

Coastal Access – Kimmeridge to Highcliffe, Chapters 1-5 and 7



Representations with Natural England's comments

March 2022

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1. Introduction

This document records the representations Natural England has received on the proposals for Chapters 1-5 and 7 of the coastal access report for Kimmeridge to Highcliffe from persons or bodies. It also sets out any Natural England comments on these representations.

Where representations were made that relate to the entire stretch for Kimmeridge to Highcliffe they are included here in so far as they are relevant to Chapters 1-5 and 7.

2. Background

Natural England's report setting out its proposals for improved access to the coast from Kimmeridge to Highcliffe, comprising an overview and seven chapters, was submitted to the Secretary of State on 21 June 2017. This began an eight-week period during which representations and objections about the report could be made.

In total, Natural England received 11 representations in relation to Chapters 1-5 and 7, of which 9 were made by organisations or individuals whose representations must be sent in full to the

Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These 'full' representations are reproduced in Section 4 in their entirety, together with Natural England's comments. Also included in Section 4 is a summary of the 12 representations made by other individuals or organisations, referred to as 'other' representations. Section 5 contains the supporting documents referenced against the representations.

3. Layout

The representations and Natural England's comments on them are separated below into the chapters against which they were submitted. Each chapter below contains the 'full' and 'other' representations submitted against it, together with Natural England's comments. Where representations refer to two or more chapters, they and Natural England's comments will appear in duplicate under each relevant chapter. Note that although a representation may appear within multiple chapters, Natural England's responses may include chapter-specific comments which are not duplicated across all chapters in which the representation appears. Where Natural England's comments and/or the text of the representation are the same for each chapter in which the representation appears, they will be produced in full only at the first occurrence. Thereafter, to save repetition Natural England's comments and/or the representation text will refer to the first occurrence.

4. Representations and Natural England's comments on them

Overview

Full representations

Representation number

MCA\Kimmeridge Bay to Highcliffe\R\32\LCH0016

Organisation/ person making representation

Open Spaces Society [redacted]

Report chapter

Kimmeridge Bay to Highcliffe Overview Report, Chapter 9 Poole Harbour (pages 29-32).

Route section(s)

Representation in full

The Open Spaces Society requests the Secretary of State to ask Natural England to draw up proposals to include a route around Poole Harbour as part of the England Coast Path from Kimmeridge Bay to Highcliffe. Natural England has already proposed something similar for nearby Christchurch Harbour – see chapter 10 of the Overview. The trail should go through or round Wareham, where there is the first bridging points of the Rivers Frome and Piddle. At this stage it would seem better to proceed with the rest of the ECP from Kimmeridge Bay to Highcliffe and publish a later report about Poole Harbour - in much the same way as has already been decided for the Lulworth Ranges.

The Collins Concise English Dictionary defines an estuary as: '*the widening channel of a river as it nears the sea*'. Poole Harbour is far more than this; it is a natural harbour and is widely regarded as being one of the largest natural harbours in Europe

OFFICIAL SENSITIVE

About 2½ miles to the east of Wareham is the confluence of the Rivers Piddle and Frome. They join together to form Wareham Channel. This channel forms the far western end of Poole Harbour. It has many of the features of an estuary, but otherwise Poole Harbour hasn't many of the typical characteristics of an estuary. Much of it feels and is much more maritime than this. It shouldn't be treated just as an estuary by Natural England.

Poole Harbour is more than 5 miles across and occupies some 14 square miles. It is some 43 miles around the harbour edge. It was created at the end of the Ice Ages when melting waters flooded the estuaries of several rivers and the land between them to form the harbour. Today ten or so rivers and streams flow into the harbour; the biggest of these are the River Frome, the River Piddle, Corfe River and Sherford River. Poole Harbour also includes at least 9 named islands plus a number of smaller ones. The largest and best known island in the harbour is Brownsea Island.

At the points between Sandbanks and South Haven is the entrance to Poole Harbour, which is tidal and has a depth of water to several metres, allowing for commercial shipping vessels (including ferries to France and the Channel Islands) to pass in and out of the Harbour entrance. i.e. the waters do not dry out.

In light of the nature of Poole Harbour, the Open Spaces Society believe Natural England should not be using its discretion, as outlined for estuaries in chapter 10 of the Coastal Access Scheme, to include use the ferry from South Haven to Sandbanks. Instead the ECP should go round the Harbour as part of a truly continuous national trail from Kimmeridge Bay to Highcliffe. In any event the ferry service between South Haven and Sandbanks does not run 24 hours a day, nor does it run for 365 days every year. It is privately owned and the company can choose when it wants or doesn't want to provide a service. Most years it is out of action for several weeks for overhaul and maintenance. In addition it is also known to break down from time to time, as it did two summers ago, when it was towed off to Southampton for repairs lasting about 3 weeks.

The Society feels strongly that an ECP round Poole Harbour should **NOT** be closely based on the existing Poole Harbour Trails. Major parts of these are distant from the coastline of Poole Harbour and do not give sea views or a coastal experience. This was because the trails had to be on existing public rights of way.

At present, access to many parts of Poole Harbour is very poor or non-existent, whether using the Poole Harbour Trails or not. Parts that do give good access such as the quayside at Poole, RSPB Arne, Poole Park, and Hamworthy Park are very popular with local residents and visitors alike. An ECP round Poole Harbour would also be very popular and would be welcomed by potential users.

Natural England's comments

Natural England's reasons for proposing the route using the Poole Harbour Ferry rather than going around Poole Harbour are covered in detail in part 10 of the Overview to the report.

We maintain that the proposed route, incorporating the ferry at the harbour mouth, fulfils the core objective of the legislation – to create a continuous route around the coast – in a simple and cost effective way. We do not consider the periodic suspension of the ferry service – whether for routine maintenance or unscheduled repairs - to justify the substantial additional cost that a route around the harbour would entail.

As noted in part 10 of the Overview, if in the future the chain ferry should cease to operate, or there were a significant change to the frequency of the service, we would consider the case for re-routing the trail around the harbour, using a coastal access variation report (see part 8 of the

Overview). Should this happen, we would assess all the available options, including the Poole Harbour Trails, against the criteria in the Coastal Access Scheme.

