

Coastal Access Report – Lincolnshire *Sutton Bridge to Skegness*



Representations with Natural

England's comments

June 2022

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OFFICIAL SENSITIVE

1. Introduction

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

2. Background

Natural England's report setting out its proposals for improved access to the coast between Sutton Bridge and Skegness was submitted to the Secretary of State on 24 January 2018. This began an eight-week period during which formal representations and objections about the report could be made. A representation about the report could be made during this period by any person on any grounds and could include arguments either in support of or against Natural England's proposals.

In total Natural England received 6 representations, of which 3 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 submitted in their entirety here together with Natural England's comments where relevant. A summary of the 3 representations made by other individuals or organisations, referred to as 'other' representations, has been submitted separately. These 'full' representations are reproduced in Section 3 in their entirety, together with Natural England's comments. Also included in Section 3 is a summary of the 3 representations made by other individuals or organisations, referred to as 'other' representations. Section 5 contains the supporting documents referenced against the representations.

Before making a determination in respect of a coastal access report, the Secretary of State must consider both documents relating to 'full' and 'other' representations.

No further representations were received after the period of eight weeks beginning with the date on which the report was first advertised on Natural England's website.

3. Representations and Natural England's comments

Full representations

Representation number:

MCA\Sutton Bridge to Skegness\R\4\SBS0311

Organisation/ person making representation

Ramblers - Lincolnshire Area (South)

Report chapter

Chapters 1,2 & 3

Route section(s)

Not specified

Representation:

The proposed England Coast Path -Sutton Bridge to Skegness section runs largely along routes already heavily used by walkers in this area. Over the years, additional sea banks have been built on the seaward side of the original rights of way shown on the Definitive Maps, which means that the sea is not visible from these routes in many places.

The establishment of the new Coastal Path will rectify this situation, and the provision of kissing gates rather than stiles will greatly improve accessibility for those less mobile. The Ramblers strongly support these proposals.

Natural England's comments:

Natural England welcomes the Ramblers support for the proposals

Representation number:

MCA\Sutton Bridge to Skegness\R\5\SBS0404

Organisation/ person making representation:

Environment Agency

Report chapter:

Chapter 2 and 4

Route section(s):

SBS-2-S023 to SBS-2-S033

SBS-2-S046 to SBS-2-S062

SBS-4-S004 to SBS-4-S008

Representation:

Boston Haven – Chapter 2 The Environment Agency welcome the security provided by the report (s2.1.12) in allowing current flood risk management improvement works on the Haven Banks and at the Boston Barrier construction sites to continue, with the trail status coming into

effect upon completion of our construction activities. Sections affected SBS2-S033FP to SBS2-S023FP right bank and SBS-2-S046FP through to SBS-2-S062 left bank.

Steeping Haven Chapter 4 – The Environment Agency welcome the need for fencing to be installed at the EA/IDB Burgh Sluice compound, an operational site, to prevent access by the public, where access was previously not available. It is also likely that the transition from the bank top to the foreshore will require the construction of an access ramp to transverse to the lower level saltmarsh (junction of SBS4 S004-SBS4 S005). The principle of which is also acceptable to us. However we would, as landowner for part of this stretch, like to register our representation for the creation of the path on the saltmarsh area (sections SBS-4-S006 to SBS-4-S008) which is subject to tidal inundation and the surface of the trail is likely to vary in accessibility following inundation and the safety of users is a concern. We would much rather the access continues on the bank top thereby negating increased landowner liabilities associated with access on the tidal inundated saltmarsh.

General estate management comment affecting Environment Agency owned assets - at locations along the proposed route where new gates / stiles, etc are required to allow continuous access, the responsibilities for the stiles / gate should not fall to the landowner or their respective tenant(s).

Natural England's comments:

Boston Haven

No details on affected sections and timings have yet been made available to Natural England but alternatives will be arranged where work is still ongoing at the time of opening this stretch of the coastal path.

