



# Coastal Access – Gosport to Portsmouth length GPM3

## Representations with Natural England’s comments

March 2022

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### 1. Introduction

This document records the representations Natural England has received on the proposals in length report GPM3 from persons or bodies. It also sets out any Natural England comments on these representations.

Where representations were made that relate to the entire stretch for Gosport to Portsmouth they are included here in so far as they are relevant to length GPM3 only.

### 2. Background

Natural England’s compendium of reports setting out its proposals for improved access to the coast from Gosport to Portsmouth, comprising an overview and 5 separate length reports, was submitted to the Secretary of State on 20 June 2019. This began an eight-week period during which representations and objections about each constituent report could be made.

In total, Natural England received 7 representations pertaining to length report GPM3, of which 5 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 4 in their entirety, together with Natural England’s comments. Also included in Section 4 is a summary of the 2 representations made by other individuals or organisations, referred to as

'other' representations. Section 5 contains the supporting documents referenced against the representations.

### 3. Layout

4. The representations and Natural England's comments for Length GPM3 are set out below.

## Length Report GPM3

### *Full representations*

**Representation number:**

MCA/GPM Stretch/R/1/GPM1792

**Organisation/ person making representation:**

The Solent Recreation Mitigation Partnership (Bird Aware Solent)

The Solent Recreation Mitigation Partnership is a partnership comprising of the fifteen Solent local authorities (some of whom are themselves in the "full" category as Access Authorities), Natural England, the Royal Society for the Protection of Birds, the Hampshire & Isle of Wight Wildlife Trust, and Chichester Harbour Conservancy. The Partnership for South Hampshire provide political governance for the Solent Recreation Mitigation Partnership. This response is submitted with their support and backing as such we are treating it as a "full" representation.

**Route section(s) specific to this representation:**

This representation refers to the whole report

**Other reports within stretch to which this representation also relates:**

GPM 1, 2, 4 and 5

**Representation in full**

As representatives of the SRMP partnership, we welcome the concept of the England Coast Path as something of value to local people and residents, but we have some real concerns that we would like addressing.

We recognise and thank you for your timely and inclusive approach to engaging with us during the development of a route for the ECP. As you are aware those parts of the Solent being identified as a potential route for the ECP are covered also by our mitigation programme, identified in our Strategy which was formally adopted by PUSH in December 2017 and replaces the interim Strategy we had been operating under since 2014.

We acknowledge the ECP team have consulted with us and hope that the ECP team have benefitted from SRMP partners' local knowledge and ecological expertise. We understand that this input has formed part of the evidence to define a route which does not lead to additional impacts on the Solent's SPA birds and their habitats. We appreciate that the proposed ECP route will need to satisfy the Habitats Regulations and that avoidance and mitigation may be required for the chosen route. This is in the same way that SRMP is a response to allowing development to proceed in satisfaction of those same regulations.

There are two specific areas of concern that have been expressed by partners that could potentially create conflict between the objectives of the two initiatives, outlined below.

## Increased Visitor Numbers

Partners have expressed concerns that the ECP will lead to a rise in the number of visitors to sensitive parts of the coast. This will cause increased disturbance to the overwintering birds that journey to our SPAs, many of which are red and amber listed.

Whilst the SRMP is employing a range of measures to mitigate against disturbance from increasing housing numbers, it does not have the resources to deal with any further elevation in visitor numbers as a result of the ECP. Therefore there is a real concern of a conflict between these two initiatives. Any rise in visitor numbers as a result of ECP use has the potential to diminish the effectiveness of the SRMP measures. ECP will need to ensure that it provides its own mitigation package to protect against the impact of increased visitor numbers it will create.

## Mapping of Spreading Zone

It is understood that in some areas of the ECP the spreading zone will be excepted for reasons of safety or nature conservation. Concern is raised about Ordnance Survey's plans for depicting the 'spreading zone' as a magenta wash and not making any exceptions for excepted areas.

As such, to an ECP user carrying an Ordnance Survey map it will appear that they are free/encouraged to walk on intertidal areas. In large parts of the SRMP area, these can be extremely large, support fragile habitats and be a huge food resource for birds and other species. Increased footfall through these areas would cause great damage to these fragile habitats and enormous disturbance to vulnerable wintering bird populations.