Other representations

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\17\LCH1450

Organisation/ person making representation:

[Redacted] – local Councillor and resident Fishermans Bank

Route section(s):

Overview Report Chapter 10 Christchurch Harbour

Summary of representation

In principle residents' concerns are not about the 'Coastal route' (option 2) but about the diversion and recommendation from Natural England for a 'circular route' around Christchurch (option 1) and specifically that which includes their freehold land called **Fishermans Bank**.

This natural area was given 'common' status in 1971 but without common rights.

"A search of the register of common land and Town or Village Greens held by Dorset County Council under the provision of the Commons Registration act 1965 confirms that the registration of Fishermans Bank as common land became final on 16th December 1971. The search also confirmed that none of the land was subject to rights of common. However Fishermans Bank is crossed by footpath F22 and members of the public are therefore entitled to pass and repass over the public footpath which extends along the full length of the registered common land" (Davis Arnold and Cooper)

Residents note that the decision to recommend the 'circular route' stems from the brief (if any) discussions with a ferry operator whose service links Hengistbury Head (Mudeford Spit) to Mudeford Harbour and therefore access to the route to Highcliffe.(a journey time of 10 minutes or less).

The ferry operating times are published and available to all. It is inconceivable that path walkers would not avail themselves of and arrange ferry times and service levels.

NE concluded that contrary to other areas the ferry service issue required them to divert the route from that agreed in 2016 from the acceptable 'coastal route' and forms a proposal for a 'circular route' (10km to 12km) including Christchurch town centre and existing highways. This circular route includes the freehold properties of residents of Fishermans Bank and Stanpit.

This decision is contrary with subsection (7) of the Marine and Coastal path act 2009 which states" **Subsection (7) sets out what constitutes a journey by ferry for the purposes of the first objective, and makes it clear that the ferry does not have to be operating at all times of the day or year.**"

The decision is inconsistent with that taken for Poole Harbour and is opposed by the Member of Parliament for Christchurch. (Chris Chope, see attached)

OFFICIAL SENSITIVE

The **Priory Quay Residents Association** objected to this decision (option 1), their concerns mirrored those that follow in this representation. As a result of intense pressure NE conceded in respect of the projected path impinging residents properties.

This is a further example of inconsistency from NE in that no such dispensation was even considered for the residents of Stanpit and Fishermans Bank.

Due diligence.

NE has not conducted 'due diligence' determining the route along FB. Their introduction says 'discussions about options in detail' this is patently untrue. Only random residents advised in Sept 2016.

NE attended a meeting in June 2017 only following pressure from residents and appeal to NE for dialogue.

It was clear that at that last minute meeting with only a handful of residents that the 'circular route' decision had already been made with scant regard to residents anguish concerning the future of their property and disregard of the alternatives available.

Claims of discussions with various parties by NE were proved to be false; these only took place following resident's intervention.

In the hastily arranged meeting with some residents NE confirmed that their report was already completed and **had been sent to SOS**. This prior to any discussions with residents showing a complete lack of empathy on behalf of NE and a disregard of their own stated principles of working to ensure a '**fair balance**' between users and landowners.

Further the initial approach in September 2016 from NE to a random number of residents, was to obtain contact details and no further information was proffered by NE until and following a 'freedom of information' request as to what was 'going on' and challenging statements made about NE involvement with Council Officers and organisations. Consideration must be given to conducting a '**judicial review**' of the decision-making process leading to the preferred option without due diligence.

Discrimination

Using just part of the FB as the route is discriminatory considering the footpath passes to Coastguard Way and this was not known by NE until residents 'hand held' them on a walk which included the full extent of the footpath.

The report had already been written and passed to SOS. No regard was given to residents concern about potential changes to their land use.

Excepted land.

Only scant reference to FB being excepted land under Crow 2000/2010.

NE had no understanding that the FB ownership to MHW is **resident's gardens**.

NE report refers to 'enabling access and picnics', also to 'secure statutory rights of public access'. This is not compatible with owner's rights.

In establishing 'the **fair balance** between owners of land and users of the path; there are no benefits to owners. Again the process is discriminatory.

OFFICIAL SENSITIVE

As a simple statement land on Fishermans Bank is 'excepted land' and this has not in any way part of NE decision in diverting the 'coastal path' to a 'circular route'.

SSSI

The report is not consistent in its approach to SSSI regions and contrary to CROW 2000/2010 that states "Of particular relevance to nature conservation, the Act introduces powers enabling the diversion of rights of way to protect SSSIs". The harbour shoreline along FB is SSSI.

Problems already exist regarding human affects on flora and fauna. The use of FB as the main route will further exacerbate the demise of the SSSI.

The same reasons we used to persuade NE not to include Stanpit Marsh apply to FB.

Security

J1. Residents fears put to NE appears to have been dismissed by as irrelevant, they have ignored the issue of the resulting angst to residents who are concerned about their property being under constant scrutiny. This leads to a **Health and Wellbeing issue.**

The introduction of the associated coastal path 'circular route' conditions in respect of 'dog walking' 'cycling' et al (see page 49) will be impossible to manage and give freeholders huge relationship problems with users.

It places extra and onerous responsibilities on property owners and the local **Christchurch Borough Council** who will ultimately responsible for executing control in accordance with the Marine and Coastal Act 2009 and CROW 2000! (see page 49)

Further proposals to improve access rights.

This as stated in the report gives no solace to residents that promises made by NE in regard to the rights of owners in managing their land.

Walkers' safety

Photos of FB following successive gales show that in certain cases walkers could be at risk.

Natural England: See our comments about walkers' safety below. No photographs were attached to the representation.

Night time walkers.

No provisions exist to ensure that FB is not used after dark!

Human rights

Its owners over the last century or more, in order to create gardens and to protect the area from erosion due to ingress from the tidal affects in the estuary, constructed FB!

Residents maintain and care for their gardens, residents are threatened by this proposal in light of the loss of their 'human right' to enjoy their property; this is not accepted as a '**fair balance**' between users and owners referred to as paramount in the objectives set for NE.

Natural England: see our comments in section 6.2.2 above.

NE options

Option 1 (see page 34)

The ability to walk around Christchurch harbour via PROW and roadways is already established. It does not require extra signage etc. at the expense of the ratepayer.

OFFICIAL SENSITIVE

This so-called 'circular route' is inconsistent with the aims of the 2009 act and the aforementioned issue regarding the ferry service.

