.

Representation number:

MCA\East Head to Shoreham\R\22\EHS0214

Organisation/ person making representation:

[REDACTED], Principal Planning Officer, Adur & Worthing District Council

Route section(s):

EHS-6-S037 to EHS-6-S041

Summary of representation:

The Council generally supports the proposals, however requires further details for the Shoreham Beach area, including whether there is funding available for payment of a future boardwalk on Shoreham Beach LNR. The Council would prefer a boardwalk to protect vulnerable vegetated shingle along with associated signage/interpretation

Natural England's comment:

In conversation with Adur DC, they have long expressed a wish to have an extension to the boardwalk, however are limited by funds. NE has put the trail route along a potential future line of a boardwalk, which is along an existing walked route on the shingle both to the east and west of the existing boardwalk, to save doing a variation in the future. We ruled out extending the boardwalk due to the associated cost and maintenance obligation – mainly resulting from the mobile nature of the shingle, the sensitivities of the vegetated shingle and the fact a pavement route adjacent to the coast is available to those with reduced mobility.

Since the submission of our report and the councils representation, the local authority has, under permitted development, created an extension to the boardwalk in this location. It appears this follows the line identified within our report for the ECP. As such this route will now form part of a wider local route and become highly accessed by locals and visitors alike and NE does not expect the volume of use to increase much as a result of our proposals.

Representation number

MCA\East Head to Shoreham\R\20\EHS2947

Organisation/ person making representation

[REDACTED], Green Links across the Manhood Local access Forum

Route section(s)

EHS-6-S015 MU to EHS-6-S018 MU

Summary of Representation

Chapter 6 Map 6e

EHS-6-S015 MU - EHS-6-S018 MU

At Lancing – Western Road to Lancing Beach Green - the proposed trail is along a busy main road with a narrow pavement, roughly parallel to the beach but with no view of the sea.

Given that there is a substantial stretch of tarmac west of this location – the opportunity could be taken to place the trail on the shingle beach for approx. 500m.

Natural England's comments

Chapter 6 Map 6e

EHS-6-S015 MU - EHS-6-S018 MU

Putting the trail upon the beach was considered, however after discussing this beach with local residents and the Adur District Council coastal engineer, who state that the beach here is eroding and covered on occasion by high tides, it was decided to keep the trail along the existing footway. The beach here will be within the coastal margin, so it can be used if preferred.

Representation number:

MCA\East Head to Shoreham\R\24\EHS2941

Organisation/ person making representation:

[REDACTED], Sussex Wildlife Trust

Route section(s):

Various

Summary of representation:

Sussex Wildlife Trust comments specifically on where the trail uses areas of vegetated shingle.

A) They would like to ensure that all areas where the path extends over areas of vegetated shingle are supported by appropriate signage in key locations which are visible to path users.

B) They ask that Bracklesham Bay SSSI, Bognor Reef SSSI and Climping Beach SSSI assessments are now outdated and the habitats should be reassessed.

C) At Climping Beach, due to the sensitivity of habitats here, they would suggest considering an alternative route, such as the designated footpath which joins up EHS-4-S012 and EHS-4-S027, or to use the existing boardwalk which joins EHS-4-S015 to the car park area in EHS-4-S016. We suggest that annual monitoring is necessary and would like to see a commitment to this made within the report.

D) At Shoreham Beach, they have particular concern regarding vegetated shingle within maps 6g and 6h. The proposed route for Section EHS-6-S037 is across an area of vegetated shingle, although the consultation notes that this as an existing walked route.

Natural England's comment:

Our responses are as follows:

A) Interpretation panels are proposed for vegetated shingle areas at Bognor Reef SSSI and Climping Beach SSSI. Shoreham Beach LNR already has new interpretation panels. Bracklesham Bay SSSI has no vegetated shingle adjacent to the trail.

B) NE Land Management Advisers carry out regular SSSI assessments and did one in July 2017 for Bognor Reef SSSI. We have used the current assessments and worked closely with the responsible officers for these sites, who have detailed knowledge and experience of managing these sites, to complete our assessments of any impacts from our proposals.

C) At Climping Beach SSSI, the trail is proposed to follow an existing well walked informal path between shingle and sand dune habitats. Mitigation is proposed and agreed by the NE Responsible Officer. Monitoring of the SSSI takes place as part of the regular SSSI condition assessments.

D) At Shoreham Beach, the trail follows a clear line between areas of vegetated shingle following an existing well walked route, as shown on the ground and with aerial photos. Some of this area has now been surfaced with new boardwalk by the local authority and this has been placed along the proposed line of the ECP. This work was carried out under permitted development so any further

Representation number:

MCA\East Head to Shoreham\R\26\EHS3762

Organisation/ person making representation:

[REDACTED], Adur Property Management Ltd

Route section(s):

EHS-6-SO51 to EHS-6-SO53

Summary of representation: Chapter 6 incorrectly identifies Route Section numbers EHS-6-SO51 to EHS-6-SO53 as a public footpath. They are concerned that the use of the route as a coastal trail will cause security and privacy issues, litter, dogs on a lead, safety issues, dogs mess, etc..

Questions asked over costs for bins and litter clean up.

[REDACTED] states that should the route be approved he would prefer the trail to be on northern most edge of the walkway.

Natural England's comment:

NE apologises for the incorrectly mapping this as a public footpath. We have since amended our mapping and data to correctly identify this as "other existing walked route".

This is a wide pedestrian walkway, already accessible to the public with good views across Shoreham Harbour, which meets the criteria for the ECP. There are several linear routes to the promenade from the surrounding streets and it passes many shops and businesses. The properties are modern blocks of flats/ apartments purpose built and sold with the current access in place.

The objector is concerned about the impact of the ECP on privacy and security and that there will be nuisance created by the ECP users. However we believe that in practice the residents

will experience very little change to the way the area is currently used. People who wish to walk, visit or sit and enjoy the views will continue to do so and those people who wish to follow the coastal path will most likely stick to the established desire line as they do now. We expect these properties to already be accustomed to the public close to their boundaries and we maintain that we do not think that there will be an adverse effect on the residents' privacy. This is in part because the existing walked route that the ECP will be aligned along is not hard up against the boundary of the properties.

As per [REDACTED] request, the route follows the northern most edge of the walkway, closest to the river.

Representation number:

MCA\East Head to Shoreham\R\1\EHS2939

Organisation/ person making representation:

[REDACTED], Parish Clerk, Lancing Parish Council

Route section(s):

EHS-6-SO27 MU and EHS-6-SO30 RD

Summary of representation:

No reference is made to a stretch of water called 'Widewater' being a designated Local Nature Reserve, as Shoreham Beach LNR has been referenced.

Natural England's comment:

This Local nature Reserve was not referenced as we screened it out very early in the process as the full site is landward of the trail and is not within the landward coastal margin. No concerns were raised as the route here is following a very popular and busy promenade.