

Coastal Access – Bawdsey to Aldeburgh

Representations on BSA 3 with Natural England’s comments



November 2021

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1. Introduction

This document details representations we have received on the stated coastal access report. These fall into two categories:

- Representations received from persons or bodies that must be sent in full to the Secretary of State (‘full’ representations, reproduced below); and
- Those which have not come from those persons or bodies whose representations we are required to send in full to the Secretary of State (‘other’ representations, summarised below).

It also sets out any comments that Natural England choose to make in response to these representations.

2. Background

Natural England’s compendium of reports setting out its proposals for improved access to the coast from Bawdsey to Aldeburgh was submitted to the Secretary of State on 3rd February 2021. This began an eight-week period during which representations and objections about each constituent report could be made. A representation about the report could be made during this period by any person on any grounds and could include arguments either in support of or against Natural England’s proposals.

In total Natural England received four representations relating to BSA3, of which one was made by an organisation whose representation 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. This ‘full’ representation is reproduced in Section 3 in its entirety together with Natural England’s comments. Also included in Section 3 is a summary of the three

representations made by other individuals or organisations, referred to as 'other' representations.

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

Representation number:

MCA/BSA Stretch/R/2/BSA0435

Organisation/ person making representation:

Suffolk County Council

Route section(s) specific to this representation:

BSA-3-S001 to BSA-3-S019

Other reports within stretch to which this representation also relates:

Reports 1,2, 4 and 5

Representation in full

Suffolk County Council strongly supports the use of the estuary discretion in proposing an alignment of the National Trail around the Alde & Ore Estuary Complex, including the Butley River, using the first crossing point on the Alde at Snape bridge. (Option 1)

Much of the estuary is well served by public rights of way, but there are significant gaps which these reports will address, enabling walkers to avoid walking on the road between Bawdsey Manor (BSA-1-S002 to BSA-1-S018, and connecting the cul-de-sac public footpath on the east side of the Butley River to Gedgrave (BSA-2-S027 to BSA-2-S035).

The proposals in the 5 reports are welcomed and supported; they will provide a route that is available all year and continuous along the Suffolk coastline.

The County Council is concerned as to the future and allocation of the maintenance funding for National Trails.

The County Council would like to see those works proposed as mitigation to fulfil the objectives of the Habitat Regulations, included in the National Trail maintenance funding formula.

In addition, we would like to see those sections of the trail which are immediately adjacent to SSSIs and not just within the boundary, included in the uplift. It seems particularly unfortunate the funding formula neither recognises the necessity of ongoing funding for the mitigation works that enable the trail to be opened nor the proximity of the SSSI and SPA which requires those additional works. This is particularly pertinent as the proposed trail is immediately adjacent to the Alde & Ore Estuary SSSI for most of its length (BSA-1-SO23 to BSA-4-SO59).

As a public body the County Council must have regard to the purpose of conserving biodiversity (NERC Act 2006), so this will result in disproportionate pressure on the use of the maintenance funding for this stretch.

Overall, the County Council believes that the proposals for improving coastal access on this stretch of the coast strikes the appropriate balance between public and private interests and recreational and environmental objectives as required by the approved coastal access scheme.

Natural England's comments

Natural England welcomes the support of Suffolk County Council in the use of estuary discretion for the proposals and the alignment around the Butley that improves the current RoW provision.

In relation to the comments regarding a financial uplift for those sections of the trail that run immediately adjacent to Sites of Special Scientific Interest (SSSI), NE acknowledge that the Suffolk County Council has concerns in this area. As noted, the current uplift applies only where the trail runs directly through a SSSI. This is to recognise the potential for additional maintenance costs to be incurred and this element of the current funding formula was originally agreed by a stakeholder group representing all the established National Trails in England following a review of funding that was completed in 2013. A subsequent review by a group representing all the trails was carried out in 2015. It is NE's intention to undertake a further review of the funding formula as the England Coast Path (ECP) is completed so that we can, with the Trail and ECP reps who are joining this current review, assess whether any adjustments are required. This process will begin later this year and will be carried out with the involvement of ECP managers. Suffolk County Council's constructive input will be welcomed as part of this process although we are not making any assumptions at this time as to how this review may change the existing formula.