It is not an innovation, it is an imposition outside the remit of NE under the 2009 act.. (See Chris Chope "ridiculous" comment to the New Milton Advertiser)

Option 2 (see page 34)

This was the obvious and initial route agreed as the preferred route in May 2016. **Residents would support this as the preferred route.**

Conclusion

Circular route (option 1)

Residents of Stanpit and FB challenge and object to the decision taken by NE with consultation as claimed, to make the main route that, which circumnavigates the estuary.

The reference to the 'circular route' indicates the expectation of this becoming a separate entity and not the coastal path as initiated in 2009. This is outside NE remit.

Their disregard of the guidance in respect of ferry service and reluctance to engage with the provider to discuss potential changes to the ferry times to ensure year round usage gives the indication that Christchurch 'circular route' was their clear objective outside of any consultation with affected landowners.

The path should be as originally objected in the Marine and Coastal Path act 2009 i.e. A COASTAL PATH. (Option 2)

SSSI

The potential effect on the SSSI has not been dealt with consistently.

Fair balance

This has not been achieved especially in light of the claims of consultation that did not take place before the presentation of the report to the SoS. There are no benefits to land owners only extra concerns and responsibilities.

Discrimination and human rights

Residents and landowners of FB have been discriminated against and their human right to 'enjoy their property' have been ignored by NE.

Health and Safety

The anguish this issue has caused to residents as a result of lack of due diligence and their lack of consistency in dealing with complaints, compounded by the level of uncertainty as to what the affect a decision to include FB as the circular route has seriously affected the wellbeing of the landowners. No regard has been taken for the safety of walkers in extreme inclement weather putting the burden of care and attention on to residents and the local authority.

Natural England's comments:

[Redacted] disagrees with our proposed route around the harbour (option 1 in the overview to the report, which he refers to as 'the diversion' or 'circular route'). He prefers a route using the ferry across the harbour mouth (option 2, which he calls the 'coastal route'). He argues that the ferry service is adequate for coastal walkers and that it is therefore unnecessary and

inappropriate for Natural England to exercise its discretion to propose a coast path around the harbour.

He raises a number of detailed concerns about feared impacts of our proposed route along a public footpath crossing a common known as Fishermans Bank (route section LCH-6-S060). He argues that the inclusion of this footpath as part of the coast path would unfairly affect local residents who own the common. He also raises concerns about the potential impact of directing coast path users along Fishermans Bank to wildlife on the adjacent area of Christchurch Harbour Site of Special Scientific Interest (SSSI). He argues that use of the coast path would be detrimental to the harbour wildlife.

These views are common to several other representations in this group. We comment about them in detail in sections 6.2.1 to 6.2.3. We maintain for the reasons given there that:

- the proposed route around the harbour is both necessary and appropriate to avoid interruption to the coast path when the ferry is not running.*
- any effects on land owners at Fishermans Bank would be minimal and overall the proposal strikes a fair balance between public and private interests.*
- The proposals would not interfere with conservation objectives for Christchurch Harbour SSSI.*

Below we repeat his specific points and respond to them in italics, referring to our earlier comments where appropriate in order to avoid repetition. Subheadings are those used by [redacted], except those in italics towards the end of our comments.

In principle residents' concerns are not about the 'Coastal route' (option 2) but about the diversion and recommendation from Natural England for a 'circular route' around Christchurch (option 1) and specifically that which includes their freehold land called Fishermans Bank.

[Redacted] presents his views as those of local residents. We take this to mean specifically residents who made representations and/or objections about our proposed route over land they own at Fishermans Bank. The references to option 1 and option 2 we take to mean the options described on page 34 of the Overview to the report.

This natural area was given 'common' status in 1971 but without common rights.

"A search of the register of common land and Town or Village Greens held by Dorset County Council under the provision of the Commons Registration act 1965 confirms that the registration of Fishermans Bank as common land became final on 16th December 1971. The search also confirmed that none of the land was subject to rights of common. However Fishermans Bank is crossed by footpath F22 and members of the public are therefore entitled to pass and repass over the public footpath which extends along the full length of the registered common land" (Davis Arnold and Cooper)

We believe this advice is incomplete, because it does not consider the statutory reservation of fishing rights made in the 1827 Inclosure of Rushford Common– see paragraphs 6.2.2.7 to 6.2.2.19 above.

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Residents note that the decision to recommend the 'circular route' stems from the brief (if any) discussions with a ferry operator whose service links Hengistbury Head (Mudeford Spit) to Mudeford Harbour and therefore access to the route to Highcliffe. (a journey time of 10 minutes or less).

We summarise discussions with the ferry operator at paragraph 6.2.1.13 above.

The ferry operating times are published and available to all. It is inconceivable that path walkers would not avail themselves of and arrange ferry times and service levels.

We disagree. We expect walkers following the England Coast Path will take advantage of the proposed route around the harbour for several reasons, both on days when the ferry is running and on days when it is not running, as we explain in paragraphs 6.2.2.24 to 6.2.2.26 above.

NE concluded that contrary to other areas the ferry service issue required them to divert the route from that agreed in 2016 from the acceptable 'coastal route' and forms a proposal for a 'circular route' (10km to 12km) including Christchurch town centre and existing highways. This circular route includes the freehold properties of residents of Fishermans Bank and Stanpit. This decision is contrary with subsection (7) of the Marine and Coastal path act 2009 which states "Subsection (7) sets out what constitutes a journey by ferry for the purposes of the first objective, and makes it clear that the ferry does not have to be operating at all times of the day or year."

The decision is not contrary to this provision, as we explain at paragraph 6.2.1.13 above.

The decision is inconsistent with that taken for Poole Harbour and is opposed by the Member of Parliament for Christchurch. (Chris Chope, see attached)

We explain our Poole Harbour proposal at paragraph 6.2.1.17 above. We have not received any correspondence from Christopher Chope MP.

The Priory Quay Residents Association objected to this decision (option 1), their concerns mirrored those that follow in this representation. As a result of intense pressure NE conceded in respect of the projected path impinging residents properties. This is a further example of inconsistency from NE in that no such dispensation was even considered for the residents of Stanpit and Fishermans Bank.

See our comments about 'Priory Quay' below.

Due diligence.

NE has not conducted 'due diligence' determining the route along FB. Their introduction says 'discussions about options in detail' this is patently untrue. Only random residents advised in Sept 2016.

