

Coastal Access – Humber Bridge to Easington



Representations on Humber Bridge to Easington and Natural England’s comments

March 2022

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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 Humber Bridge to Easington was submitted to the Secretary of State on 12th May 2021. This began an eight week period during which representations and objections about each constituent report could be made.

In relation to these reports, Natural England received 22 representations, of which 8 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 of this document together with Natural England’s comments where relevant.

As required by the legislation this document also summarises and, where relevant, comments on the 14 representations submitted by other individuals or organisations, referred to here as 'other' representations. Natural England's comments on 'other' representations are set out in section 4.

Before making a determination in respect of a coastal access report, the Secretary of State must consider all 'full' representations and our summary of 'other' representations, together with Natural England's comments on each.

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

Representation number:

MCA/WHOLESTRETCH/R/3/HBE0063

Organisation/ person making representation:

Environment Agency ([REDACTED])

Route section(s) specific to this representation:

Reports: HBE Overview; Reports HBE 1-4 and all maps therein

Other reports within stretch to which this representation also relates:

N/A

Representation in full

a) The majority of the proposed Trail is situated on Flood and Coastal Risk Management (FCRM) assets (i.e. flood banks and walls) which are maintained under permissive powers by the Environment Agency, and in some locations, owned by the EA. These assets have historically, and will continue into the future, to be improved, realigned or decommissioned to maintain or enhance flood risk protection for local communities, especially to mitigate for the predicted impacts of climate change. These capital works necessitate the temporary (from days to years) diversion of existing paths to ensure public safety is not compromised by exposure to construction activities. It needs to be acknowledged that these FCRM assets are not temporally and spatially static through time and consequently it should not be assumed that they will always provide the physical basis for secondary purposes such as a walking route. Sustained dialogue will be required between Natural England and the Environment Agency to mutually understand the evolving FCRM requirements on the estuary. In addition where the EA is landowner, Estates and Legal matters will need to be discussed on a site-specific basis;

b) Any construction of new structures or alterations to existing structures on or within 8m of the toe of a main river defence or 16m of a sea defence could require a flood risk permit under EPR legislation. Please see the link below for more information about permits or email ps_coastal@environment-agency.gov.uk <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

c) The document needs to clearly state that along with the roll back at the Skeffling MR, spreading room on the new intertidal habitat will also be excluded. Wording in the document should be updated to state that rollback at Outstrays to Skeffling Managed Realignment will (rather than likely) occur in this location & that a variation report will not be required.

d) Due to the close proximity of the coast path to the Environment Agency's Kilnsea Wetland habitat compensation site and the risk of future disturbance and impact to the functioning of the site we request that further consideration be given to potential impacts within the project HRA. Appropriate mitigation should be included within the proposal as agreed during site visits with the EA, YWT and Spurn Bird Observatory Trust. This should include consideration for disturbance of the little tern nesting colony currently at Beacon Lagoons, for which the Environment Agency will be making modifications to allow expansion into Kilnsea Wetlands.

Natural England's comments

Natural England would like to thank the Environment Agency (EA) for their representation.

We appreciate that flood banks, etc require maintenance including closures or diversions. Where that is the case, we will work with the EA to ensure that England Coast Path (ECP) is not an impediment to this taking place. We have several tools available to us including diversions of the route, exclusions of access and informal management measures.

We acknowledge the information provided regarding permits and consents and confirm that it will be taken into account during the establishment stage of the ECP.

NE have a duty to protect wildlife, so when managed realignment occurs, we will look at the need for management measures, including directions to exclude access over the new intertidal habitats created at the Outstrays to Skeffling Managed Realignment once ECP access rights commence.

We note the comment about mitigation at Kilnsea wetlands; the detail of further mitigation will form part of our future work planning the fine detail of the new trail at this location. We will work closely with EA to resolve concerns about any works on the flood bank or adjacent to it.

It should also be noted that we have proposed, with agreement from EA that the ECP should be aligned at the toe of the bank whereas people currently walk on top of the bank, causing more disturbance to birds. The HRA concluded the top route would have an adverse effect on integrity, so therefore the top route should be closed and replaced with the route at the toe of the bank. This will remove existing disturbance and prevent future disturbance by ECP users.

Relevant appended documents (see section 5):

Representation number:

MCA/HBE1/R/3/HBE0024

Organisation/ person making representation:

East Riding of Yorkshire Council ([REDACTED])

Route section(s) specific to this representation:

Map 1b, HBE-1-S033-41

Other reports within stretch to which this representation also relates:

N/A

Representation in full

This section is in poor condition and suffers from coastal erosion and over topping at high tides. The width, gradients and poor surface condition provide access but for more agile walkers. The section through the industrial estate is unwelcoming, very enclosed and likely to attract negative feedback from users. In places along the riverbank the route is too narrow to be used as an enjoyable route, and without significant protection will be lost to erosion, and in some places there are safety issues which are of real concern.

There is a high degree of risk that this stretch cannot be maintained sustainably. It requires an engineered path wider than the present route with some decent protection from high tides to sustain a route into the future to meet a National Trail standard. This is likely to be prohibitively expensive.

However, the funding allocated only starts at section 40, and the view of the access authority / highway authority is that this stretch should be considered for funding in order to create a high-quality route, or that alternative routes are considered which will sustain into the future. It currently falls well short of the National Trail standard.

More feasibility work needs to be undertaken here, alongside any Environment Agency plans for protection, before the access authority / highway authority could endorse this section, and carry out any improvement work agreed, on behalf of Natural England. In the absence of a SMP the approach of the Environment Agency is key to understanding what design solutions would protect this route in the long term.

Ideally a feasibility study would have already been carried out to investigate options for path surfaces and improvements ahead of any support /agreement to carry out any work. It is important that Natural England consult with the Environment Agency here to better understand the protection solutions likely to come forward.

The figure of £250,000 seems to significantly under value the scale and complexity of any construed path in this fragile environment, on the route extending through into Hull.

Taking into account our assessment above the access authority proposes that the route does not follow this section, but makes use of an existing flight of steps at the junction of section 40 and section 41. That will create a joined up and safe route for walkers, whilst further feasibility work is undertaken. Should a formal flood defence come forward in the future then the route could be moved back to be integrated with this. The highway authority does not support this section becoming a National Trail, but would welcome looking at other options.

Alternatively the highway authority supports the creation of a brand new Public Footpath to link to Livingstone Road avoiding the steps. This may offer much better value for money and be a much safer route for walkers.

Natural England's comments

Natural England would like to thank East Riding of Yorkshire Council for its representation.

NE recognise that there is a possible alternative alignment by climbing the flight of steps to Livingstone Road and following the roadside pavement past the car dealerships, however this is not our preferred alignment.

NE feel that the existing proposed line best follows Natural England's Approved Scheme in terms of:

- Aligns on an existing public rights of way and follows the promoted pedestrian route for the Trans Pennine Trail, and is the responsibility of the Highway Authority to maintain.
- Proximity to the coast.

We recognize that the condition of this stretch of footpath may have deteriorated since it was originally surveyed.

Hull City Council have been looking at various schemes to upgrade the route between Hessle and Alexandra Dock as a cycleway whilst we have been developing our ECP proposals.

Whilst the proposed alignment is currently useable it would benefit from a substantial upgrade.

Following the end of the consultation period, it has become apparent that to date Hull City Council's cycleway schemes have not come to fruition and we are now in discussions with them to fund the preparation of detailed drawings and costings to create sustainable 2m wide footway between Alexandra Dock and Hessle Foreshore. It is currently envisaged that East Riding of Yorkshire Engineers will carry out this design work on behalf of both councils.

NE believe that the proposed alignment is the correct one, and that the above engineering and design works will in the medium to long term provide a legacy of a good path for trail users.

Relevant appended documents (see section 5):

Representation number:

MCA/HBE2/R/2/HBE0024

Organisation/ person making representation:

East Riding of Yorkshire Council ([REDACTED])

Route section(s) specific to this representation:

HBE-2-S048

Other reports within stretch to which this representation also relates:

N/A

Representation in full

Saltend Roundabout 048

The construction of a footway along this stretch will be logistically challenging and prohibitively expensive. A more cost effective route would be to utilise the same agricultural field as the rest of the route. This would create a quieter route for walkers than the existing choice.

Development proposals may bring forward a utilitarian footway and cycleway here funded here. In the absence of an approved and completed scheme the route in the same field alignment makes good sense at this time. It is recommended that further feasibility work is undertaken here.

Natural England's comments

Natural England would like to thank East Riding of Yorkshire Council for their representations.

NE feel that the proposed line best follows Natural England's Approved Scheme.

Our proposed scheme uses an existing constructed pedestrian crossing point on the A1033 slipway and proposes the construction of a roadside pavement HBE-2-S048.

The alignment suggested by ERYC in their representation would involve users crossing the slip road 40m up the slipway away from the existing purpose-built crossing point.

As suggested by ERYC this planned development for this site may in the future bring forward a footway, cycleway for this alignment, however, at present there is no timescale for this development and our current alignment proposals do not rely on this development taking place.