Steeping Haven

We looked exhaustively at all the options for a route to link with a crossing over the River Steeping. A route along the top of the seabank between the highway leading to the Gibraltar Point reserve car park and the footbridge at Burgh sluice was one of the first options that we considered.

Although it would provide a good route to walk between these two points our Access and Sensitive Features report for Gibraltar Point established that it would create an unacceptable level of disturbance for birds on the Jackson's Marsh area of the reserve immediately landward of the seabank (see section 4.2.2). This area is part of the reserve managed by the Lincolnshire Wildlife Trust and has been specifically developed through creation of scrapes and wetland features to attract a particularly high density of birds. Some of these are species notified under the SPA designation of Gibraltar Point and the Wash and the area is therefore considered to be supporting habitat.

We considered whether screening could be installed to mitigate for this disturbance. In site discussions we were advised by the EA that screening would not be acceptable along the bank top as it would interfere with essential maintenance work and the need to cut vegetation. In this location it would also be very prominent in the landscape and unless very substantially constructed at considerable cost it would be prone to wind damage as the site is very exposed, particularly to the south and west where the landscape is open and there are no features to reduce wind strength. We also considered if planting trees and shrubs on the area immediately landward of the sea defence could be used to provide a more natural form of screening. Assent would be required from the EA for doing this within 16m of the flood bank

base but we were again informed that this would not be favoured as the shade created would reduce surface vegetation and leave the seabank more exposed to erosion and damage by burrowing animals. It would also reduce the suitability of the Jackson's Marsh site as many of the wader and wildfowl species it is designed to benefit will not use a site that has too much of an enclosed feel to it. We therefore concluded that we could not mitigate use of a seabank top route here sufficiently to avoid a likely significant effect on an area harbouring an especially high density of SPA birds and which forms the heart of the Gibraltar Point reserve where large bird hides are installed for visitors to observe them.

Other options we considered (and the reasons we dismissed them) before deciding on the route proposed across the saltmarsh were:

- The access trackway to Burgh Sluice – Not possible to sufficiently screen this route which runs between the northern edge of the Jackson's Marsh area and another wet grassland area specifically managed for birds. Strongly opposed by the Wildlife Trust.
- Immediately to the rear (landward) of the seabank – This would require infilling of a drain that would be highly disruptive to the Croft Marsh area of the reserve and would still be difficult to screen effectively as very close to the core of the area used by SPA birds
- Immediately in front (seaward) of the seabank – Earth movement would be required to fill in wet pools along some of this section and the RO did not believe consent could be given for this under Habitat Regulations. It was also felt that users would readily prefer to walk the top of the adjacent bank with nothing in place to stop them, leading to the risk of disturbance described above.
- A route further to landward – No opportunities because of a major land drain (Cow Bank Drain) and other lateral drains that would need to be bridged and unless much further inland a route would still be affecting areas adjoining the reserve of key importance for SPA birds.
- A new footbridge crossing over the Steeping closer to the coast – Viability of this option was investigated with potential with potential bridge constructors but we concluded it would not be viable for reasons of cost, environmental and operational constraints

The route across the saltmarsh was the only option acceptable to the Responsible Officer for the protected site as it minimises the impact on the habitat by extending an already existing pathway in regular use by yacht club members to access their moorings. Although there may be occasions when availability of this section is briefly interrupted by high tides, our assessment using tide tables, Lidar information and local opinion indicated that many tides of a height that would cover the route will occur at extremes of early or late in the day when few users could be expected. We estimate that the route may be covered and impassable on no more than 10 occasions per year for a period of 2-3 hours around high tide. Our proposals include positioning of information signs at either end of this section to make users aware of these occurrences, when it will be necessary to wait for the tide to retreat as to continue would not be safe, as an alternative route is not available.

The EA have mentioned their concern over liability as landowners at these times. However, these sections (SBS-4-0006 to SBS-4-0008) are provided as new access under the Coastal Access rights and therefore benefit from uniquely low level of land occupier liability as detailed in the scheme (4.2.2).