NE attended a meeting in June 2017 only following pressure from residents and appeal to NE for dialogue. It was clear that at that last minute meeting with only a handful of residents that the 'circular route' decision had already been made with scant regard to residents anguish

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concerning the future of their property and disregard of the alternatives available. Claims of discussions with various parties by NE were proved to be false; these only took place following resident's intervention.

In the hastily arranged meeting with some residents NE confirmed that their report was already completed and had been sent to SOS. This prior to any discussions with residents showing a complete lack of empathy on behalf of NE and an disregard of their own stated principles of working to **ensure a 'fair balance' between** users and landowners.

Further the initial approach in September 2016 from NE to a random number of residents, was to obtain contact details and no further information was proffered by NE until and following a 'freedom of information' request as to what was 'going on' and challenging statements made about NE involvement with Council Officers and organisations. Consideration must be given to conducting a 'judicial review' of the decision-making process leading to the preferred option without due diligence.

See our account of the 'Consultation with residents' below.

Discrimination

Using just part of the FB as the route is discriminatory considering the footpath passes to Coastguard Way and this was not known by NE until residents 'hand held' them on a walk which included the full extent of the footpath. The report had already been written and passed to SOS. No regard was given to residents concern about potential changes to their land use.

See our account of the 'Consultation with residents' and our comments regarding 'Coastguard Way' below.

Excepted land.

Only scant reference to FB being excepted land under Crow 2000/2010. NE had no understanding that the FB ownership to MHW is resident's gardens. NE report refers to 'enabling access and picnics', also to 'secure statutory rights of public access'. This is not compatible with owner's rights. In establishing 'the fair balance between owners of land and users of the path; there are no benefits to owners. Again the process is discriminatory. As a simple statement land on Fishermans Bank is 'excepted land' and this has not in any way part of NE decision in diverting the 'coastal path' to a 'circular route'.

Our view (see our earlier comments in section 6.2.2) is that the whole of Fishermans Bank is subject to access rights conferred by the Law of Property Act 1925. As such, the CROW excepted land provisions do not apply there and are not relevant to the Secretary of State's considerations.

SSSI

The report is not consistent in its approach to SSSI regions and contrary to CROW 2000/2010 that states "Of particular relevance to nature conservation, the Act introduces powers enabling the diversion of rights of way to protect SSSIs". The harbour shoreline along FB is SSSI. Problems already exist regarding human affects on flora and fauna. The use of FB as the main

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route will further exacerbate the demise of the SSSI. The same reasons we used to persuade NE not to include Stanpit Marsh apply to FB.

We disagree – see section 6.2.3 above.

Security

Residents' fears put to NE appears to have been dismissed by as irrelevant, they have ignored the issue of the resulting angst to residents who are concerned about their property being under constant scrutiny. This leads to a Health and Wellbeing issue.

Our view is that fears about security are unfounded – see paragraphs 6.2.26 and 6.2.27.

The introduction of the associated coastal path 'circular route' conditions in respect of 'dog walking' 'cycling' et al (see page 49) will be impossible to manage and give freeholders huge relationship problems with users. It places extra and onerous responsibilities on property owners and the local Christchurch Borough Council who will ultimately responsible for executing control in accordance with the Marine and Coastal Act 2009 and CROW 2000! (see page 49)

Our view is that these fears are unfounded because new users will normally behave reasonably and responsibly – see paragraph 6.2.2.35. With respect to management and maintenance of the route we confirm that no new responsibility attaches to Christchurch Borough Council as a result of our proposals.

We take the reference here to 'page 49' to refer to page 49 of the Overview to the report, which includes the list of the general restrictions on coastal access rights set out in Schedule 2 to CROW. These general restrictions would in our view not apply to the common at Fishermans Bank because it is subject to access rights conferred by different legislation – see paragraphs 6.2.2.7 to 6.2.2.19.

Further proposals to improve access rights.

This as stated in the report gives no solace to residents that promises made by NE in regard to the rights of owners in managing their land.

Walkers' safety

Photos of FB following successive gales show that in certain cases walkers could be at risk.

See our comments about 'Walkers' safety' below. No photographs were attached to the representation.

Night time walkers.

No provisions exist to ensure that FB is not used after dark!

We take this to be a reference to concerns outlined elsewhere in the representation about residents' security and we refer the Secretary of State to our earlier comments about that at

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paragraphs 6.2.26 and 6.2.27. The public already have rights to walk along Fishermans Bank at night. There are no powers to limit those rights under the coastal access legislation.

Human rights

Its owners over the last century or more, in order to create gardens and to protect the area from erosion due to ingress from the tidal affects in the estuary, constructed FB!

Residents maintain and care for their gardens, residents are threatened by this proposal in light of the loss of their 'human right' to enjoy their property; this is not accepted as a '**fair balance**' between users and owners referred to as paramount in the objectives set for NE.

See our earlier comments in section 6.2.2 above.

NE options

The references below to option 1 and option 2 we take to mean the options described on page 34 of the Overview to the report.

Option 1 (see page 34): The ability to walk around Christchurch harbour via PROW and roadways is already established. It does not require extra signage etc. at the expense of the ratepayer. This so-called 'circular route' is inconsistent with the aims of the 2009 act and the aforementioned issue regarding the ferry service. It is not an innovation, it is an imposition outside the remit of NE under the 2009 act.. (See Chris Chope "ridiculous" comment to the New Milton Advertiser)

See our comments in section 6.2.1 above.

Option 2 (see page 34): This was the obvious and initial route agreed as the preferred route in May 2016. Residents would support this as the preferred route.

Conclusion

Circular route (option 1)

Residents of Stanpit and FB challenge and object to the decision taken by NE with consultation as claimed, to make the main route that, which circumnavigates the estuary. The reference to the 'circular route' indicates the expectation of this becoming a separate entity and not the coastal path as initiated in 2009. This is outside NE remit. Their disregard of the guidance in respect of ferry service and reluctance to engage with the provider to discuss potential changes to the ferry times to ensure year round usage gives the indication that Christchurch 'circular route' was their clear objective outside of any consultation with affected landowners. The path should be as originally objected in the Marine and Coastal Path act 2009 i.e. A COASTAL PATH. (Option 2)

See our comments at section 6.2.1 above.

SSSI

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The potential effect on the SSSI has not been dealt with consistently.