NE would welcome the opportunity to discuss further with ERYC.

Relevant appended documents (see section 5):

Representation number:

MCA/HBE2/R/4/HBE0394

Organisation/ person making representation:

East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum ([REDACTED])

Route section(s) specific to this representation:

The proposed route from near to Littlefair Road Roundabout towards Saltend Roundabout (along Hedon Road and around King George Dock and the Salt End Chemical Works) HBE-2-S008 CP to HBE-2-S039 CP.

Maps 2c & 2d.

Other reports within stretch to which this representation also relates:

N/A

Representation in full

Members of the Local Access Forum consider that the proposed route along Hedon Road is extremely unattractive and due to the very heavy traffic at most times, with associated carbon particle emissions, it is not suited to a recreational path. An alternative route for this section is therefore strongly suggested.

The Forum recommends that the Coast Path should instead utilise the existing public footpath (Kingston upon Hull footpath No 22) from TA131291 southwards to TA131286 and thence eastwards and subsequently northwards to its present termination close to Lord's Clough at TA157285.

A relatively short new section of footpath would still be required to connect from TA157285 and enable onward connectivity of the Coast Path but several possible options are outlined below.

Our suggestion of this alternative route would substantially reduce a lengthy unappealing section beside a busy dual carriageway, run closer to the Humber estuary and provide a more interesting and relevant coastal walking experience to add to the amenity value. Much of this recommended alternative route also uses an existing public footpath which is recorded on the Definitive Map and appears on Ordnance Survey mapping.

We would highlight some access-related considerations with our suggested alternative. Firstly, the stairways that take the existing public footpath over the loading ramp of the Hull-Rotterdam

Ro-Ro Ferry are inaccessible for wheelchair users in the same way as those over warehouses at Albert Dock to the west of the city centre. Secondly, the King George Dock gates are currently awaiting repair which will be essential to enable continued access along public footpath number 22, but this is a maintenance issue which can be overcome.

There are several options for the additional section of new footpath (from TA157285, Lord's Clough) that our alternative proposal would require, outlined as follows:

Option 1 - From Lord's Clough, a newly defined footpath could follow the Old Fleet northwards c. 300 m to its intersection with the A1033 (Hedon Road) at TA158289. From TA158289, the ECP under this recommendation would follow the southern margin of the A1033 and either (i) cross the A1033 at TA159289 at the gap and crossing point in the central reservation, re-joining the proposed route of the Report or (ii) continue eastwards along the southern margin of the A1033 to merge with the proposed route at the northern end of Paull Road (TA166287).

Option 2 – To avoid the A1033 Hedon Road dual carriageway completely, consideration could be given to creating a link footpath between Lord's Clough and Paull Lane via Hay Marsh & Salt End Lane.

Option 3 - A new footpath could be designated and surfaced on the top of the existing flood defence embankment surrounding the Saltend Chemical Works. This could link with existing footpath number 22 close to Lords Clough, and go around the Saltend Chemical Works connecting at Pollard Clough. This option would also avoid the Saltend roundabout and would not require the proposed construction works including two footbridges along Paull Road which is estimated at £250,000.

In suggesting options 1 or 2 above, we appreciate that there is a section of industrial railway track close to Lord's Clough. Whilst installing a footbridge over the track is a consideration, we understand that the railway track is disused and overgrown and would hopefully not present an obstacle to these options.

Additionally, Forum members would like to highlight that both Hull City Council and East Riding of Yorkshire Council have outstanding claims for the recording of historic footpaths on land shown on maps 2c and 2d, which are relevant to the options suggested above. Hull City Council has an existing claim in along the west side of Fleet Drain from Hedon Road to Lords Clough (dated 2009) and East Riding has 2 claims in Preston Parish, from Lords Clough to Paull Road (reference S140047) and along Fleet Drain to connect with the Hull City Council claim (reference S140067).

Overall, we welcome most of the proposals within these comprehensive consultation documents but we strongly recommend that our alternative proposals (above) for this section are explored further to avoid having an unnecessary and unappealing lengthy stretch of the Coast Path adjacent to a busy dual carriageway. Forum members would be happy to discuss our proposals with Coast Path project officers further.

The existing Public Footpath Number 22 is recorded on Hull City Council's Definitive Map and shown on Ordnance Survey Explorer Map 293. Part of the footpath is shown on map 2c.

Natural England's comments

Natural England would like to thank East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum for their representations.

NE looked carefully at options 1 and 2 whilst surveying the route and agree that either would be a more attractive route. However, the issue with the proposals set out by the representation is the presence of a railway line which is excepted land in Natural England's approved scheme. NE cannot legally propose

either Option 1 or 2 on that basis. In discussions ABP confirmed that whilst not heavily used at present the railway line is operational.

Should the outstanding claims for a right of way at Lord Clough be successful it may be possible to vary the alignment of the ECP in the future.

Option 3 was discussed with the landowner (ABP) but was discounted due to the volatile nature of the materials being carried in the pipelines overhead of the flood banks from the jetties into Saltend Chemical Works.

Relevant appended documents (see section 5):

Representation number:

MCA/HBE2/R/5/HBE0394

Organisation/ person making representation:

East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum ([REDACTED])

Route section(s) specific to this representation:

HBE-2-S046RD Saltend Roundabout to

HBE-2-S057RD Hedon Haven

Map 2e

Other reports within stretch to which this representation also relates:

N/A

Representation in full

We welcome the proposed construction of a new route along this section which appears to be mainly set back from Paull Road and segregated from the traffic.

However, considering the speed and volume of traffic on this narrow road, the new route should preferably accommodate ALL non-motorised users in the interests of safety for everybody. There have been several incidents along this road with other NMUs (ie. cyclists and horseriders) in the past.

Whilst we appreciate that the England Coast Path relates to footpath provision, given the scale of future developments planned in this area it makes sense to put a safe route for all non-motorised users in now rather than start altering the route later. Members of the Local Access Forum therefore recommend that the new section of the route here should include provision for other non-motorised users. We also recommend a minimum width of 5 metres along this section which we hope will be realistic and achievable given the available space.

We do have particular concern regarding the point at S047-S048 where the proposed route appears to kink inwards, running closer to the busy carriageway. Is there potential for the route to continue further away from the carriageway (following a similar trajectory as per the S049 – S055 section) for safety reasons, whilst still enabling an appropriate safe crossing point as the proposed route then heads to the west?

** This representation should be considered alongside the Local Access Forum's other representation relating to maps 2c and 2d, as our comments put forward suggestions for an alternative section of the route that could potentially impact on connectivity with Paull Road and Pollard Clough.

Members of the Local Access Forum would be very happy to meet with project officers to discuss our representations further.

Natural England's comments

Natural England would like to thank East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum for their representations.

The ECP is primarily concerned with securing a right of access on foot. New coastal access rights, whether on the trail or in the margin, are subject to pedestrian rights only.

NE do have the power to propose higher rights (by using a direction to relax general restrictions or alternatively by direction). We generally do not propose to do this unless there is agreement from the landowner. NE did not proactively go looking for opportunities beyond on foot access on this stretch. Finding an alignment for users on foot that the landowner was content for us to propose was challenge enough.

This does not prevent other organisations or members of the public from approaching the landowner to ask them to formally dedicate higher rights to sections of the trail to facilitate horse riding.

At HBE-2-S048 we are proposing the construction of a roadside pavement for a short section to enable the use of the existing crossing point. Alignment on this section has been problematic due to the proximity of the Preston New Drain, limited roadside verge and volume of traffic. NE believe the alignment proposed is the preferable option.

Relevant appended documents (see section 5):

Representation number:

MCA/HBE4/R/2/HBE0024

Organisation/ person making representation:

East Riding of Yorkshire Council ([REDACTED])

Route section(s) specific to this representation:

Map 4i, HBE-4-S025-26

Other reports within stretch to which this representation also relates:

N/A

Representation in full

Easington Lagoons

Clearly the protection given to sensitive wildlife features of European designated sites has to be a key factor and the proposal attempts to achieve a balance between a range of competing interests at this location. It also needs to be recognised that to create a route towards the bottom of a bank close to a water course is certainly not ideal. This route will operate as 'access land' and users will have to take the route much as they find it, just as if they were walking across mountain, moor heath or down. That being said at this location, there is already use that

is best described as 'de facto' and this is evidenced by worn lines and steps provided for walkers to access the bank / beach.

This use has a long history; it is a mixture of bird watchers, with or without dogs, and local people with or without dogs. Creating a line towards the bottom of the bank risks creating a confusing situation for walkers with some at the bottom and some at the top. The experience of the highway authority and the access authority is that walkers will have a natural tendency to flow to the higher point to gain the advantage of views, in this case across the lagoons and the sea beyond.

As the directions will not prevent or affect 'any other use people already make of the land locally by formal agreement with the landowner, or by informal permission or traditional toleration' it simply duplicates access unnecessarily and is illogical. There is a risk that it will create conflict between walkers some sticking to the new route, whilst others use the one subject to local tolerance.