4. Summary of 'other' representations making non-common points, and Natural England's comments on them

Representation ID:

MCA/BSA Stretch/R/1/BSA0607

Organisation/ person making representation:

BRITISH HORSE SOCIETY – [redacted]

Name of site:

Whole report

Report map reference:

BSA Maps 3a to 3d

Route sections on or adjacent to the land:

BSA-3-S001 to BSA-3-S019

Other reports within stretch to which this representation also relates

BSA Reports 1, 2, 4 and 5

Summary of representation:

The British Horse Society founded in 1947, is the largest and most influential equestrian charity in the UK with over 117,000 members. Two of the Society's objectives are: to promote community participation in healthy recreation involving the horse and to promote and secure the provision, protection and preservation of rights of way and of access for ridden and driven horses over public roads, highways, footpaths, bridleways, carriage ways, public paths and other land.

According to the Suffolk Rights of Way Improvement Plan, only 18% of Public Rights of Way are accessible to horse riders, forcing them onto busy, fast roads. Road safety is of particular concern to equestrians, who are vulnerable road users.: ‘This rights of way network provides off-road access to services, links between settlements, and access into the countryside. The importance of rights of way, quality greenspaces, greenways and corridors, for an effective non-motorised urban transport network threading through urban areas and linking to more rural areas is recognised.’ We would suggest this is included in the plans for the England Coast Path from Bawdsey to Aldeburgh which could show a trail blazing attitude to access throughout Suffolk.

The ECP from Bawdsey to Aldeburgh presents an opportunity to improve coastal access in Suffolk with benefits for residents, businesses, and visitors, promoting health and wellbeing. Suffolk County Council should be requesting permissive access for equestrians for the entire stretch providing a safe off-road route for vulnerable users resolving a number of anomalies where bridleways become dead ends at the coast.

The BHS encourages Natural England and Suffolk County Council to ensure any surfacing works future proof the route to enable equestrian access, foreseeing landowners granting permission for equestrian access, therefore routes should be surfaced as appropriate for the horse and rider. A natural surface, where well drained and free of excess vegetation, is ideal for horse and rider. Maintenance to surfaces must consider appropriate surface materials to avoid risk of injury caused by slippery materials e.g. tarmac, sharp stone and boggy or deeply rutted ground.

Natural England’s comment:

We acknowledge the desirability of creating routes for horse-riders.

Natural England’s duty under Part 9 of the Marine and Coastal Access Act 2009 is to create clear and consistent public rights along the English coast for open-air recreation on foot. On some sections of coast, existing rights will apply as well as or instead of coastal access rights, such as the right to ride a horse or bicycle on a bridleway or along a permissive route permitted by the landowner. However, our core remit is to propose the creation of a walking route.

Natural England can investigate the potential to create higher rights on the England Coast Path in locations identified by stakeholders at the outset of the project. However, we can only secure these where landowners are willing to offer them on a voluntary basis. In this instance we were not approached by any stakeholders seeking higher rights at the outset of the stretch project and no landowners asked us to consider proposing higher rights in our discussions with them.

Relevant appended documents (see Section 4):

- 5A: Advice on Surfaces for horses in England and Wales
- 5B: Advice on Gates on routes used by riders in England and Wales
- 5C: Advice on Non-motorised user routes in England and Wales
- 5D: Advice on Width, area and height in England and Wales

Representation ID:

MCA/BSA3/R/1/BSA0712

Organisation/ person making representation:

Disabled Ramblers - [redacted]

Name of site:

Whole report

Report map reference:

Map BSA 3a to Map BSA 3d

Route sections on or adjacent to the land:

1. Report BSA 3; Accessibility statement at 3.2.7 and all route sections generally.
2. Map BSA 3a; Route section BSA-3-S007
3. Map BSA 3a to Map BSA 3d; Route sections BSA-3-S010 and BSA-3-S015

Other reports within stretch to which this representation also relates

Reports 1, 2, 4 and 5

Summary of representation:Comment 1

Report BSA 3; Accessibility statement at 3.2.7 and all route sections generally

The Disabled Ramblers is concerned that Natural England has not recognised that there is a significant and steadily increasing number of people with reduced mobility who use all-terrain mobility scooters and other mobility vehicles to enjoy routes on rugged terrain in the countryside, including uneven grass, bare soil or rocky paths, foreshore areas and some sea banks and beaches. Slopes of 1:4, obstacles 6" high, water to a depth of 8" are all challenges that users of all-terrain mobility scooters are used to managing. Modern batteries are now available that allow a range of up to 60 miles on one charge.

Disabled Ramblers is concerned in particular that Natural England has not taken into consideration that this group of people may want to access sea banks where they are of sufficient width (mobility vehicles being up to 85cm wide and often 173cm in length), so to enable them to do this Disabled Ramblers requests that slopes/ramps are provided either instead of, or alongside, steps where the height of the sea bank is not prohibitive (in which case an alternative access point should be identified where possible to enable these users to progress along the route). Modern mobility vehicles are large, and many man-made barriers that will allow access to a manual wheelchair are not large enough for some mobility vehicles and prevent legitimate access even though users of mobility vehicles have the same rights of access that walkers do.