See our comments at section 6.2.3.

Fair balance

This has not been achieved especially in light of the claims of consultation that did not take place before the presentation of the report to the SoS. There are no benefits to land owners only extra concerns and responsibilities.

See our account of the 'Consultation with residents' below and our earlier comments in section 6.2.2 about fair balance.

Discrimination and human rights

Residents and landowners of FB have been discriminated against and their human right to 'enjoy their property' have been ignored by NE.

We take this to be a reference to issues which we comment on earlier in section 6.2.2 and under 'Coastguard Way' and 'Priory Quay' below.

Health and Safety

The anguish this issue has caused to residents as a result of lack of due diligence and their lack of consistency in dealing with complaints, compounded by the level of uncertainty as to what the affect a decision to include FB as the circular route has seriously affected the wellbeing of the landowners. No regard has been taken for the safety of walkers in extreme inclement weather putting the burden of care and attention on to residents and the local authority.

See our account of the 'Consultation with residents' and comments about 'Walkers' safety' below.

Consultation with residents

[Redacted] criticises our consultation with Fishermans Bank residents as inadequate. Here we respond to his criticism by giving an account of our consultation with Fishermans Bank residents before publishing our proposals.

In order to comply with the Scheme, we must take reasonable steps to consult people who own or occupy land that might be affected so that we can take their views, if any, into account before publishing our proposals.

We first wrote to land owners at Fishermans Bank in September 2016 explaining our then initial thinking that the coast path should follow the public footpath as now proposed. Our letter asked them to confirm their contact details. It also included a map of the proposed route and an invitation to share their views on it with us.

[Redacted] suggests we wrote to 'random' land owners at this stage. In fact we wrote to all 21 people who are registered as owners of any part of the bank crossed by the proposed route. We did not write to people who are not registered as owners of the bank. We now understand that

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some people who own part of the bank were not contacted because their ownerships of the bank are not registered (and we could not therefore know that they owned it).

We received reply slips from a number of registered owners but no views on the proposed route. It is not unusual for land owners to express no views on the routing of the coast path on their land where the proposal is to follow an established footpath. Sometimes land owners simply want to be kept informed as the proposals progress and send us contact details for this reason. We concluded, wrongly as we now understand, that the owners we wrote to had no strong views about the proposal. We were not contacted by any of the owners of Fishermans Bank at any stage to request a meeting.

Later in the Autumn we had a telephone call from [redacted], who asked various questions about gardens in the coastal margin which we answered during the conversation. He did not refer to Fishermans Bank. We did not offer a meeting to discuss the matters further and he did not request a meeting.

On 20th January 2017 he submitted a request for information about our decision-making and consultations about the option to go round the harbour or use the ferry, which we responded to on 10th February 2017. His information request did not refer to Fishermans Bank.

On 5th April 2017 [redacted] and others held discussions with Christchurch Borough Council officials about the option to propose a route around the estuary. We met the council officers to discuss the matter on 19th April 2017. At the meeting Council officers explained that some Fishermans Bank residents felt that they had not been consulted. As a result we contacted [redacted] and suggested a meeting.

He agreed to meet us on 22nd May 2017. At the meeting we discussed his concerns about privacy, security and his desire to maintain the peaceful ambience of the bank. We walked along Fishermans Bank and spoke to a number of residents who expressed similar views and concerns. We agreed to review the route options at Fishermans Bank in light of their concerns. Our proposals had not at that stage been submitted to the Secretary of State.

We then held detailed discussions with Natural England specialists to consider the residents' concerns. On balance and for the reasons set out in section 6.2.2 we decided that the proposed route along the existing public footpath which follows the bank would strike a fair balance between public and private interests. During this period we also exchanged correspondence with several Fishermans Bank residents including Councillor [redacted], one of those who had not received our initial letter because she was not a registered owner of the bank.

We wrote to residents on 7th June 2017 to explain our intention to propose that route. This time we wrote to residents of all the houses adjacent to Fishermans Bank, whether or not they were registered as owners of the bank. We addressed the letter to "the occupier" of 6 properties for which there was no registered owner.

We published our proposals on 21st June 2017 and invited the same residents to make representations or objections about them. Only at this stage did we submit our proposals to the Secretary of State.

To summarise, we sought the views of Fishermans bank residents at an early stage but, unfortunately, were not aware of them until we met [redacted] and others in May 2018. We then gave them detailed consideration before submitting our proposals to the Secretary of State and invited them to make representations or objections as the law requires. We therefore say that

we have taken reasonable steps to consult owners and occupiers of Fishermans Bank about our proposals.

In investigating [redacted]'s criticisms of our consultation, we discovered that a number of other local land owners were not invited to submit representations or objections on 14th June 2017. These people own land between Fishermans Bank and Mudeford Quay that would be coastal margin under our proposals. We have since contacted those people and, after holding initial discussions with those who requested it, we gave them the same opportunity to submit representations or objections as previously given to residents at Fishermans Bank. In our view the error has now been addressed satisfactorily.

Coastguard Way

[Redacted] considers that we were not even-handed in our treatment of private interests around the harbour, because we propose that the route:

- a. should approach Fishermans Bank via Argyle Road (route section LCH-6-S061 on map 6e), rather than via Coastguard Way further along the public footpath to the southwest.*
- b. Should follow Convent Walk (route section LCH-6-S038 on map 6d) rather than take in the existing circular route through the Priory Quay development.*

We say that the circumstances in each case are different and that in each case the proposal is fair.

*Coastguard Way is a public highway and can be seen on map 6e of the report which is included at **Annex Q**. At the harbour end it turns into a privately owned vehicle track which leads to several residential properties and to Mudeford Sailing Club. At the end of the track is a short path to the Fishermans Bank common where the public footpath runs along the harbour edge. The track and the linking path are not public rights of way. We rejected this option for several reasons:*

- It is a more convoluted route than the route we proposed, doubling back on itself before returning to Stanpit;*
- It includes sections of track and footpath that are not an existing public right of way; and*
- This path section passes very close to the doorway of a private house.*

Priory Quay

Priory Quay is a residential development on the harbourside which includes a Council-owned circular walking path that is signposted for public use. The circular walk incorporates a viewpoint across the harbour. We wrote to the Priory Quay Management Company in Autumn 2016 suggesting the circular route as part of the England Coast Path. On the Company's advice we also wrote to the 38 residents. We received a number of responses to our proposals and as a result decided to propose a different route along Convent Walk at the rear of the development. The reasons for this are described in table 6.2.2 of the report. In particular, access across the marina lock gates is interrupted frequently to allow boats to pass, for maintenance purposes or when the electronic mechanism fails.