Whilst it is understood that exceptions to the spreading zone will be sign posted on the ground and listed on NE's website, enforcement of these would seem to fall to the landowner/occupier. If it is not possible to depict the spreading zone for the ECP accurately on Ordnance Survey maps, we would urge NE to reconsider its inclusion on the map entirely.

We are therefore seeking assurance from you about these two concerns in particular, rather than the more general issues you are already aware of and will be incorporating into the Access & Sensitive Features Appraisal.

## **Natural England's comments**

### Increased visitor numbers

We understand the disturbance pressure affecting the Solent SPAs as a result of increasing demand for places to recreate from a growing population. Improving provision for walking, and particularly high quality, well maintained and promoted routes is one of a number of positive ways of managing demand.

Natural England maintains that over the course of developing our proposals for England Coast Path between Gosport and Portsmouth we have thought carefully about possible impacts on the European sites and their associated designated features that could be affected. We have taken an iterative approach to developing and refining our access proposals, including thorough discussion with the SRMP and other organisations with relevant local knowledge, and are satisfied that sufficient measures are included to mitigate the risks. After careful consideration, we believe that the proposals we have made will not be likely to have a significant effect on a European sites that gives rise to the real risk of an adverse effect on its overall integrity. In reaching this conclusion, we have taken account of the relevant conservation objectives for the European sites involved and their ecological characteristics.

Our Habitats Regulations Assessment (see page 26, 'Bird Aware Solent', under 'D2. Contextual statement on the current status, influences, management and condition of the European Site and those qualifying features affected by the plan or project') states that:

Proposals for coastal access have been made following a series of workshops and discussions with Bird Aware Solent representatives during which we have checked that detailed design of the access proposals is compatible with the Solent Recreation Mitigation Strategy and latest thinking on how it will be delivered, including site-specific infrastructure and awareness raising measures.

Our programme to establish the England Coast Path is complementary to the Partnership's strategy; it seeks to enable responsible access to the Solent coast and inform visitors about the ecological sensitivities. Through meetings and a series of workshops we have developed our proposals in close liaison with Bird Aware Solent and have fully considered the Bird Aware Solent evidence base and both the interim and definitive mitigation strategy. A key feature of the Bird Aware Solent strategy is the provision of coastal rangers to educate and inform coastal visitors about the wintering bird sensitivities and how to enjoy the site, whilst avoiding disturbing the feeding and roosting birds. Our proposals for the alignment and detailed design of the Coast Path complement the work of the rangers. The definitive strategy aims to widen the range of mitigation from the interim strategy through providing on-the-ground access management projects specific to each site, including measures such as interpretation panels. Although a definitive list of these projects has yet to be finalised, Bird Aware Solent and Natural England colleagues have liaised to identify the likely projects that would be effective to reduce recreational disturbance in the Solent based on evidence.

Representatives of the ECP team have provided updates on the proposals to Bird Aware Solent meetings. These sessions have generated useful feedback which we have used in developing our proposals. This document has been developed in consultation with Natural England's staff involved in Bird Aware Solent.

Ongoing maintenance of the path and the associated mitigation measures have been considered within the Overview and individual reports for the stretch.

### Mapping of Spreading Zone

How coastal margin is to be mapped on the OS maps does not form part of our proposals.

The decision as to how to depict on OS 1:25,000 maps the England Coast Path and the 'coastal margin' created on approved stretches by the Access to the Countryside (Coastal Margin) (England) Order 2010 resulted from detailed discussions with the Coastal Access National Stakeholder Group. This group, representing a balance of interests including user, conservation and land manager representative organisations, considered it imperative that the route of the England Coast Path and the coastal margin should both be depicted. This decision reflected the importance afforded by the stakeholder group to acknowledge the statutory duty to establish both a 'long distance walking route' around the coast of England and to identify a margin of land within which the public will also have access, subject to what follows.

Coastal margin will generally have, as a large component, land which is subject to coastal access rights but in some areas contains much land which is not subject to these rights. This may be because either it is excepted land, as set out in Schedule 1 of CROW, or because it is subject to statutory restriction.

It follows that, in contrast to the position with CROW 'open access land', the depiction of coastal margin on OS maps is not a depiction of 'access land' per se, but a depiction of the status of the

land, rather as national park boundaries are depicted on the maps. This distinction was central to the decision to depict coastal margin distinctively on OS maps.