The route is subject to 'de facto' access already and the bird populations sustain with that level of disturbance. The issue is the % uplift in long distance walkers that might visit this area. Whilst this is difficult to predict precisely it is likely to be low, compared to the current use. It may be wiser to monitor usage and if that increases significantly, and the evidence suggests a clear correlation with use and declining bird populations, then at that point to construct an alternative route.

Creating a formal route in such a setting is out of character in landscape terms, and question marks would remain about its long term sustainability. A more natural surface of grass gently graded into the sloping embankment would be much more in keeping. Alternatively creating the route on the top of the bank, but constructing a green structural 'wall' to hide walkers (and dogs) and avoid disturbance to the sensitive wildlife features, might be a more sensible and viable option.

Given the concerns raised, the access authority does not support the line chosen, and would expect Natural England to use the powers set out in Schedule 20 of the Marine and Coastal Act 2009 to enter into an agreement with the landowner (Environment Agency), to establish and maintain this section, and if necessary construct the route in the absence of an agreement.

However it is hoped that an alternative route will be created which provides a better route for walkers which could be endorsed as a National Trail by the access authority.

Natural England's comments

Natural England would like to thank East Riding of Yorkshire Council for their representations.

It has taken several years of work and numerous meetings with interested stakeholders to come to a majority consensus on the proposed line of the ECP at Beacon Lagoons/Kilnsea Wetlands.

During the development of the ECP proposals and writing of the HRA, the importance of the Kilnsea wetland and Beacon lagoons for a number of species was very clear. Detailed discussions and site visits with partner organisations took place, which agreed that the route should run at the bottom of the central flood bank (on the west side) to minimise disturbance, both to the nesting terns and waders, and to roosting/feeding waders and wildfowl.

Taking into account the outcome of the Habitat Regulation Assessment, NE feel that the proposed line best follows Natural England's Approved Scheme.

Natural England acknowledge your request that we use the powers set out in Schedule 20 of the Marine and Coastal Act 2009 to enter into an agreement with the landowner (Environment Agency), to establish and maintain this section, and if necessary, construct the route in the absence of an agreement.

Relevant appended documents (see section 5):

Representation number:

MCA/HBE4/R/6/HBE0399

Organisation/ person making representation:

RSPB ([REDACTED])

Route section(s) specific to this representation:

1. Report HBE 4: map HBE 4i Beacon Lagoons Nature reserve HBE-4-S025

2. Report HBE 4: Directions Map HBE 4G: Beacon Lagoons

3. Map HBE4h: Easington Road to Kilnsea

1. Kilnsea wetlands landward of HBE-4-S025. Exclusion area at Beacon Lagoons and land between mean high and low water adjacent to proposed long-term access exclusion area at Beacon Lagoons.

3. Kilnsea / Easington area in relation to breeding avocets.

Other reports within stretch to which this representation also relates:

N/A

Representation in full

1. Kilnsea wetlands landward of HBE-4_S025

The impacts of the coastal footpath on wetland habitats at Kilnsea wetlands have not been properly assessed within the HRA. The HRA for this section states that 'Landward of this section is approximately 135ha of large, open arable fields and wet grassland that extend east toward Kilnsea wetlands and the open coast. These areas are used for foraging and loafing and are dependent on crop rotation, growth height and waterlogging. The land is separated from the trail by a series of large drains, so there is no access to these fields and CROW access rights do not extend into the fields. The over-wintering waterbirds generally avoid the edges of the fields preferring the middle of the open fields to allow for vigilance during feeding. The extent of this habitat also allows the waterbirds to move away when within sight of the trail.'

However this does not do enough to address the issues around Kilnsea wetland grid ref TA408168 which should be consider separately from the other areas of grasslands and farmland in the Kilnsea area owing to its close proximity to the proposed route, large numbers of SPA birds using the site and it's relative small size. Kilnsea wetlands was created EA as compensation for loss of high tide roosting habitat through coastal change on Beacon Lagoons and there is a reasonable chance of impacts on this area from the proposal. The proposed route

of the path will mean that part a section of the path will be closer than the 100 m to this wetland habitat with important roosts of SPA wintering birds as well as breeding avocets, with the main roost areas less than 150m from main path, which will also include area where habitat enhancement for breeding little terns is proposed. This is closer than the 200m 'rule of thumb' NE internal guidance rule where human disturbance has chance of causing bird disturbance – See P82 of the HRA.

The impacts on this area therefore need to be reassessed within the HRA assessed and appropriate mitigation or a change of route put in place. I understand that during on site meetings with EA, YWT and Spurn Bird Observatory Trust that screening along this stretch of path was discussed as an option but this has not been included with the proposals.

2. Land between mean high and low water adjacent to proposed long-term access exclusion area at Beacon Lagoons.

This area is a large expanse of beach here at mid-low tide is likely to provide an attractive short cut to the proposed route for people to walk. This may result in an increase in disturbance of the breeding little terns in the adjacent exclusion area.

The success of the little tern colony is dependent on a having the presence of wardens on site to manage recreational disturbance and increased activity human activity from the footpath may have a negative effect on the breeding population of little terns. This could be potentially mitigated by having more wardening presence during the breeding season. Additionally, dogs off leads is one of the most common disturbance issues for the important little tern colony and this may increase as a result of more footpath users following this route. This disturbance could at least be partly mitigated by having a restriction of dogs having to be on leads along this section of beach in the breeding season – 31st March to 1st September. This would also provide a more consistent approach to dog disturbance management in the Spurn area.

4. Breeding avocets in the Kilnsea / Easington.

The information on breeding avocets that has been used to for the HRA is unclear and lacking in detail. For the Kilnsea/ Easington area the only specific avocet nest site mentioned in the HRA is the 'Avocet field' , this is not a name used locally or used on OS maps. This may refer to the field locally known as Holderness Field TA412166 where avocets feed and have taken their young but do not nest – but this requires clarification. In recent years avocets have nested regularly on Kilnsea Wetlands central grid ref TA408168 and at Beacon Lagoons central grid ref TA411171.

This information needs to be included in a revised HRA.

Natural England's comments

During the development of the ECP proposals and writing of the HRA, the importance of the Kilnsea wetland and Beacon lagoons for a number of species was very clear. Detailed discussions and site visits with partner organisations took place, which agreed that the route should run at the bottom of the central flood bank (on the west side) to minimise disturbance, both to the nesting terns and waders, and to roosting/feeding waders and wildfowl. This route had initially been proposed by [redacted] and others (Spurn BO/YWT/HNP/EA) in their paper of 18/12/18, and we were pleased to adopt it. With respect to avocet, it may be worth noting that we usually avoid giving the precise locations of Schedule 1 breeding birds in our HRAs, but their presence both at Kilnsea wetland and Beacon lagoons was taken fully into account in our proposals and the HRA.

Regarding Kilnsea and the possible screening of a section of path at Kilnsea, the detail of such screening will form part of our future work planning the fine detail of the new trail at this location, though EA may have concerns about any works on the flood bank or adjacent to it. It should also be noted that the ECP proposes a clearly waymarked route at the toe of the bank whereas some people currently walk on top of the bank, causing more disturbance to birds. The use of the top of the bank path will be addressed with access management measures as part of the future planning of the fine detail of the work.

During the development of the ECP proposals detailed discussions and site visits with partner organisations who own and manage the site took place. This included collecting information on the existing levels and patterns of use. This discussion resulted in an agreed suite of restrictions to manage Spurn and Beacon Lagoons. It was recognised that current usage along the beach, including dogs, is already well managed with existing informal and formal management techniques, including wardens, to protect the little terns and this combined with the proposed directions negated the need for NE to propose further restrictions.

Both the HRA and NCA are signed off independently by our Area Team colleagues, including the Responsible Officers and their senior colleagues. For the Humber, this involved both the Yorkshire and East Midlands teams, with detailed discussions with both over several months. Unless new information or evidence has come to light, which would lead us to different conclusions on the ground, we do not normally re-visit the detail of the HRA once published.

Relevant appended documents (see section 5):

Representation number:

MCA/HBE4/R/7/HBE0399

Organisation/ person making representation:

RSPB ([REDACTED])

Route section(s) specific to this representation:

Report HBE 4: Map HBE 4a: East Clough to Oxlands Hill

1.Fields seaward of sections HBE-4-S001 to HBE-4-S004

Other reports within stretch to which this representation also relates:

N/A

Representation in full

This 80 Ha block of non- designated but functionally linked area of land is currently coastal margin, work has already started in turning this area into a wet grassland mitigation site. The areas will be screened from the footpath but would also suggest revising the plan to exclude this area as coastal margin on nature conservations grounds to mitigate impacts on SPA assemblage.

Natural England's comments

Natural England would like to thank the RSPB for their representation.

At the Skeffling managed realignment site (already out of arable cultivation), the planned wet grassland seaward of the route will, as compensatory habitat, in future be very likely to be excluded from spreading room (under a s26(3)(a) direction) once it has established.