Walkers' safety

[Redacted] raises concerns about the risk to walkers during exceptional weather conditions. [Redacted] in his objection about our proposals (MCA\Kimmeridge Bay to Highcliffe\O15\LCH1438) describes in more detail (with photographs) how the bank can flood during exceptional weather conditions and how flood debris can block the path until it is cleared.

We asked Christchurch and East Dorset Council's engineer how often this occurs. There are no official records of flood incidence on Fishermans Bank but he estimates it occurs twice a year on average. Such occasional flooding is not unusual on the coast path as a whole and, for example, on the promenade along the open coast nearby.

Our view is that such flooding is not a significant or unusual risk to path users. It is possible to assess conditions from either end of Fishermans Bank before setting out along it, and it is straightforward to walk along Stanpit when the path is blocked.

The issue can be effectively managed by signposting the alternative along Stanpit, so that users can assess the conditions themselves and decide which route to follow. We do not think it necessary to designate Stanpit as an official alternative route because flooding is infrequent.

We have no further comments to make about this representation.

Chapter 2

Full representations

Representation number

MCA\Kimmeridge Bay to Highcliffe\R\22\LCH1274

Organisation/ person making representation

[Redacted] – Chair of the Dorset, Poole and Bournemouth Local Access Forum

Report chapter

Chapter 2

Route section(s)

LCH-2-S027 FP to LCH-2-S028 FP

Representation in full

When LAF members surveyed this section in Summer 2015 we explicitly noted that we felt that the path and steps over Tilly Whim Caves were in poor condition, so we are surprised to see that a note on map 2d stating that 'existing steps in satisfactory condition'. We remain of the view that some remedial work is required.

Natural England's comments.

The steps referred to as being in good condition (route section LCH-2-S027) were repaired by Dorset County Council in 2016/17. This was after the Local Access Forum surveyed it. Nevertheless further improvements are in our view desirable as this is a very popular and well-

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walked area being within Durlston Country Park. Below we explain current improvement plans which would in our view address the Forum's concerns.

Surface remedial works to the trail including surface sealing at LCH-2-S030 (Tilly Whim caves) and LCH-2-S031 (below Durlston Head Castle) are proposed in Natural England's report (see 2.1.12). This is to ensure that the surface is suitable for those in mobility scooters/wheelchairs and those with pushchairs and to enable those with mobility scooters/wheelchairs to complete a circular route around the castle.

The existing trail below Anvil Point Lighthouse at route section LCH-2-S026 is suffering from significant erosion due to the numbers of people walking this part of the trail. In addition there is erosion at route sections LCH-2-S027 and S028 where some walkers are not using the stone steps and are taking short cuts. These works are not mentioned in Natural England's report but are to be proposed by Natural England as part of the establishment programme.

Other representations

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\6\LCH0113

Organisation/ person making representation:

[Redacted], Swanage Town Council

Route section(s):

Chapter 2. Maps 2a to 2e.

Summary of representation:

The Planning and Consultation Committee of Swanage Town Council welcomed the proposed improvements to the section of the coast path between Peveril Point and Shep's Hollow. The Committee wished it to be noted that the consultation documents had been reviewed and appropriately discussed, and had no further comments to make.

Natural England's comment:

We understand that the Planning and Consultation Committee of the Town Council reviewed the proposals in chapters 2 and 3 of our reports, but in its comments refers only to the proposed improvements in chapter 3, between Peveril Point and Shep's Hollow.

We have no further comments to make.

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\18\LCH0030

Organisation/ person making representation:

[Redacted]

Director of Belle Vue Residents Association Ltd (Purbeck Heights, Swanage)

Route section(s):

Chapter 2 Map 2e

Route sections LCH-2-S037 to LCH-2-S044

Summary of representation:

The Belle Vue Residents Association welcomed the (original) construction of the path (running directly below and then alongside Purbeck Heights flats but now this has become substantially overgrown and in wet weather impassable as it becomes extremely muddy, slippery and dangerous with the only hand rail being on the steep steps located at LCH-2-S038.

If the path is to be used, it should be upgraded, cleared of undergrowth and made safe to use throughout the year. This would apply also to the stone steps on the Zig-Zag path located at approximately LCH-2-S041 which should be excavated of mud.

A further comment on the extent of (landward) coastal margin in the vicinity of the label for route section LCH-2-S042 (adjacent to route section LCH-2-S038). 'This forms part of Purbeck Heights garden land that has slipped over recent land falls and a significant part of this should not form part of the (landward) Coastal Margin'.

Annex F to this document are a series of photographs taken on 5th August 2017 by [redacted] show the state of the path on that date.

Natural England's comment:

This representation concerns:

- *the existing condition of route sections LCH-2-S037 to LCH-2-S044; and*
- *the proposed landward boundary of the coastal margin at route sections LCH-2-S037 and LCH-2-S038.*

On receipt of this representation we visited this part of the trail to inspect its condition. This confirmed our view that the path does not require any new infrastructure but will require regular maintenance which we expect Dorset County Council to carry out.

We visited the site in the spring of 2017. At the time path was in good condition with little in the way of overgrown vegetation and not slippery underfoot. The path had been significantly repaired by Dorset County Council during the winter of 2016/17.

Natural England revisited on 29 September 2017. There was very little overgrown vegetation and the surface, although damp in places, was in reasonable condition – see photos 1, 2 and 3 below. The surface is uneven in places but reasonably safe and convenient in our view and that of the County Council.

There are two handrails in position. One is alongside the steep steps (LCH-2-S038) – referred to in the representation – see our photo 1 below. A second handrail has been positioned alongside the wooden footbridge (LCH-2-S039 – see our photo 3 below). In the view of Dorset County Council these are sufficient to enable reasonably safe and convenient access along this part of the trail.

Regular vegetation clearance will be required at this location, together with regular monitoring of the surface and necessary repairs. Dorset County Council have confirmed that this forms part of their scheduled maintenance programme.