The depiction of coastal margin on OS digital and paper products with a magenta wash comes with a clear, concise explanation in the key: "All land within the 'coastal margin' (where it already exists) is associated with the England Coast Path and is by default access land, but in some areas it contains land not subject to access rights - for example cropped land, buildings and their curtilage, gardens and land subject to local restrictions including many areas of saltmarsh and flat that are not suitable for public access. The coastal margin is often steep, unstable and not readily accessible. Please take careful note of conditions and local signage on the ground"

The key also gives the link to the National Trails website <http://www.nationaltrail.co.uk/> which is the official source for information on the England Coast Path.

The new coastal access arrangements bring greater clarity on the ground about the rights of public access to coastal land.

It is in the interest of all parties that information regarding these new rights and about the new coastal margin designation is depicted accurately and consistently on OS maps, with appropriate explanation.

This approach to depicting the England Coast Path and coastal margin on OS maps has been in use since 2014. Natural England is unaware of any issues that have resulted in practice from this approach. This is despite the inclusion of some very substantial areas of developed or other excepted land with the magenta wash – for example:

- On the Isle of Portland, because of the need for the approved route of the ECP to cut across the north east corner of the island, the mapped coastal margin includes Portland Port, the Verne prison, houses, other buildings and their curtilage.
- On the Tees estuary, the coastal margin comprises extensive areas of industry and business interspersed with brownfield sites and areas where access rights are excluded to protect wintering birds.

**Relevant appended documents (see section 5):**

N/A

**Representation number:**

MCA/GPMStretch/R/3/GPM0019

**Organisation/ person making representation:**

[REDACTED], on behalf of the Ramblers Association

**Route section(s) specific to this representation:**

General Comments applicable to the whole Gosport to Portsmouth stretch

**Other reports within stretch to which this representation also relates:**

GPM 1, 2, 4, 5

**Representation in full**

1. General Observations

Hampshire Ramblers are very pleased with the hard work by Natural England on the proposals for this stretch of the new Coastal Path. We are particularly gratified that NE have chosen to

route the path around Portsmouth Harbour. This will have the benefit of linking a number of sites of great historic interest. These include Clarence Yard Victualling area, Explosion Museum and the former armaments depot at Priddys Hard, the remains of the D Day loading ramps at Hardway, the former tram depot at Hoeford, the area of interesting buildings around Fareham Quay, Portchester Castle, Hilsea Lines and the Naval Dockyard at Portsmouth. The route also passes through an area of dense population and close to some areas with a high degree of social deprivation. Here the provision and signage encouragement for the use of a coastal path will enhance the walking environment for recreational and general wellbeing of the nearby communities. It is also beneficial for tourism.

Ramblers particularly welcome the following –

### **Wicor Foreshore**

It is pleasing to note that the short stretch of foreshore from Wicor Recreation Ground from GPM-3-S029 to the junction with the alternative route at S036 is being utilised. This only floods for short periods at spring tides.

### **Portchester Castle**

This will provide one of the highlights of the path around Portsmouth Harbour.

### **Camber Dock**

We are pleased that NE has proposed the route around Camber Docks. This route also has the strong support of local residents who have an effective campaign to maintain the historic access to this interesting dock area.

Ramblers also note that over time there will be considerable opportunity for further improvement to parts of the route where MoD disposal and/or further development are due to take place, see our further representation about these opportunities.

### **Natural England's comments**

Natural England welcome the Ramblers support for the proposed route alignment at the above locations.

### **Relevant appended documents (see section 5):**

N/A

### **Representation number:**

MCA/GPMStretch/R/4/GPM0019

### **Organisation/ person making representation:**

[REDACTED], on behalf of the Ramblers Association

### **Route section(s) specific to this representation:**

Observations about significant long-term improvement to the route

### **Other reports within stretch to which this representation also relates:**

GPM 1, 2, 4, 5

### **Representation in full**

Whilst the proposals for the ECP route from Gosport to Portsmouth represent a welcome and very significant achievement Ramblers believe that there are a number of longer-term potential opportunities as a result of planned future developments in the area. These include -

## **9. Haslar Sea Wall – potential for longer term improvement**

The potential for a great improvement to the current route is noted once the development of the former Haslar Hospital site is completed. (GPM-1-S031 to GPM-1-S035). This will restore through access to the sea wall which was lost in the 1980's when as a security measure the access at the eastern end of the sea wall was sealed off.