Wherever possible man-made infrastructure should be replaced or adapted. Suitability of all structures should always be considered with the assumption that a person with reduced mobility will be going out without more-mobile helpers, so will need to operate the structure on their own, seated on their mobility vehicle.

Disabled Ramblers requests:

- that new structures to be installed should be suitable for those who use large mobility vehicles, and should comply with British Standard BS5709: 2018 Gaps Gates and Stiles.

- that where existing man-made structures are a barrier to those who use mobility vehicles, these should be reviewed, and where necessary removed and replaced.
- compliance with the Equality Act 2010 (and the Public Sector Equality Duty within this act)
- compliance with the Countryside Rights of Way Act 2000
- adherence to the advice from Disabled Ramblers in the attached document *Man-made Barriers and Least Restrictive Access*.

Comment 2 - Map BSA 3a; Route section BSA-3-S007

Request that planned path improvements are done with compacted aggregate (rather than loose) to be suitable for all-terrain vehicles.

Comment 3 - Map BSA 3a to Map BSA 3d; Route sections BSA-3-S010 and BSA-3-S015

The ECP here offers good views across to Orford Ness, an area that isn't accessible to many people with limited mobility because of practical considerations in getting on and off the ferry.

Paragraph 3.2.9 of Report 3 says that Natural England '*will work with Suffolk County Council to replace the rambler gates with more accessible gates when they require replacement from normal wear and tear.*' For those who use any type of mobility vehicle they are a barrier and, if they remain in place until replacement through normal wear and tear, those with limited mobility will be excluded from this part of the ECP, unnecessarily, for many years.

Disabled Ramblers requests that the rambler gates be removed at the establishment stage of this part of the ECP.

Natural England's comment:

Response to Comment 1

Natural England welcomes the Disabled Ramblers comments regarding infrastructure that may present as a barrier to many users of the England Coast Path. We will work with Suffolk County Council as the access authority who have responsibility for establishing and maintaining the trail to ensure all users are considered and structures and surfacing meets all necessary legislation, including that designed to protect wildlife and the protection of the flood defence systems.

Natural England acknowledges its duties under the Equality Act 2010 and the Countryside and Rights of Way Act 2000, and also the extra responsibilities conferred by the Public Sector Equality Duty, under the former. Section 4.3.8 of the Scheme outlines that 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.

An important element of equality law is that the needs of those with constrained or restricted mobility are considered throughout the planning, design and implementation processes, and that they are not simply treated as an 'add on'. We have endeavoured to achieve this as we have developed our proposals for the Bawdsey to Aldeburgh stretch, and, if our proposals are approved, will continue to do so through the implementation phase, working alongside Suffolk County Council, which shares the same responsibilities and duties.

We also recognise the importance of satisfying the relevant British Standards, and the desirability of complying with the advice contained in the *Disabled Ramblers Notes on Infrastructure* and will also be focusing on these documents as we work with the access authorities.

We also note the Disabled Ramblers advice regarding the larger mobility vehicles and will ensure this is considered.

Response to Comment 2

We thank the Disabled Ramblers for their suggestion when improving the path surface and Suffolk County Council has confirmed that they will be using a compacted aggregate with a top layer of fine material.

Response to Comment 3

We thank the Disabled Ramblers for their suggestion on improving the infrastructure. The landowners have permission for the current gates and the Council does not have powers to insist on their removal or replacement. However, SCC will seek replacement with suitable pedestrian gates and will offer new gates as part of ECP implementation.

Relevant appended documents (see Section 4):

- 5E: Man-made Barriers and Least Restrictive Access

Representation ID:

MCA/BSA Stretch/R/4/BSA0731

Organisation/ person making representation:

Water Management Alliance – [redacted]

Name of site:

Whole stretch

Report map reference:

BSA Maps 3a to 3d

Route sections on or adjacent to the land:

BSA-3-S001 to BSA-3-S019

Other reports within stretch to which this representation also relates

BSA Reports 1,2, 4 and 5

Summary of representation:

The Water Management Alliance note that the proposals are partly within the Internal Drainage District (IDD) of the East Suffolk Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. They specifically highlight that any works (including signage or path resurfacing) within 9 metres of the internal drainage system will normally require consent to relax Byelaw 10 (*no works within 9 metres of the edge of drainage or flood risk management infrastructure*). Any works directly within the watercourse will require consent under the Land Drainage Act 1991.