Relevant appended documents (see section 5):

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

Representation ID:

MCA/WHOLESTRETCH/R/1/HBE0035

Organisation/ person making representation:

Associated British Ports (ABP), [REDACTED]

Name of site:

Port of Hull
Welwick managed realignment site
Proposed location of Skeffling managed realignment site

Report map reference:

HBE 1e to HBE 1f, HBE 2b to HBE 2e, HBE 3a, HBE 3p and HBE 3q, HBE 4a to HBE 4d.

Route sections on or adjacent to the land:

HBE-1-S048 FP HBE-1-S071 RD, HBE-2-S007 CP to HBE-2-S057 RD, HBE-3-S002, HBE-3-S041 to HBE-3-042.

Other reports within stretch to which this representation also relates:

Summary of representation:

- Notes areas of mudflat and saltmarsh exclusions.
- Seeks confirmation that any mudflat, saltmarsh and wet grassland created as part of the Skeffling to Outstray managed re-alignment site will be have directions to exclude access all year round.
- Seeks confirmation that ABP ports within the coastal margin are excepted land.
- Believes insufficient consultation has taken place.
- Expresses concern about the safety of aligning the ECP on port approach roads.

Natural England’s comment:

Natural England would like to thank Associated British Ports for their representations.

At the Skeffling managed realignment site, it is highly likely that the planned wet grassland, seaward of the route will, as compensatory habitat, in future be excluded from spreading room by relevant direction once it has been established. It is not possible to apply any restriction prior to establishment, but we accept that such a restriction will likely be needed when the land use changes.

Land is not excepted land simply by virtue of it being a port – that’s not one of the excepted land categories. However, some or all of a port may well be excepted land by virtue of some of the other paragraphs in Schedule 1 to CROW, for instance “land covered by buildings or the curtilage of such land” or “land covered by works used for the purposes of a statutory

undertaking (other than flood defence works or sea defence works) or the curtilage of such land”.

Natural England has no formal role in determining whether land is excepted from the new rights of access – only the courts if called upon can do that. It’s up to the landowners/managers to decide for themselves whether their land meets the categories of excepted land and to place signs where there might otherwise be doubt.

Natural England has the power to formally exclude land where the owner does not consider it to be excepted land but we do not believe it is necessary in these cases because the sites are currently managed so as to control access.

In terms of consultation, ABP have received the standard correspondence related to the scheme including invitations to attend the start-up drop in events. We have also had a meeting with ABP on the 7th March 2017, site visits on the 18th December 2017, a phone conference on the 27th April 2018 and a meeting followed by a site visit on the 9th March 2019.

NE are proposing construction of footways to enable the ECP users to safely pass around the landward boundary of the port where no facility currently exists. This can be seen on Map HBE 2e, Sections HBE-2-S048 to HBE-2-S054.

We have been working with the relevant highway authorities to ensure that any ECP alignment adjacent to or crossing port approach roads are designed and constructed to the required standards. The final design and implementation of these schemes will be carried out by the relevant highway authority to their required standards.

Relevant appended documents (see Section 5):

Representation ID:

MCA/WHOLESTRETCH/R/2/HBE033

Organisation/ person making representation:

Humber Nature Partnership (HNP)

Name of site:

Humber Estuary

Report map reference:

HBE 4a, HBE 4b

Route sections on or adjacent to the land:

HBE-4-S001 to HBE-4-S008 FP

Other reports within stretch to which this representation also relates

Summary of representation:

The representation from the HNP covered both the Mablethorpe to Humber Bridge stretch and the Humber Bridge to Easington stretch. The summary below extracts the points relevant to the Humber Bridge to Easington stretch.

HNP worked closely with Natural England during the development of proposals for some sections of the ECP.

HNP expressed concern about access to intertidal areas via 'spreading room'. HNP is pleased to note that our suggestions and concerns in these areas have been adopted into the eventual ECP proposals for the Humber.

HNP will confine its response to the Habitats Regulations Assessment (HRA) which has been carried out on the England Coast Path proposals around the Humber Estuary. HNP feels that there are a number of inaccuracies and omissions within the HRA.

- Data used for the assessment of the abundance/location of SPA birds is inaccurate; with certain birds listed as being absent in areas where they are successfully breeding, and others being listed where they are not found at all.
- Within the HRA, there are also contradictions in relation to bird disturbance. For example, the HRA makes multiple references to using a 200m distance to avoid waterbird disturbance, with page 82 stating "In NE's internal note on bird disturbance, a 'rule of thumb' suggesting a distance of 200m is used, but with an important caveat that this can vary greatly depending on the conditions. For example, the presence of dogs off leads would be likely to result in disturbance at a greater distance". It appears that the 200m distance was used due to it being the median figure between Ross & Liley (2014) figure of 100m, and Cutts et al. (2013) figure of 300m distance at which a low probability of bird disturbance would occur. However, page 77 contradicts this by stating "The probability of birds being flushed declined with distance (i.e. how far away the activity was from the bird), such that the probability of birds being flushed when activities are beyond 100m away is very low".
- HNP is concerned that the HRA's reliance upon birds relocating to other areas may establish an unhelpful precedent on the Humber for the future. HRA page numbers 83 and 112 contain references to birds' ability to relocate in response to disturbance, this is at odds with Natural England's Supplementary Advice on Conservation Objectives (SACOs) for the Humber Estuary which contains a target to "Reduce the frequency, duration and / or intensity of disturbance affecting roosting, foraging, feeding, moulting and/or loafing birds so that they are not significantly disturbed". This is an issue frequently encountered and challenged in discussions with industrial developments on the Humber. HNP is concerned that the HRA's reliance upon birds relocating to other areas may establish an unhelpful precedent on the Humber for the future.

A specific concern is that at Skeffling managed realignment site (HBE 4a and b), the wet grassland is identified as spreading room, thereby defeating the purpose of this compensatory habitat.

Natural England's comment:

HNP note that some of our bird information is inaccurate, NE always endeavours to use the most up to date information available, but it can be difficult in some cases to incorporate the latest data (bearing in mind the writing of the HRA took well over a year).

Regarding the distance at which birds are likely to be disturbed, this distance is known to vary widely between species, with larger waders generally flying at a longer distance. This is

confirmed in a paper by Collop et al. 2016 "Variability in the area, energy and time costs of wintering waders responding to disturbance" in the bird journal 'Ibis' 158, 711-725).

In the HRA the distance of 200m is used as a 'rule of thumb' but is subject to considerable variation, with the most serious disturbance to most species occurring at under 100m. On this and other technical aspects in the HRA, advice was received from Natural England's specialist ornithologists advising on the ECP. As an additional check, the HRA and NCA were signed off by both NE's Yorkshire and East Midlands Area Teams.

HNP comment on two instances where the possible limited relocation of birds following disturbance is discussed in the HRA. The first (p83) was in a list of several points and only referred to short displacements. The second of these (p112) related solely to some of the ECP establishment works (such as installing new signs or roundels), which by their nature would be one-off and temporary - and hardly comparable to ongoing disturbance from an industrial site, for example.

At the Skeffling managed realignment site (already out of arable cultivation), the planned wet grassland seaward of the route will, as compensatory habitat, in future be very likely to be excluded from spreading room (under a s26(3)(a) direction) once it has established.

Relevant appended documents (see Section 5):

Representation ID:

MCA/HBE1/R/1/HBE0434

Organisation/ person making representation:

Trans Pennine Trail, [REDACTED]

Name of site:

Waterside Business Park

Report map reference:

Map HBE 1b

Route sections on or adjacent to the land:

HBE-1-S033 FP to HBE-1-S040 FP

Other reports within stretch to which this representation also relates

N/A

Summary of representation:

Proposes that Natural England work with East Riding of Yorkshire Council to remove existing steps where the proposed trail leaves the side of the estuary on the existing PROW/Trans Pennine Trail to join Livingston Road. This will enable a wider range of users to access the ECP and Trans Pennine Trail.

Suggests an alternative 'more appealing' alignment for the trail to leave the side of estuary and climb the steps to join Livingston Road, and to then follow the pavement in front of various commercial premises.

Natural England's comment:

Natural England would like to thank the Trans Pennine Trail for its representation.

We note your comments with regards to enabling a wide range of users to access the ECP. In producing these proposals, we have attempted to follow the principles set out in sections 4.3.8 to 4.3.11 'Adjustments for disabled people and others with reduced mobility'.

We do not consider the removal of the concrete steps as suggested appropriate in isolation, although they may be removed as part of future proposals to upgrade the entire section.

NE feel that the existing proposed line best follows Natural England's Approved Scheme in terms of:

- Aligns on an existing public rights of way and follows the promoted pedestrian route for the Trans Pennine Trail, and is the responsibility of the Highway Authority to maintain.
- Proximity to the coast.

Hull City Council have been looking at various schemes to upgrade the route between Hessle and Alexandra Dock as a cycleway whilst we have been developing our ECP proposals.

Whilst the proposed alignment is currently useable it would benefit from a substantial upgrade.