Photo 1. LCH-2-S038 – bottom of steps – note hand rail (29 Sept 2017)



Photo 2. LCH-2-S039 (29 Sept 2017)



Photo 3. LCH-2-S039 – note wooden footbridge and handrail (29 Sept 2017)

We agree that there is an error on map 2e and thank the Residents Association for drawing our attention to it., The map incorrectly depicts coastal margin landward of route sections LCH-2-S037 and LCH-2-S038.

To remedy the mapping error, we recommend that an amended map is issued with the Secretary of State's determination and we include such a map at **Annex G** to illustrate the change.

Our written proposal for route sections LCH-6-S037 and LCH-6-S038 at paragraphs 2.3.28 and 2.3.29 is correct. It would not result in coastal margin landward of these route sections as depicted on map 2e or result in the inclusion of areas of Purbeck Heights garden landward of the trail

Chapter 3

Full representations

Representation number

MCA\Kimmeridge Bay to Highcliffe\11\LCH1508

Organisation/ person making representation

[Redacted], Environment Agency

Report chapter

Chapters 3, 5, 6 and 7

Route section(s)

Representation in full

We want to ensure there is provision for a temporary closure or re-routing of the coastal path to allow for beach management works to take place as required to address coastal erosion and flood risk management. This would typically be along the urbanised frontage where the path is proposed to make use of the existing beach front promenade.

We would also note that the Dorset Coastal Cliff Fall and Landslide Protocol should be adhered to where appropriate, which may result in temporary or permanent requirements to re-route proposed sections of the coastal path.

Natural England's comments.

We confirm that diversions are possible both for beach management operations and in response to coastal erosion, as explained in more detail below.

Where temporary diversions are necessary for beach management, cliff fall or landslides, they can be implemented informally through the use of signs and barriers without the need for formal exclusion of coastal access rights along the route. This is the most flexible and cost effective means to effect a temporary diversion and the least bureaucratic. For this reason, we have not included any proposals for formal directions to exclude or restrict access or diversions in relation to this part of the route.

This approach is in keeping with the principle of choosing the 'least restrictive option' on access rights described in chapter 6 of the Scheme (see paragraphs 6.5.4 to 6.5.6 in particular). We have discussed it previously with [redacted] of the Environment Agency and understand that the Environment Agency is willing to operate in this way and that it is in keeping with the Agency's current practice.

We would expect the informal approach to be adequate in most circumstances. However, there are also provisions in the legislation for Natural England to specify a temporary route for the coast path, for example if it is necessary to exclude access for an extended period. Figure 17 of chapter 6 of the Scheme explains these provisions in more detail.

Where erosion results in a permanent change, we will normally adjust the coast path using the rollback procedures described in part 8 of the Overview to the report. In our formal proposals for each chapter of the report we identify those places where changes are likely to be necessary for this reason and propose that the rollback powers should apply there. If the Secretary of State approves these proposals, that is the mechanism we would use to ensure changes are carried out in the most efficient and cost effective way.

*We understand that the **Dorset Coastal Cliff Fall and Landslide Protocol** has now been superseded by the **Dorset Local Resilience Forum Initial Responders Coastal Rock Falls and Landslides Response Guide** and the **Dorset County Council Coastal Cliff Fall and Landslide Action Card**, both of which are still under consultation. Natural England will discuss these protocols with the Environment Agency and the local access authority to ensure that any future rollback (or temporary diversion) of the coast path is in keeping with them.*

Representation number

MCA\Kimmeridge Bay to Highcliffe\RI12\LCH1574

Organisation/ person making representation

[Redacted], Ramblers Association

Report chapter

Chapter 3

Route section(s)

LCH-3-S026 to LCH-3-S030

Representation in full

Details:

We believe that a quieter and safer route can be achieved by using the footways of Streche Road from its junction with Redcliffe Road to the junction with Ballard Road and then using Swanage FP18 (DCC number SE3/18) to re-join the proposed route on Ballard Way near to the entrance to the Ballard Estate.

Reasons:

The proposals for siting the ECP on the footway of Redcliffe Road (which is part of a major road giving access into the town of Swanage) and the busy Ballard Way are not considered to be an acceptable route for the ECP particularly when there are quieter and safer options available that do not involve any additional expense.

Annex A to this document is a map provided by the Ramblers that shows their proposed modification.

Natural England's comments.

Natural England agrees that the route modification proposed by the Ramblers is slightly shorter and quieter than our proposed route, but in our view these advantages are not so significant that they warrant a change to the existing route of the South West Coast Path National Trail.

Our proposed route follows the existing South West Coast Path National Trail, is signposted as such and is known locally.

Our proposed route goes up Redcliffe Road from its junction with Streche Road and then along Ballard Way to FP 18. This section of the route is 325m and uses public highway/pavement.

The Ramblers modification, using Streche Road and public right of way Foot Path 18 to its junction with Ballard Way is 250m long. This route also uses public highway/pavement.

Section 4.7.1 of the Coastal Access Natural England's Approved Scheme states that where there is an existing national trail along the coast – or another clear walked line along the coast, whatever its status – we normally proposed to adopt it as the line for the England Coast Path so as long as:

- *It is safe and practicable for the public to use;*
- *It can be used at all times; and*
- *The alignment makes sense in terms of the other statutory criteria and principles set out in this Scheme.*

In keeping with this approach, we would not support a change to the existing National Trail unless the alternative offered significant advantages over the existing route.

We refer the Secretary of State to the following representations which advocate the same modification as the Ramblers:

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- MCA\Kimmeridge Bay to Highcliffe\R\9\LCH Steve Church - South West Coast Path Association
 - MCA\Kimmeridge Bay to Highcliffe\R\14\LCH1261 Mark Owen - South West Coast Path Association
 - MCA\Kimmeridge Bay to Highcliffe\R\21\LCH0016 Kate Ashbrook - Open Spaces Society
-

Representation number

MCA\Kimmeridge Bay to Highcliffe\R\21\LCH0016

Organisation/ person making representation

Open Spaces Society [redacted]

Report chapter

Chapter 3

Route section(s)

LCH-3-S021 to LCH-3-S031

Representation in full

The Open Spaces Society asks the Secretary of State to reject Natural England's proposals for this stretch of the proposed England Coast Path. This section is almost 1000 metres long and is on pavements adjoining roads. About 625 metres of this along a busy main road out of Swanage – Ulwell Road/Redcliffe Road. The problems and dangers of traffic including noise, visual and air pollution make this an unpleasant road to walk along. Not only are there no sea views, there is no coastal feel to the route at all, nor anything else of interest.