#### **10. Route northwards from Monks Walk along the Foreshore Past Defence Munitions and Fleetlands – potential for longer term improvement**

It is noted that this was considered and rejected. This foreshore is a most attractive section of the harbourside. (GPM-2-S055 to GPM-2-S077, or beyond to S082). It should be kept in mind that when any change of use or land disposal takes place, as is likely in the future, that there will be opportunities for really attractive extensions and improvements to the proposed Coast Path. This would avoid one of the worst sections of the current proposal, along the A32.

#### **11. Tipner – potential for longer term improvement**

The proposed route through this area is less than satisfactory. (From the southern end of GPM-4-S025 to S035). If the development of the bridge for pedestrians, cyclists and rapid bus goes ahead this could reduce the need for improvements. Because of the current use and changes being made to this area we feel that a watching brief should be kept on developments with opportunities for enhancement to the existing route taken whenever these arise.

#### **Natural England's comments**

Natural England notes the Ramblers comments above. These desires for future improvements are shared by Natural England and Portsmouth City Council, Gosport Borough Council and Fareham Borough Council, all of whom have agreed to work closely to ensure any future opportunities are flagged and acted upon, as outlined in the Future Changes section of the GPM 3 report.

#### **Relevant appended documents (see section 5):**

N/A

#### **Representation number:**

MCA/GPMOverview/R/1/GPM1793

#### **Organisation/ person making representation:**

[REDACTED], on behalf of Hampshire Countryside Access Forum

#### **Route section(s) specific to this representation:**

General observations about whole route

#### **Other reports within stretch to which this representation also relates:**

GPM 1, 2, 4, 5

#### **Representation in full**

##### **General Observations**

The Hampshire Countryside Access Forum (HCAF) welcomes the decision to route the England Coast Path around Portsmouth Harbour and commends the proposed route for doing a good job of offering the best coastal route it can in a highly urban industrial stretch of coastline.

Natural England's early engagement with the Forum when formulating initial proposals is appreciated.

Our representations, some of which are longer-term, seek to make further improvements in some of the most difficult sections of the route.

**Natural England's comments**

Natural England appreciates the Forums support for our decision to route around Portsmouth Harbour and notes their desire to ensure future opportunities for improvements to the route are acted on.

**Relevant appended documents (see section 5):**

N/A

**Representation number:**

MCA/GPMOverview/R/2/GPM1793

**Organisation/ person making representation:**

[REDACTED], on behalf of Hampshire Countryside Access Forum

**Route section(s) specific to this representation:**

Comments about all areas of excluded spreading room

**Other reports within stretch to which this representation also relates:**

GPM 1, 2, 4, 5

**Representation in full****Permanent Access Exclusion from spreading room, Magenta wash on OS maps**

We support the proposed areas of excepted land under Section 25A. There are large areas on this stretch where this applies. Views over this sensitive habitat are provided by the route. It is important that that public safety is not jeopardised by inappropriate access, and that disturbance to wildlife in such areas is reduced to as little as possible.

The Hampshire Countryside Access Forum believes that the way spreading room will be displayed on OS maps (using the national 'magenta wash' notation) could put these habitats at risk of disturbance, cause confusion for walkers and create signpost clutter in the countryside in order to enforce the exceptions.

The Forum believes that such large areas of permanently excepted spreading room should either be depicted differently or not shown at all on OS maps.

This is a national issue but is particularly relevant on this stretch of the coast path.

**Natural England's comments**

To avoid duplication we refer the Secretary of State to our detailed comments on the depiction of coastal margin on Ordnance Survey Explorer maps in representation MCA/GPM/Stretch/R/1/GPM1792 (Bird Aware SRMP).

In addition we would like to clarify for the avoidance of any doubt that the 'excepted land' to which [Redacted] refers is we believe in fact our proposal to exclude access by direction under S25A of CROW because the mud flats are unsuitable for public access.

In addition, it should be noted that because of the duty to periodically review the need for directions to exclude access, no direction could truly be said to be permanent. The potential impermanence of directions and excepted land is another reason why these areas could not be depicted differently on the OS mapping as [REDACTED] suggests.



**Relevant appended documents (see section 5):**

N/A

***Other representations***

**Representation ID:**

MCA/GPM3/R/1/GPM0127

**Organisation/ person making representation:**

[REDACTED], Fareham Borough Council

**Name of site:**

Land in the ownership of Fareham Borough Council

**Report map reference:**

GPM 3 – Maps a to d

**Route sections on or adjacent to the land:**

GPM-3-S001 to GPM-3-S092 inclusive

**Other reports within stretch to which this representation also relates**

N/A

**Summary of representation:**

Some of the paths have no formal surface. The Council has a concern about their maintenance going forward and possible pressure to improve their surface.