As Hull City Council's cycleway schemes have not come to fruition to date we are now in discussions with them to fund the preparation of detailed drawings and costings to create sustainable 2m wide footway between Alexandra Dock and Hessle Foreshore. It is currently envisaged that ERYC engineers will carry out this design work on behalf of both councils.

Relevant appended documents (see Section 5):

Representation ID:

MCA/HBE1/R/2/HBE0393

Organisation/ person making representation:

Humber Bridge Board

Name of site:

Humber Bridge

Report map reference:

Map HBE 1a

Route sections on or adjacent to the land:

HBE-1-S001 CP & HBE-1-A001 CP

Other reports within stretch to which this representation also relates

N/A

Summary of representation:

The Humber Bridge Board fully support the development of the England Coastal Path and recognise the benefits it will bring.

For operational reasons such as weather conditions, traffic conditions, traffic or other accidents or emergencies and maintenance, HBB has the authority to close part, parts or all of the Bridge from time to time for any period necessary. Access to the internal parts of the deck structure is primarily gained through hatches which are located along the Eastern (downstream) restricted byway. For that reason the Eastern restricted byway needs to be closed much more frequently and for longer than that on the Western (upstream side). For that reason, HBB are of the opinion and hereby request that the proposed route and the alternative proposed route are swapped over. That would result in far less potential inconvenience to persons using the Coastal Access Route from having to navigate the alternative route.

Natural England's comment:

Natural England would like to thank the Humber Bridge Board for its representations and for its support for the ECP.

Natural England agrees with the proposed modification and asks that the Secretary of State approves our proposals with the modification described by Revised Map HBE 1a in Section 5 – Supporting Documents below.

The report table entry for this section remains unchanged.

The Humber Bridge Board has submitted a similar representation relating to the Humber Bridge on the Mablethorpe to Humber Bridge stretch. In our comments relating to that representation we have asked for complimentary changes to be made to our proposals for that report.

Relevant appended documents (see Section 5): 5A: Map HBE 1a

Representation number:

MCA/HBE2/R/2/HBE0024

Organisation/ person making representation:

East Riding of Yorkshire Council ([REDACTED])

Route section(s) specific to this representation:

HBE-2-S048

Other reports within stretch to which this representation also relates:

N/A

Representation in full

Saltend Roundabout 048

The construction of a footway along this stretch will be logistically challenging and prohibitively expensive. A more cost effective route would be to utilise the same agricultural field as the rest of the route. This would create a quieter route for walkers than the existing choice.

Development proposals may bring forward a utilitarian footway and cycleway here funded here. In the absence of an approved and completed scheme the route in the same field alignment makes good sense at this time. It is recommended that further feasibility work is undertaken here.

Natural England's comments

Natural England would like to thank East Riding of Yorkshire Council for their representations.

NE feel that the proposed line best follows Natural England's Approved Scheme.

Our proposed scheme uses an existing constructed pedestrian crossing point on the A1033 slipway and proposes the construction of a roadside pavement HBE-2-S048.

The alignment suggested by ERYC in their representation would involve users crossing the slip road 40m up the slipway away from the existing purpose-built crossing point.

As suggested by ERYC this planned development for this site may in the future bring forward a footway, cycleway for this alignment, however, at present there is no timescale for this development and our current alignment proposals do not rely on this development taking place.

NE would welcome the opportunity to discuss further with ERYC.

Relevant appended documents (see section 5):

Representation number:

MCA/HBE2/R/4/HBE0394

Organisation/ person making representation:

East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum ([REDACTED])

Route section(s) specific to this representation:

The proposed route from near to Littlefair Road Roundabout towards Saltend Roundabout (along Hedon Road and around King George Dock and the Salt End Chemical Works) HBE-2-S008 CP to HBE-2-S039 CP.

Maps 2c & 2d.

Other reports within stretch to which this representation also relates:

N/A

Representation in full

Members of the Local Access Forum consider that the proposed route along Hedon Road is extremely unattractive and due to the very heavy traffic at most times, with associated carbon particle emissions, it is not suited to a recreational path. An alternative route for this section is therefore strongly suggested.

The Forum recommends that the Coast Path should instead utilise the existing public footpath (Kingston upon Hull footpath No 22) from TA131291 southwards to TA131286 and thence eastwards and subsequently northwards to its present termination close to Lord's Clough at TA157285.

A relatively short new section of footpath would still be required to connect from TA157285 and enable onward connectivity of the Coast Path but several possible options are outlined below.

Our suggestion of this alternative route would substantially reduce a lengthy unappealing section beside a busy dual carriageway, run closer to the Humber estuary and provide a more interesting and relevant coastal walking experience to add to the amenity value. Much of this recommended alternative route also uses an existing public footpath which is recorded on the Definitive Map and appears on Ordnance Survey mapping.

We would highlight some access-related considerations with our suggested alternative. Firstly, the stairways that take the existing public footpath over the loading ramp of the Hull-Rotterdam Ro-Ro Ferry are inaccessible for wheelchair users in the same way as those over warehouses at Albert Dock to the west of the city centre. Secondly, the King George Dock gates are currently awaiting repair which will be essential to enable continued access along public footpath number 22, but this is a maintenance issue which can be overcome.

There are several options for the additional section of new footpath (from TA157285, Lord's Clough) that our alternative proposal would require, outlined as follows:

Option 1 - From Lord's Clough, a newly defined footpath could follow the Old Fleet northwards c. 300 m to its intersection with the A1033 (Hedon Road) at TA158289. From TA158289, the ECP under this recommendation would follow the southern margin of the A1033 and either (i) cross the A1033 at TA159289 at the gap and crossing point in the central reservation, re-joining the proposed route of the Report or (ii) continue eastwards along the southern margin of the A1033 to merge with the proposed route at the northern end of Paull Road (TA166287).

Option 2 – To avoid the A1033 Hedon Road dual carriageway completely, consideration could be given to creating a link footpath between Lord's Clough and Paull Lane via Hay Marsh & Salt End Lane.

Option 3 - A new footpath could be designated and surfaced on the top of the existing flood defence embankment surrounding the Saltend Chemical Works. This could link with existing footpath number 22 close to Lords Clough, and go around the Saltend Chemical Works connecting at Pollard Clough. This option would also avoid the Saltend roundabout and would not require the proposed construction works including two footbridges along Paull Road which is estimated at £250,000.

In suggesting options 1 or 2 above, we appreciate that there is a section of industrial railway track close to Lord's Clough. Whilst installing a footbridge over the track is a consideration, we understand that the railway track is disused and overgrown and would hopefully not present an obstacle to these options.

Additionally, Forum members would like to highlight that both Hull City Council and East Riding of Yorkshire Council have outstanding claims for the recording of historic footpaths on land shown on maps 2c and 2d, which are relevant to the options suggested above. Hull City Council has an existing claim in along the west side of Fleet Drain from Hedon Road to Lords Clough (dated 2009) and East Riding has 2 claims in Preston Parish, from Lords Clough to Paull Road (reference S140047) and along Fleet Drain to connect with the Hull City Council claim (reference S140067).

Overall, we welcome most of the proposals within these comprehensive consultation documents but we strongly recommend that our alternative proposals (above) for this section are explored further to avoid having an unnecessary and unappealing lengthy stretch of the Coast Path adjacent to a busy dual carriageway. Forum members would be happy to discuss our proposals with Coast Path project officers further.

The existing Public Footpath Number 22 is recorded on Hull City Council's Definitive Map and shown on Ordnance Survey Explorer Map 293. Part of the footpath is shown on map 2c.

Natural England's comments

Natural England would like to thank East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum for their representations.

NE looked carefully at options 1 and 2 whilst surveying the route and agree that either would be a more attractive route. However, the issue with the proposals set out by the representation is the presence of a railway line which is excepted land in Natural England's approved scheme. NE cannot legally propose either Option 1 or 2 on that basis. In discussions ABP confirmed that whilst not heavily used at present the railway line is operational.

Should the outstanding claims for a right of way at Lord Clough be successful it may be possible to vary the alignment of the ECP in the future.

Option 3 was discussed with the landowner (ABP) but was discounted due to the volatile nature of the materials being carried in the pipelines overhead of the flood banks from the jetties into Saltend Chemical Works.

Relevant appended documents (see section 5):

Representation number:

MCA/HBE2/R/5/HBE0394

Organisation/ person making representation:

East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum ([REDACTED])

Route section(s) specific to this representation:

HBE-2-S046RD Saltend Roundabout to
HBE-2-S057RD Hedon Haven
Map 2e

Other reports within stretch to which this representation also relates:

N/A

Representation in full

We welcome the proposed construction of a new route along this section which appears to be mainly set back from Paull Road and segregated from the traffic.

However, considering the speed and volume of traffic on this narrow road, the new route should preferably accommodate ALL non-motorised users in the interests of safety for everybody. There have been several incidents along this road with other NMUs (ie. cyclists and horseriders) in the past.