The IDB note that some of the watercourses they maintain are held with a high-water level to maximise the environmental benefits and are concerned that public access in the area may be detrimental to these benefits.

Natural England's comment:

Natural England appreciates the IDBs engagement in the development of our proposals and the reminder of the responsibilities associated with the IDB's work. We will pass these comments on to Suffolk County Council to consider and obtain any necessary permissions as part of their works to establish the trail.

Natural England thank the IDB for their work in maximising the environmental benefits from the drainage system. We have carefully considered the impacts of promoting enhanced public access through the England Coast Path on both the international and domestically protected sites in the area through two documents that supported the publication. These being the Habitats Regulations Assessment for the international sites and the Nature Conservation Assessment (NCA) for the Domestic sites. The NCA also considered any adverse interactions with wildlife more generally. Through these two documents developed with the support of wildlife specialists and enthusiasts we believe we have balanced Natural England's public commitments to wildlife and public access.

5. Supporting documents.

British Horse Society

To accompany their representation, the British Horse Society submitted nine PDF documents with information on suitable infrastructure standards for horses and shared user trails. The scope of the England Coast Path legislation extends to granting pedestrian access rights only, and no new rights for riders on horseback will be granted within this length. Therefore, because they are not directly relevant to proposals and to save space here, this material has not been included. A list of the documents submitted is set out below.

- 5A: Advice on Surfaces for horses in England and Wales
15 pages
- 5B: Advice on Gates on routes used by riders in England and Wales
8 pages
- 5C: Advice on Non-motorised user routes in England and Wales
4 pages
- 5D: Advice on Width, area and height in England and Wales
5 pages

Disabled Ramblers

- 5E: Man-made Barriers and Least Restrictive Access

DISABLED RAMBLERS NOTES ON INFRASTRUCTURE

Useful figures

- **Mobility Vehicles**
- **Legal Maximum Width of Category 3 mobility vehicles: 85cm** Same width is needed all the way up to pass through any kind of barrier to allow for handlebars, armrests and other bodywork.
- **Length:** Mobility vehicles vary in length, but **173cm is a guide minimum length.**
- **Gaps** should be 1.1 minimum width on a footpath (BS5709:2018)
- **Pedestrian gates** The minimum clear width should be 1.1m (BS5709:2018)
- **Manoeuvring space** One-way opening gates need more manoeuvring space than two-way opening ones and some mobility vehicles may need a three metre diameter space.
- **The ground** before, through and after any gap or barrier must be flat otherwise the resulting tilt effectively reduces the width

Infrastructure

Infrastructure on the route of the England Coast Path should be assessed by Natural England for suitability for those with limited mobility, and particularly for those riding large or all-terrain mobility vehicles. The assumption should always be that these individuals will be alone, and will need to stay sitting on their mobility vehicle, ie they will not be accompanied by someone who could open a gate and hold it open for them. The principle of the least restrictive option should always be applied.

- **New infrastructure** New infrastructure should comply with Bristol Standard with BS 5709: 2018 Gaps, Gates and Stiles.
- **Existing infrastructure** The creation of the England Coast Path provides a perfect opportunity to improve the trail to make it as accessible as possible. Unsuitable existing infrastructure could be removed now and, where necessary, replaced with new, appropriate infrastructure in line with BS 5709: 2018 Gaps, Gates and Stiles.

Gaps

A Gap is always the preferred solution for access, and the least restrictive option (BS 5709:2018). The minimum clear width of gaps on footpaths should be 1.1metres (BS 5709:2018).

Bollards

On a footpath, these should be placed to allow a minimum gap of 1.1metres through which large mobility vehicles can pass.

Pedestrian gates A two-way, self-closing gate closing gate with trombone handle and Centrewire EASY LATCH is the easiest to use – if well maintained, and if a simple gap is unacceptable. Yellow handles and EASY LATCH allow greater visibility and assist those with impaired sight too. <https://centrewire.com/products/easy-latch-for-2-way-gate/> One-way opening gates need more manoeuvring space than two-way and some mobility vehicles may need a three metre diameter space to manoeuvre around a one-way gate. The minimum clear width of pedestrian gates should be 1.1metres (BS 5709:2018).

Field gates

Field gates (sometimes used across roads) are too large and heavy for those with limited mobility to use, so should always be paired with an alternative such as a gap, or pedestrian gate. However if this is not possible, a York 2 in 1 Gate <https://centrewire.com/products/york-2-in-1/> could be an alternative, with a self-closing, two-way opening and yellow handles and EASY LATCH.