The Council also queries who is responsible for the future maintenance of the paths and their associated signage.

**Natural England's comment:**

Some of the paths included in our proposal report have a grass or bare ground surface.

Our site visits to map the route and our prior consultation with the access authority (Hampshire County Council), did not identify any issues with the condition of the walking surfaces here. The surface condition was determined to be satisfactory throughout the route covered in GPM 3. The route follows existing Public Rights of Way for part of its length, which appear to function well in their present state.

With regards to their query about who is responsible for the maintenance of the paths and associated signage – the following response was sent to [REDACTED] on 5th August 2019, to which we received a response stating that it had helped to clarify the questions they had initially raised:

“Once the coastal access rights are in place and operating on a stretch, there may be ongoing need for basic maintenance of the trail and in some cases additional management for specific purposes. The maintenance and management undertaken will reflect the nature of each section of the trail, the standards we consider should apply, the coincidence with existing maintenance responsibilities on public rights of way and other specific factors that are relevant.

We hope to put in place rolling agreements with access authorities to meet these maintenance requirements and have been working closely with Hampshire County Council over our proposals in their role as access authority. The ECP is part of the National Trails family and the wider arrangements relating to their funding apply to it as appropriate. With all of trail aligned on

existing access, with only short sections not on the highway or Public Rights of Way we are expecting current maintenance arrangements to remain and that a trail partnership may be created to oversee management of the trail as a whole throughout Hampshire. The discussions around this are ongoing.”

**Relevant appended documents (see Section 5):**

N/A

**Representation ID:**

MCA/GPM3/R/2/GPM1440

**Organisation/ person making representation:**

[REDACTED], Portchester Sailing Club

**Name of site:**

Land owned by Portchester Sailing Club

**Report map reference:**

Map GPM 3c, direction maps GPM 3C and 4B

**Route sections on or adjacent to the land:**

GPM-3-S072 to GPM-3-S076

**Other reports within stretch to which this representation also relates**

GPM 4: Port Solent to Tipner

**Summary of representation:**

The proposals do not acknowledge the Portchester Conservation Area. When the coast path is established, existing trees and hedges on the landward side should not be removed. The path should ideally “be part of a robust and long-term flood protection solution, for the benefit of future generations and landside properties”.

**Natural England’s comment:**

In regards to Natural England not taking in to account the sustainability importance of the Portchester Conservation Area, we took advice in regards to cultural heritage from Historic England and Fareham Borough Council, neither of whom raised any sustainability or conservation issues with regards to our proposals at this location.

We also considered whether our proposals between Gosport and Portsmouth might have an impact on any relevant designated environmental sites. In our assessments we identify some possible risks to the relevant qualifying features of the designated sites. We considered these risks in more detail, taking account of avoidance and mitigation measures incorporated into our access proposal, and concluded that there will not be an adverse effect on the integrity of the sites. As such Natural England are satisfied that our proposals to improve access to the English coast between Gosport and Portsmouth are fully compatible with the relevant site conservation objectives.

Our proposals do not include the destruction or removal of any trees or hedgerows and the path is not being widened. The route we are proposing follows the existing path along the top of the sea wall and will be maintained as it currently is by the local authority, which includes strimming and cutting back of any overgrowth on to the path.

The England Coast path project is not tasked with providing sea defences and as such any new revetments or sea defences are a matter for the local authorities and Environment Agency. The design of any new structure that may be built, as described within the objector’s supporting document, is unlikely to be influenced by the coast path. Any issues regards this should be raised directly with the Eastern Solent Coastal Partnership, an alliance formed in 2012 to deliver a combined, efficient and

comprehensive coastal management service across the coastlines of four Local Authorities: Fareham Borough Council, Gosport Borough Council, Havant Borough Council and Portsmouth City Council. As far as we are aware their plans do not depend on the width of the England Coast Path. Our proposals make use of the existing path and surface with no path widening or infrastructure works at this location.

**Relevant appended documents (see Section 5):**

N/A

## **5. Supporting documents**

Porchester Sailing Club submitted a 51 page document setting on the history of Porchester and their detailed comments on the proposals. This was fully considered as part of the determination process but to save space we have not included this here.