Whilst we appreciate that the England Coast Path relates to footpath provision, given the scale of future developments planned in this area it makes sense to put a safe route for all non-motorised users in now rather than start altering the route later. Members of the Local Access Forum therefore recommend that the new section of the route here should include provision for other non-motorised users. We also recommend a minimum width of 5 metres along this section which we hope will be realistic and achievable given the available space.

We do have particular concern regarding the point at S047-S048 where the proposed route appears to kink inwards, running closer to the busy carriageway. Is there potential for the route to continue further away from the carriageway (following a similar trajectory as per the S049 – S055 section) for safety reasons, whilst still enabling an appropriate safe crossing point as the proposed route then heads to the west?

** This representation should be considered alongside the Local Access Forum's other representation relating to maps 2c and 2d, as our comments put forward suggestions for an alternative section of the route that could potentially impact on connectivity with Paull Road and Pollard Clough.

Members of the Local Access Forum would be very happy to meet with project officers to discuss our representations further.

Natural England's comments

Natural England would like to thank East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum for their representations.

The ECP is primarily concerned with securing a right of access on foot. New coastal access rights, whether on the trail or in the margin, are subject to pedestrian rights only.

NE do have the power to propose higher rights (by using a direction to relax general restrictions or alternatively by direction). We generally do not propose to do this unless there is agreement from the landowner. NE did not proactively go looking for opportunities beyond on foot access on this stretch. Finding an alignment for users on foot that the landowner was content for us to propose was challenge enough.

This does not prevent other organisations or members of the public from approaching the landowner to ask them to formally dedicate higher rights to sections of the trail to facilitate horse riding.

At HBE-2-S048 we are proposing the construction of a roadside pavement for a short section to enable the use of the existing crossing point. Alignment on this section has been problematic due to the proximity of the Preston New Drain, limited roadside verge and volume of traffic. NE believe the alignment proposed is the preferable option.

Relevant appended documents (see section 5):

Representation ID:

MCA/HBE2/R/1/HBE0396

Organisation/ person making representation:

[REDACTED]

Name of site:

Alexandra Dock/Lords Clough

Report map reference:

HBE 2c, HBE 2d

Route sections on or adjacent to the land:

HBE-2-S009 CP to HBE-2-S039 CP

Other reports within stretch to which this representation also relates

N/A

Summary of representation: It is unreasonable to align the England Coast Path to the North of King George Dock. [REDACTED] suggests using the existing public footpath on the edge of the estuary until it terminates at Lords Clough.

Natural England's comment: Natural England would like to thank [REDACTED] for his representation.

NE looked carefully whilst surveying the route suggested and agree that either would be a more attractive route. However, the issue with the proposals set out by the representation is the presence of a railway line which is excepted land.

In discussions ABP confirmed that whilst not heavily used at present the railway line is operational.

Should the outstanding claims for a right of way at Lord Clough be successful it may be possible to vary the alignment of the ECP in the future.

In arriving at our current proposals, we have followed the guidance set out in Natural England's England Approved Scheme.

Relevant appended documents (see Section 5):

Representation ID:

MCA/HBE2/R/3/HBE0432

Organisation/ person making representation:

National Grid, [REDACTED]

Name of site:

River Hull to Hedon Haven

Report map reference:

HBE 2e

Route sections on or adjacent to the land:

HBE-2-S045 CP & HBE-2-S047 CP to HBE-2-S057 RD

Other reports within stretch to which this representation also relates

N/A

Summary of representation The representation shows the location of National Grid's high-voltage overhead line and high-pressure gas pipeline assets in the vicinity of the proposed ECP in order that we are aware of its location and that we do not damage it with any of our establishment works.

Natural England's comment: Natural England would like to thank National Grid for their representations.

We note the location of National Grid's high-voltage overhead line and high-pressure gas pipeline assets in the vicinity of the proposed England Coast Path. We do not envisage any establishment works in their vicinity that would affect the assets.

Relevant appended documents (see Section 5):

Representation ID:

MCA/HBE3/R/1/HBE0329

Organisation/ person making representation:

South Holderness Internal Drainage Board

Name of site:

Hedon Haven to East Clough

Report map reference:

HBE 3a to HBE 3q

Route sections on or adjacent to the land:

HBE-3-S001 FP to HBE-3-S046

Other reports within stretch to which this representation also relates

N/A

Summary of representation: South Holderness Drainage Board wish to ensure that:

- Sufficient consideration of the coastal embankment between Paull and Easington is taken into account.
- A 9m maintenance strip of both banks of any watercourse is taken into account and that any structures proposed should not cause an obstruction to this. This is so maintenance work can be carried out on the drains.
- That any structure within the board's area will need IDB consent.

Natural England's comment: Natural England would like to thank the South Holderness Internal Drainage Board for their representations.

The points raised are noted, as are the requirements set out in the byelaws attached with the representation - the main elements which are of relevance to the ECP are highlighted in the above summary.

NE are confident that our proposals can be established in line with the IDB's requirements and are in no way detrimental to the coastal embankment. We note the requirement for IDB consent.

Relevant appended documents (see Section 5):

Representation ID:

MCA/HBE3/R/2/HBE0432

Organisation/ person making representation:

National Grid, [REDACTED]

Name of site:

Hedon Haven to East Clough

Report map reference:

HBE 3a & HBE 3b

Route sections on or adjacent to the land:

HBE-3-S001 FP to HBE-3-S023 FP

Other reports within stretch to which this representation also relates

N/A

Summary of representation: The representation shows the location of National Grid's high-pressure gas pipeline assets in the vicinity of the proposed ECP in order that we are aware of its location and that we do not damage it with any of our establishment works.

Natural England's comment: Natural England would like to National Grid for their representations.

We note the location of National Grid's high-pressure gas pipeline assets in the vicinity of the proposed ECP. We do not envisage any establishment works in the vicinity that would affect the assets.

Relevant appended documents (see Section 5):

Representation ID:

MCA/HBE4/R/5/HBE0168

Organisation/ person making representation:

Yorkshire Wildlife Trust, [REDACTED]

Name of site:

Hedon Haven to East Clough

Report map reference:

HBE 3a, HBE 3h and HBE 3i

Route sections on or adjacent to the land:

HBE-3-S001 FP to HBE-3-S002 FP, HBE-3-S031 FP to HBE-3-S032 FP and HBE-3-S033 FP to HBE-3-S034 FP.

Other reports within stretch to which this representation also relates

HBE Report 4

Summary of representation:

- Insufficient consideration of in-combination effects has been taken into account in the HRA.
- The proposed route will fragment the functional habitats and additional buffers and protections are likely to be required to secure their functionality in the long term.
- The HRA makes a number of inaccurate assessments on the presence/abundance of SPA birds and contradictions are made to the level of disturbance that will occur.

- That it's inappropriate for the HRA to assume birds can 'relocate' to other areas,
- Concern that there are no proposals for the ongoing monitoring of the impacts of the route.
- Shares RSPB concern with regards to potential impacts of the proposals of Kilnsea Wetlands
- Would appreciate the reconsideration of further screening as mitigation at Kilnsea Wetland and Beacon Lagoons.
- Supportive of the RSPB's comments with regards to access prevention and minimisation of disturbance from dog walkers at Beacon Lagoons
- SPA species will have variable levels of sensitivity to disturbance and flushing of birds has been recorded from over 500m from public presence in other areas along the Humber.

Natural England's comment:

We thank the YWT for its comments.

There is significant information in the HRA on other live plans or projects at page 152 to 162 (table 38). Natural England feels that this information addresses the concerns around in combination effects.

In response to the second point Natural England would note that the great majority of the proposed route uses existing used paths. The area is already bisected by rights of way so the ECP will not cause an increased fragmentation or compromise the integrity of the habitat as is stated in the agreed HRA.

YWT note that some of our bird information is inaccurate. NE always endeavours to use the most up to date information available, but it can be difficult in some cases to incorporate the latest data (bearing in mind the writing and editing of the HRA took well over a year).

YWT comment on instances where the possible limited relocation of birds following disturbance is discussed in the HRA. One of these was in a list of several points (p83) and only referred to short displacements, which have less impact on birds than longer movements which use more energy. Another (p112 of the HRA) related solely to some of the ECP establishment works (such as installing new signs or roundels), which by their nature would be one-off and temporary - and hardly comparable to ongoing disturbance from an industrial site, for example.

With regard to monitoring impacts of the ECP it should be noted that Wetland Bird Survey (WeBS) will be on-going on the Humber. In addition, reserves will continue to monitor their areas and report any concerns to Natural England and Access Authority staff.

Regarding Kilnsea and the possible screening of a section of path at Kilnsea, the detail of such screening will form part of our future work planning the fine detail of the new trail at this location, though EA may have concerns about any works on the flood bank or adjacent to it. We will welcome YWT's input on perhaps planting a hedge (or alternative screen) some 20m west of

the flood bank, to avoid the EA's concerns. It should also be noted that the ECP proposes a clearly waymarked route at the toe of the bank whereas some people currently walk on top of the bank, causing more disturbance to birds. The use of the top of the bank path will be addressed with access management measures as part of the future planning of the fine detail of the work.