Path Infrastructure

As part of the development of proposals, Natural England has identified numerous positions along the proposed route where accessibility could be improved for a wider range of walking abilities with the replacement of some current infrastructure – generally stiles or gates in poor condition. These will be replaced with new kissing gates (or gate suitable for bridleway use where the trail uses a PRoW with this status) which will be fully funded through ECP mechanism to support the local access authority in doing this. All such items would be expected to be completed to a high enough specification that no significant maintenance is needed for at least 5 years, but if maintenance is required this would be the responsibility of the local access authority, not the landowner, to implement using the annual grant they will receive from Natural England.

Representation number:

MCA\Sutton Bridge to Skegness\R\6\SBS0434

Organisation/ person making representation:

RSPB

Report chapter:

Whole report

Route section(s):

Not specified

Representation:

Monitoring the increase in visitor pressure.

Disturbance, in particular from dog walking, is a significant concern due to the potential for disturbance to nesting and roosting species on our reserves and on the wider designated site network. We strongly recommend that the impacts of increased disturbance from the new coast path are monitored, in order to inform where any seasonal restrictions may need to be applied. We recommend in the initial 5 year period following opening of the new path that there is an annual review to ensure that we have the opportunity to formally engage with Natural England and other stakeholders and to discuss and resolve any significant issues. There are also potential links that can be made to the existing disturbance monitoring programme for the Wash. We note in the Secretary of State's response to our comments on the Maldon to Salcott section, that 'once the coast path is open there will be ongoing monitoring of the condition of the path, its associated spreading room access rights and infrastructure. In the event that public access is identified as a contributing factor to any future problems he notes that coastal access provisions may be modified'. We look forward to discussing monitoring options for the Skegness to Sutton Bridge section with Natural England following this consultation.

Removal of salt-marsh from spreading room

We support the removal of saltmarsh from spreading room in order to protect the breeding redshank interest. Can we confirm that should we wish to carry out coastal re-alignment at our Freiston Shore reserve in the future, that any new saltmarsh created would be similarly removed from spreading room and that the path would be rerouted to the landward side of the new intertidal area?

Creation of coastal path where there is no existing PRow

We are aware of other sections of the proposed path where it is to be routed where there is no existing PRow. Informal use exists, but we are concerned about the potential for significant increases in disturbance in areas such as these where the birds aren't habituated to regular human disturbance. In such locations where current usage is low only a moderate increase in disturbance could result in significant effects and therefore monitoring is particularly important. If problems are found, for example with breeding redshank or roosting waders, then we recommend that mitigation options are confirmed up front. These options include dog control (leads) initially, and the moving back of the route to the existing PRow should such voluntary measures not be effective.

Correction to PRow mapping at Frampton Marsh

There is an erroneous section of public footpath shown for Frampton Marsh – the very short section that extends out onto the saltmarsh. We understand that this was extinguished some 6- 7 years ago by Lincolnshire County Council.

Natural England's comments:

Monitoring the increase in visitor pressure

Prior to opening the new trail, checks will be made to ensure that establishment works including any special mitigation measures required at this stage have been implemented. Once the Coast Path is open there will be regular ongoing monitoring of the condition of the trail, its associated spreading room access rights and infrastructure.

Monitoring of the protected sites (The Wash and Gibraltar Point) will continue through established programmes including Natural England's Common Standards Monitoring protocols. Issues concerning achievement of conservation objectives for a site will usually be investigated through these arrangements. In the event that public access may be a contributing factor to any problems, coastal access provisions may need to be modified as part of the management response.

Common Standards Monitoring is the process by which the condition of all SSSIs are monitored at regular intervals, to assess the status of their notified features. This programme takes very considerable NE resources. We welcome and do take full account of information from organisations or individuals, and along this particular coastline particularly regarding avian usage of areas near the Coast Path and if there are positive or negative impacts regarding walkers departing from the agreed path.