Bristol gates

(Step-over metal gate within a larger gate.) These are a barrier to mobility vehicles, as well as to pushchairs, so should be replaced with an appropriate structure. If space is limited, and a pedestrian gate not possible, a York 2 in 1 Gate <https://centrewire.com/products/york-2-in-1/> could be an alternative, with a self-closing, two way opening, and yellow handle and EASY LATCH for the public access part of the gate.

Kissing gates

A two-way, self-closing gate is hugely preferable to a kissing gate, but in certain situations a kissing gate might be needed. Many kissing gates can be used by smaller pushchairs and small wheelchairs, but are impassable by mobility scooters and other mobility vehicles. Unless an existing kissing gate has been specifically designed for access by large mobility vehicles, it should be replaced, if possible with a suitable gate (see above). If a kissing gate really must be used, Disabled Ramblers recommend the Centrewire Woodstock Large Mobility kissing gate, fitted with a RADAR lock, which can be used by those riding mobility vehicles. NB this is the only type kissing gate that is large enough to be used by all-terrain and large mobility vehicles.

Note about RADAR locks on Kissing gates

Often mobility vehicle riders find RADAR locks difficult to use, so they should only be used if there is not a suitable alternative arrangement. Here are some of the reasons why:

☒☒Rider cannot get off mobility vehicle to reach the lock

☒☒Rider cannot reach lock from mobility vehicle (poor balance, lack of core strength etc)

☒☒Position of lock is in a corner so mobility vehicle cannot come alongside lock to reach it, even at an angle

☒☒RADAR lock has not been well maintained and no longer works properly.

☒☒Not all disabled people realise that a RADAR key will open the lock, and don't know how these kissing gates work. There must be an appropriate, informative, label beside the lock.

Board walks, Footbridges, Quad bike bridges

All of these structures should be designed to be appropriate for use by large mobility vehicles, be sufficiently wide and strong, and have toe boards (a deck level edge rail) as edge protection. On longer board walks there may also be a need to provide periodic passing places.

Sleeper bridges

Sleeper bridges are very often 3 sleepers wide, but they need to be at least 4 sleepers wide to allow for use by mobility vehicles.

Steps

Whenever possible, step free routes should be available to users of mobility vehicles. Existing steps could be replaced, or supplemented at the side, by a slope or ramp. Where this is not possible, an alternative route should be provided. Sometimes this might necessitate a short diversion, regaining the main route a little further on, and this diversion should be signed.

Cycle chicanes and staggered barriers

Cycle chicanes are, in most instances, impassable by mobility vehicles, in which case they should be replaced with an appropriate structure. Other forms of staggered barriers, such as those used to slow people down before a road, are very often equally impassable, especially for large mobility vehicles.

Undefined barriers, Motorcycle barriers, A frames, K barriers etc.

Motorcycle barriers are to be avoided. Often they form an intimidating, narrow gap. Frequently put in place to restrict the illegal access of motorcycle users, they should only ever be used after very careful consideration of the measured extent of the motorcycle problem, and after all other solutions have been considered. In some areas existing motorcycle barriers are no longer necessary as there is no longer a motorcycle problem: in these cases the barriers should be removed.

If no alternative is possible, the gap in the barrier should be adjusted to allow riders of large mobility vehicles to pass through. Mobility vehicles can legally be up to 85 cm wide so the gap should be at least this; and the same width should be allowed all the way up from the ground to enable room for handle bars, arm rests and other bodywork. The ground beneath should be level otherwise a greater width is needed. K barriers are often less intimidating and allow for various options to be chosen, such a shallow squeeze plate which is positioned higher off the ground. <http://www.kbarriers.co.uk/>

Stepping stones

Stepping stones are a barrier to users of mobility vehicles, walkers who are less agile, and families with pushchairs. They should be replaced with a suitable alternative such as a footbridge (which, if not flush with the ground should have appropriate slopes at either end, not steps). If there are good reasons to retain the stepping stones, such as historic reasons, a suitable alternative should be provided nearby, in addition to the stepping stones.

Stiles

Stiles are a barrier to mobility vehicles, walkers who are less agile, and families with pushchairs. They should be replaced with suitable alternative infrastructure. If there are good reasons to retain the stile, such as historic reasons, an alternative to the stile, such as a pedestrian gate, should be provided nearby in addition to the stile.

Urban areas and Kerbs

In urban areas people with reduced mobility may well be using pavement scooters which have low ground clearance. Where the trail follows a footway (eg pavement) it should be sufficiently wide for large mobility vehicles, and free of obstructions. The provision and correct positioning of dropped kerbs at suitable places along the footway is essential. Every time the trail passes over a kerb, a dropped kerb should be provided.

Disabled Ramblers March 2020