Regarding the distance at which birds are likely to be disturbed, this distance is known to vary widely between species, with larger waders generally flying at a longer distance. This is confirmed in a paper by Collop et al. 2016 "Variability in the area, energy and time costs of wintering waders responding to disturbance" in the bird journal 'Ibis' 158, 711-725).

In the HRA the distance of 200m is used as a 'rule of thumb' but is subject to considerable variation, with the most serious disturbance to most species occurring at under 100m. On this and other technical aspects in the HRA, advice was received from Natural England's specialist ornithologists advising on the ECP. As an additional check, the HRA and NCA were signed off by both NE's Yorkshire and East Midlands Area Teams.

Whilst coastal habitat has been lost on the Humber, as YWT themselves note, there have also been several very major habitat creation projects (arguably on a larger scale than any other UK estuary) and this will help provide more habitat for waders and wildfowl. The ECP has taken care to avoid disturbance to these habitat creation sites, for example, with the route dropping behind the flood bank in some cases. YWT do not acknowledge that on most other parts of the estuary, the ECP follows existing PRow routes.

With respect to the ECP, the route will benefit by being managed to National Trail quality standards, that include regular monitoring of trail condition and associated signage or other new infrastructure. Should wider circumstances affecting the site change at any time in the future, ECP management can be adapted as necessary to avoid or reduce any possible negative impacts on sensitive sites. A key feature of ongoing National Trail management is to work closely with relevant landowners and managers to identify and resolve any issues that might arise at an early stage.

During the development of the ECP proposals, detailed discussions and site visits with partner organisations who own and manage the site took place. This included collecting information on the existing levels and patterns of use. This resulted in an agreed suite of restrictions to manage Spurn and Beacon Lagoons. It was recognised that current use of the beach is well managed with existing informal and formal management techniques to protect the little terns and this combined with the proposed directions negated the need for further restrictions.

Relevant appended documents (see Section 5):

Representation ID:

MCA/HBE4/R/1/HBE0352

Organisation/ person making representation:

Easington Parish Council

Name of site:

Beacon Lagoons
Report map reference:

HBE 4i
Route sections on or adjacent to the land:

HBE-4-S024 to HBE-4-S026
Other reports within stretch to which this representation also relates

Summary of representation:

The Parish Council wants reassurance that the creation of the ECP at the inland toe of the Beacon Lagoons banking will not in any way compromise the existing Flood Bank.

Natural England's comment:

Natural England will work with Environment Agency and the South Holderness Internal Drainage Board to ensure any works to construct the ECP at Beacon Lagoons do not in any way compromise the Flood Bank. The design of the works is not as yet confirmed but is likely to be a path built of imported stone formed so as to provide a level walking surface on the lower part of the embankment. It will not involve any excavation of the bank itself.

Relevant appended documents (see Section 5):

Representation ID:

MCA/HBE4/R/3/HBE0435

Organisation/ person making representation:

[REDACTED]

Name of site:

Haverfield Pits

Report map reference:

HBE 4b

Route sections on or adjacent to the land:

HBE-4-S004

Other reports within stretch to which this representation also relates

Summary of representation: A very detailed representation expressing concern with regards to disturbance of Breeding Marsh Harrier at Haverfield Pits. Attached at Section 5.

Natural England's comment:

We are very grateful to [REDACTED] for his very detailed comments, but do not believe they provide additional evidence that would cause us to review the proposed route or restrictions. The HRA has a section specifically on marsh harrier, inc. at Haverfield Pits (p119-120): "The trail does not alter or upgrade any existing access, access points or surfaces at these locations". It is possible that [REDACTED] had not read this section (understandable in such a

long document) or seen the very detailed maps in Report HBE 4 (East Clough to Easington), as he says he is not clear on the precise route of the path from the maps. [REDACTED] also makes comments about horse-riders, four-wheel drives and motorbikes - all of these are outside of the scope of the ECP and are not given any new access rights.

The 'spreading room' on the seaward side of the route was also carefully considered and restricted for marsh harrier conservation reasons: "All CROW access rights excluded year-round from Haverfield Quarry Pits to cover the whole breeding life cycle of marsh harrier" (HRA p142 and Map HBE 4B in Report HBE 4). It is clear that [REDACTED] is very knowledgeable about this site and has concern for its wildlife, therefore we hope that [REDACTED] will welcome this direction to exclude access.

In summary the HRA concludes (p 120): "The addition of the England Coast Path will not create further disturbance from users and will not adversely affect the conservation objectives of the breeding marsh harrier."

Relevant appended documents (see Section 5):

5B: Detailed Representation from Private Individual

Representation ID:

MCA/HBE4/R/1/HBE0352

Organisation/ person making representation:

South Holderness Internal Drainage Board

Name of site:

Beacon Lagoons

Report map reference:

HBE 4i

Route sections on or adjacent to the land:

HBE-4-S024 to HBE-4-S026

Other reports within stretch to which this representation also relates

Summary of representation: South Holderness Drainage Board wish to ensure that:

- Sufficient consideration of the coastal embankment between Kilnsea and Easington is taken into account.
- A 9m maintenance strip of both banks of any watercourse is taken into account and that any structures proposed should not cause an obstruction to this. This is so maintenance work can be carried out on the drains.
- That any structure within the boards area will need IDB consent.

Natural England's comment:

Natural England would like to thank South Holderness Internal Drainage Board for their representations.

The points raised are noted, as are the requirements set out in the byelaws attached with the representation - the main elements which are of relevance to the ECP are highlighted in the above summary.

NE are confident that our proposals can be established in line with the IDB's requirements and are in no way detrimental to the coastal embankment. We note the requirement for IDB consent.

Natural England will work with Environment Agency and the South Holderness Internal Drainage Board to ensure any works to construct the ECP at Beacon Lagoons do not in any way compromise the Flood Bank.

Relevant appended documents (see Section 5):

Representation ID:

MCA/HBE4/R/5/HBE0168

Organisation/ person making representation:

Yorkshire Wildlife Trust – [REDACTED]

Name of site:

Beacon Lagoons

Report map reference:

HBE 4i

Route sections on or adjacent to the land:

HBE-4-S024 to HBE-4-S026

Other reports within stretch to which this representation also relates

HBE Report 3

Summary of representation:

- Insufficient consideration of in-combination effects has been taken into account in the HRA.
- The proposed route will fragment the functional habitats and additional buffers and protections are likely to be required to secure their functionality in the long term.
- The HRA makes a number of inaccurate assessments on the presence/abundance of SPA birds and contradictions are made to the level of disturbance that will occur.
- That it's inappropriate for the HRA to assume birds can 'relocate' to other areas.
- Concern that there are no proposals for the ongoing monitoring of the impacts of the route.

- Shares RSPB concern with regards to potential impacts of the proposals of Kilnsea Wetlands.
- Would appreciate the reconsideration of further screening as mitigation at Kilnsea Wetland and Beacon Lagoons.
- Supportive of the RSPB's comments with regards to access prevention and minimisation of disturbance from dog walkers at Beacon Lagoons.
- SPA species will have variable levels of sensitivity to disturbance and flushing of birds has been recorded from over 500m from public presence in other areas along the Humber.

Natural England's comment:

We thank the YWT for its comments.

There is significant information in the HRA on other live plans or projects at page 152 to 162 (table 38). Natural England feels that this information addresses the concerns around in combination effects.

In response to the second point Natural England would note that the great majority of the proposed route uses existing used paths. The area is already bisected by rights of way so the ECP will not cause an increased fragmentation or compromise the integrity of the habitat as is stated in the agreed HRA.

YWT note that some of our bird information is inaccurate. NE always endeavours to use the most up to date information available, but it can be difficult in some cases to incorporate the latest data (bearing in mind the writing and editing of the HRA took well over a year).

YWT comment on instances where the possible limited relocation of birds following disturbance is discussed in the HRA. One of these was in a list of several points and only referred to short displacements. Another (p112 of the HRA) related solely to some of the ECP establishment works (such as installing new signs or roundels), which by their nature would be one-off and temporary - and hardly comparable to ongoing disturbance from an industrial site, for example.

With regard to monitoring impacts of the ECP it should be noted that Wetland Bird Survey (WeBS) will be on-going on the Humber. In addition, reserves will continue to monitor their areas and report any concerns to Natural England and Access Authority staff.

Regarding Kilnsea and the possible screening of a section of path at Kilnsea, the detail of such screening will form part of our future work planning the fine detail of the new trail at this location, though EA may have concerns about any works on the flood bank or adjacent to it. We will welcome YWT's input on perhaps planting a hedge (or alternative screen) some 20m west of the flood bank, to avoid the EA's concerns. It should also be noted that the ECP proposes a clearly waymarked route at the toe of the bank whereas some people currently walk on top of the bank, causing more disturbance to birds. The use of the top of the bank path will be addressed with access management measures as part of the future planning of the fine detail of the work.