Natural England will be tracking general trends in pattern and level of use of the Coast Path as part of our evaluation of the coastal access programme nationally and this information will supplement and provide context to local monitoring. Natural England would welcome working with the RSPB in this respect to determine disturbance impacts levels from visitor access.

Removal of salt-marsh from spreading room

Our proposals include an access restriction on almost all areas of saltmarsh and mudflat in the coastal margin on this stretch under Section 25A of the CROW Act because we have concluded it is unsuitable for public access. We have made this decision for safety reasons because this area is typically wide disorientating expanses of saltmarsh and mudflat intersected with deep creeks that can be rapidly inundated under a rising tide. However, if we had not felt it necessary to restrict access for that reason it is likely that much of the area

would be subject to an access restriction for nature conservation reasons as the area is covered by the various protected site designations and contains large numbers of wintering waders and wildfowl and breeding species, including a significant population of breeding redshank.

The area of saltmarsh created by a realignment project in 2002 is included within the area covered by the Section 25A restriction. Any new areas of saltmarsh created by further realignment projects would be assessed in line with Natural England's guidelines applicable at the time, but it is likely that an area of new saltmarsh with similar characteristics would also be judged to be unsuitable for access. A new area of saltmarsh would also be likely to be considered as supporting habitat for the bird species of the adjacent Wash SPA and access could be restricted for nature conservation reasons if not already restricted for public safety.

Coastal access rights do not prevent any land from being developed or redeveloped in the future (5.5.4). If all the relevant permissions (e.g. from the local planning authority and the Environment Agency) were obtained to undertake a further realignment project in the future the route of the coastal path could, with approval from the Secretary of State, be amended, keeping it as close as practically possible to the new line of coastal defence on the landward side of new intertidal habitat.

Creation of coastal path where there is no existing PRow

RSPB note that there are sections on the proposed route that have no current PRow although they may have a level of "informal" use. Our Access and Sensitive Features Assessment has taken these into account and generally we believe that there will not be a significant increase in the level of use that would have an effect on species within the adjacent protected site (The Wash or Gibraltar Point). In a few places where there is a higher likelihood of increased visitor pressure our proposals include measures to mitigate any impact (signs to encourage appropriate dog control, interpretative signs to raise awareness of the importance of the site, or alignment of the trail to screen it from the view of sensitive species).

However, the monitoring described at the beginning of this section above will include and be particularly likely to be focussed on these sections where there is a possibility of some change from the current low levels of informal use. Further appropriate mitigation measures to remove the effect identified would then be employed and coastal access provisions may need to be modified as part of the management response.

Correction to PRow mapping at Frampton Marsh

We have used the information supplied by the local access authority to illustrate the current network of PRow access in the vicinity of the proposed coastal path route and which would provide connections to it (Overview Map B). These routes are not part of the coastal access proposals and their status is not affected by it. The local authority Rights of Way Officer has confirmed that the footpath that previously existed on Frampton Marsh connecting to the seabank at TF36503830 and going out across the marsh in a southeasterly direction has been terminated as identified in the RSPB representation. However, this does not affect our proposals for coastal access in the area.

Other representations

Representation number:

MCA\Sutton Bridge to Skegness\R\1\SBS0068

Organisation/ person making representation:

[REDACTED], Port of Boston Ltd

Route section(s):

Chapters 2 – SBS-2-047 (map 2j)

Summary of representation:

Recommends that signs are installed to raise awareness of heavy goods vehicle traffic where this section crosses a private road owned by the port which provides access to a trailer parking area.

Natural England's comment:

We noted the need for these safety signs on our site visit and have included mention of this in the report at 2.1.13 and 2.2.2. We will agree detail of suitable wording for these signs with the Port of Boston when we begin establishment works.

Representation number:

MCA\Sutton Bridge to Skegness\R\3\SBS0088

Organisation/ person making representation:

[REDACTED], Black Sluice Internal Drainage Board

Route section(s):

Chapters 2 – SBS-2-013 and SBS-2-023 (maps 2c and 2g)

Summary of representation:

States that the IDB has statutory powers under the Land Drainage Act 1991 to close access over its infrastructure (pumping stations and outfall pipes – see Appendix A) as may occasionally be necessary for essential maintenance works.