Regarding the distance at which birds are likely to be disturbed, this distance is known to vary widely between species, with larger waders generally flying at a longer distance. This is confirmed in a paper by Collop et al. 2016 "Variability in the area, energy and time costs of wintering waders responding to disturbance" in the bird journal 'Ibis' 158, 711-725).

In the HRA the distance of 200m is used as a 'rule of thumb' but is subject to considerable variation, with the most serious disturbance to most species occurring at under 100m. On this and other technical aspects in the HRA, advice was received from Natural England's specialist ornithologists advising on the ECP. As an additional check, the HRA and NCA were signed off by both NE's Yorkshire and East Midlands Area Teams.

Whilst coastal habitat has been lost on the Humber, as YWT themselves note, there have also been several very major habitat creation projects (arguably on a larger scale than any other UK estuary) and this will help provide more habitat for waders and wildfowl. The ECP has taken care to avoid disturbance to these habitat creation sites, for example, with the route dropping behind the flood bank in some cases. YWT do not acknowledge that on most other parts of the estuary, the ECP follows existing PRoW routes.

With respect to the ECP, the route will benefit by being managed to National Trail quality standards, that include regular monitoring of trail condition and associated signage or other new infrastructure. Should wider circumstances affecting the site change at any time in the future, ECP management can be adapted as necessary to avoid or reduce any possible negative impacts on sensitive sites. A key feature of ongoing National Trail management is to work closely with relevant landowners and managers to identify and resolve any issues that might arise at an early stage.

During the development of the ECP proposals detailed discussions and site visits with partner organisations who own and manage the site took place. This included collecting information on the existing levels and patterns of use. This discussion resulted in an agreed suite of restrictions to manage Spurn and Beacon Lagoons. It was recognised that current usage along the beach, including dogs, is already well managed with existing informal and formal management techniques, including wardens, to protect the little terns and this combined with the proposed directions negated the need for NE to propose further restrictions.

Relevant appended documents (see Section 5):

Representation ID:

MCA/HBE4/R/8/HBE0406

Organisation/ person making representation:

[REDACTED]

Name of site:

Beacon Lagoons

Report map reference:

HBE 4h and HBE 4i

Route sections on or adjacent to the land:

HBE-4-S024 to HBE-4-S026

Other reports within stretch to which this representation also relates

N/A

Summary of representation:

- Suggests omissions and errors within the HRA.
- Incorrect information re the location of Schedule 1 breeding birds.
- Incorrect naming of areas of land.
- Inadequate mitigation measures – in particular further screening is required at Kilnsea Wetlands and Beacon Lagoons.
- Suggests that inadequate HRAs seem likely to set precedents and potentially lead to inappropriate development elsewhere around the Humber Estuary and across England.
- Suggests no assessment of the current level of usage of paths in the area has been undertaken and the future level of ECP usage is unknown, which renders it impossible to assess the likely impact of the ECP on Kilnsea Wetlands and The Lagoons SSSI.
- Concern re increased disturbance by dogs from the beach of the Little Tern colony at The Lagoons SSSI, - calls for a dogs on leads restriction on the beach and funding for further mitigation such as beach wardens.

Natural England's comment:

[REDACTED] notes that some of our bird information and place names is inaccurate, NE always endeavours to use the most up to date and accurate information available, but it can be difficult in some cases to incorporate the latest data (bearing in mind the writing of the HRA took well over a year).

In addition we may avoid giving the precise locations of rare (Schedule 1) breeding birds, but the HRA authors were fully aware of the locations of species such as avocet and little tern.

On this and other technical aspects in the HRA, advice was received from specialist in-house ornithologists allocated to advise on the ECP. As an additional check, the HRA and NCA were signed off by both NE's Yorkshire and East Midlands Area Teams. It is also worth noting that detailed discussions and site visits were held with [REDACTED] and other interested parties during the development of these proposals.

Regarding Kilnsea and the possible screening of a section of path at Kilnsea, the detail of such screening will form part of our future work planning the fine detail of the new trail at this location, though EA may have concerns about any works on the flood bank or adjacent to it. It should also be noted that the ECP proposes a clearly waymarked route at the toe of the bank whereas some people currently walk on top of the bank, causing more disturbance to birds. The use of the top of the bank path will be addressed with access management measures as part of the future planning of the fine detail of the work.

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including dogs, is already well managed with existing informal and formal management techniques, including wardens, to protect the little terns and this combined with the proposed directions negated the need for NE to propose further restrictions.

With respect to the ECP, the route will benefit by being managed to National Trail quality standards, that include regular monitoring of trail condition and associated signage or other new infrastructure. Should wider circumstances affecting the site change at any time in the future, ECP management can be adapted as necessary to avoid or reduce any possible negative impacts on sensitive sites. A key feature of ongoing National Trail management is to work closely with relevant landowners and managers to identify and resolve any issues that might arise at an early stage.

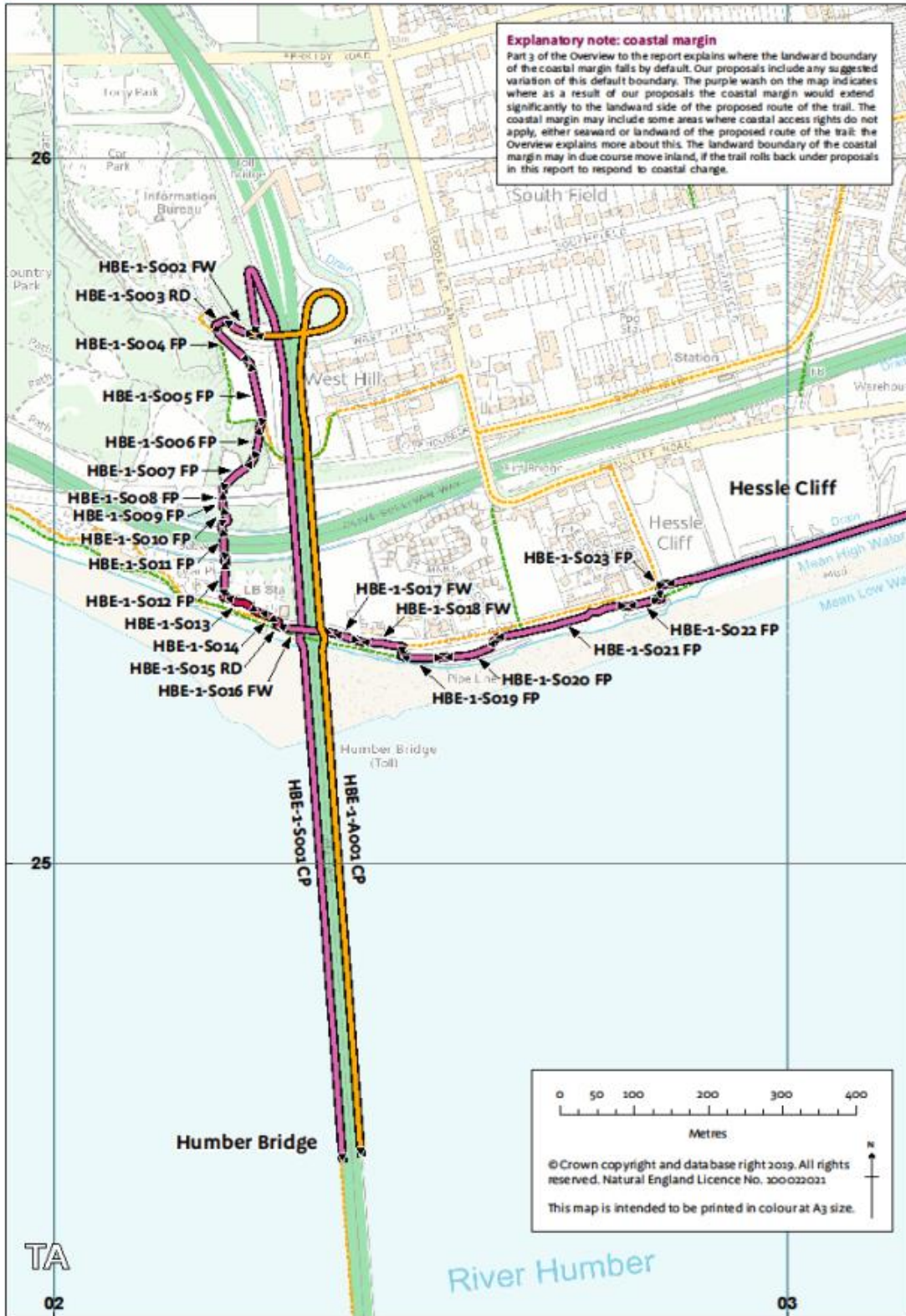
Relevant appended documents (see Section 5):

5. Supporting Documents

5A: Map HBE 1a



Coastal Access - Humber Bridge to Easington - Natural England's Proposals
 Report HBE 1: Humber Bridge to River Hull
Map HBE 1a: Humber Bridge to Hesse Cliff



Map HBE 1a: Humber Bridge to Hesse Cliff

5B: Detailed Representation from Private Individual

[REDACTED DUE TO SENSITIVE INFORMATION]