Natural England's comment:

Natural England acknowledges the IDB's statutory powers in relation to flood defence and drainage and that there may occasionally be a need to close the short sections of coastal path concerned. We would hope to agree with the IDB a simple procedure so that access over these structures can be temporarily closed, without notice when unavoidable, by positioning purpose made signs to explain this to the public and indicate the next most convenient alternative available. We will also investigate whether this can be easily notified on the National Trails website to minimise inconvenience to users and avoid any effect on the IDB fulfilling its duties.

Representation number:

Organisation/ person making representation:

Volunteer WeBS counter for BTO

Route section(s):

SBS-3-001 to SBS-3-006

Summary of representation:

This representation is from a volunteer who has counted bird numbers for the BTO's WeBS (Wetland Bird Survey) survey for many years on the sections concerned. It is claimed that the proposed route on the outer seabank will lead to increased disturbance, particularly from dogs, that may impact on the wetland birds that use the adjacent saltmarsh habitat for feeding, roosting and especially nesting species such as the redshank. Previous attempts (posters) to encourage dog control to avoid disturbance to breeding birds have not always been successful and the effects may become worse with rising sea levels that force birds closer to the seabank.

Natural England's comment:

The situation described above was assessed as part of the Access and Sensitive Features Assessment for The Wash. On the sections referred to (SBS-3-001 to SBS-3-006) there is no right of access for the public over sections SBS-3-001 and SBS-3-002 but informal access, mostly by dog walkers, occurs frequently from the only easily accessible point at the RSPB car park adjacent to southern end of SBS-3-001. Although longer distance trail users will pass through this section there is not much likelihood of a significant increase on current use levels here because the car park is relatively remote and can only be reached along several kilometres of very minor road. The typical distance walked by visitors from the nearest parking available of around 2km puts most of the distance covered by the above sections beyond their reach.

Regular dog walkers from nearby who already use the site are likely to account for most continued use. Observations by the coastal access team around the Wash have shown that even when off lead almost all dogs do keep to the seabank and few venture on to saltmarsh areas. Along much of the above sections a deep creek runs close and roughly parallel to the seaward base of the seabank acting as a further deterrent to most dogs and their owners going out onto saltmarsh areas where nesting birds are likely to be. However, we recognise that there is already a small risk of disturbance from use, and so our proposals include signage to be located at the main access points to the coastal path like this one to encourage behaviours among users, particularly dog walkers, that will alleviate this. Natural England has used a specialist consultant on dog behaviour to provide advice in this locality which will be used to inform future visitor management.

It should be noted that the saltmarsh adjacent to the seabank would be included in the section 25a restriction on Coastal Access rights, so that no new right of access to it will be created under Coastal Access legislation. The seabank and adjacent saltmarsh are generally grazed through the summer season by cattle and under Part 1 of CROW a person with a dog must keep it on a short lead in the vicinity of livestock (2.4.6). Users will be made aware of both of these restrictions by the signage at main access points.

On the remaining sections referred to in this representation (SBS-3-003 to SBS-3-006) there is an existing PRow (footpath). This is not easily accessible by the public as there are no car parks and minor roads in the area do not connect with the seabank. It is therefore very unlikely that use on these sections will increase much compared to the current low level.

Natural England recognises the hugely valuable role volunteers play in collecting species data and will continue to use this data in assessing and reporting on the condition of The Wash. We will also continue to work closely with organisations such as the RSPB to discuss monitoring options.

Disturbance is recognised as one of several pressures impacting breeding bird populations such as Redshank on The Wash. NE is currently analysing monitoring data on Redshank populations and exploring opportunities to improve the habitat quality available for them.

4. Supporting Documents

Maps supplied by Black Sluice IDB accompanying representation **MCA\Sutton Bridge to Skegness\R3\SBS0088** showing location of structures where access could be interrupted for essential maintenance.