In paragraph 3.2.3 Natural England considers four alternative options to their proposed route. We accept some of the problems that lead to NE rejecting these routes especially the groynes - although some of them are easy to cross and others could be made easier. If the final decision is for the ECP to follow NE's proposed route we would like to see at least some of these options to be well publicised along the route, especially perhaps option 1.

Our main concern is that NE has not reported in paragraph 3.2.3 any consideration of the Open Spaces Society's proposed route as an option. This was emailed to Natural England on 20 April 2016 and discussed orally on 2 March 2017.

The Open Spaces Society's proposed route is shown on the enclosed map. At the beginning of Ulwell Road (section LCH-3-S022) we suggest staying on the promenade for another 450 metres or so and then turning sharp left up public right of way 3/21. At the top of the public footpath turn right along Burlington Road and continue into Victoria Road as far as the Pines Hotel. The ECP would then go along the extreme western end of the hotel's car park and through a gate to re-join NE's proposed route at section LCH-3-S031. This route was regularly used by the public for many years, but has never become a public right of way and the gate is currently kept locked.

We would ask the Secretary of State to request NE formally to consider our proposal. Not only is our proposal about 100 metres shorter than their proposed route, but is largely away from roads and offers true coastal experiences for most of its length.

In the regrettable event of our proposal eventually being rejected by the Secretary of State, we would ask for a very minor improvement to NE's proposed route to be considered instead. This would continue up Ulwell Road/Redcliffe Road as far as the junction with Streche Road (LCH-3-

S026). It would then go along the length of Streche Road, but where the latter turns left into Ballard Road, it would continue straight on along public footpath 3/18 until joining section LCH-3-S030 of NE's proposed route. This would be shorter than NE's proposed route and would also involve almost 200 metres less of walking alongside a main road. However, we stress though that we much prefer our other option via the Pines Hotel.

Annex C to this document is a map provided by the Open Spaces Society that shows their proposed modification.

Natural England's comments

This representation suggests two possible modifications to our proposed route through New Swanage:

- *The first (and preferred) modification is a route that includes a section through the carpark of the Pines Hotel. This is not mentioned in our report and we offer detailed comments on it below.*
- *The second is a more minor modification of the proposed route to include part of Streche Road. This modification was also suggested in a representation by the Ramblers (R12) and we refer the Secretary of State to our comments on representation R12 which set out our views about it.*

During the preparation of the proposals, we considered a number of route options through New Swanage, mindful that the existing South West Coast Path National Trail offers limited sea views in this area and loses proximity to the sea. Our reasons for not pursuing these options are set out in Chapter 3, table 3.2.3 of our report. The table sets out our views on the promenade at New Swanage (the southernmost section of the Open Spaces Society's suggested modification) but does not mention the possibility of incorporating a route through the carpark of the Pines Hotel, which we therefore comment on below.

The route through the Pines Hotel carpark was drawn to our attention by the Open Spaces Society and others as part of our initial appraisal of issues and opportunities on this stretch of coast at an earlier stage of the process. We were also made aware that the route was used by walkers in the past and that at some stage the hotel management decided to lock the gate to discourage this use.

We made enquiries with the hotel management about reopening the route as part of our initial investigations of route options through New Swanage. The hotel management told us that it would not support such a proposal.

The carpark appears to us to form part of the curtilage of the hotel building and as such would normally be excepted from access rights unless there is a public right of way through it or the owner voluntarily dedicates a route for access using powers available for that purpose in CROW. Since there is currently no right of way through the carpark and the hotel management were not disposed to allowing walkers through it, we decided not to pursue this option any further.



Photo 1 - showing the Pines Hotel gate leading to the hotel carpark and garages (29 Sept 2017)

The representation makes a comment about the lack of sea views along the along the main road out of Swanage – Ulwell Road/Redcliffe Road . The route was walked on 29 September 2017 and sea views were visible for the final 250m when walking south along Ulwell Road towards Shore Road and the seafront promenade.

Access to the beach at the Ulwell Road/Shore Road junction, off Burlington Road via a public footpath and at Shep’s Hollow will be signposted.

We refer the Secretary of State to the following representations which also advocate the minor modification of the existing South West Coast Path along Streche Road:

- MCA\Kimmeridge Bay to Highcliffe\R19\LCH1261 Steve Church South West Coast Path Association
- MCA\Kimmeridge Bay to Highcliffe\R12\LCH1574 Jan Wardell The Ramblers Association
- MCA\Kimmeridge Bay to Highcliffe\R14\LCH1261 Mark Owen South West Coast Path Association

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R6\LCH0113

Organisation/ person making representation:

[Redacted], Swanage Town Council

Route section(s):

Chapter 3. Maps 3a to 3b.

Summary of representation:

Swanage Town Council Committee Members had reviewed the report, and a brief discussion ensued regarding its content. The proposed improvements to the section of the coast path between Peveril Point and Shep’s Hollow were welcomed, and the Committee therefore wished

OFFICIAL SENSITIVE

it to be noted that the consultation documents had been reviewed and appropriately discussed, and had no further comments to make.

Natural England's comment:

The Town Council committee welcomes proposed improvements to the coast path between Peveril Point and Shep's Hollow. We take this to mean:

- *A more seaward route (route sections LCH-3-S001 to LCH-3-S007) than the existing South West Coast Path between Peveril Point and the pier (this has been made possible by the recent completion of the new lifeboat station on the waterfront).*
- *The retention of the existing South West Coast Path route as an optional alternative route, to use in circumstances when the ordinary route is unavailable as a result of flooding.*
- *Proposed improvements to signs in this area, to be implemented in discussion with the Town Council.*

We have no further comments to make.

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\9\LCH1573

Organisation/ person making representation:

[Redacted], Chairman of the Path Committee, South West Coast Path Association

Route section(s):

Chapter 3 Map 3b

Route sections LCH-3-S026 to LCH-3-S030

Summary of representation:

The Association had concerns regarding the proposals for the siting of the route on the footways alongside busy roads at the northern approaches to Swanage when there are quieter and more seaward options. The Association's view was that a quieter, safer and, incidentally, more seaward route is available by using the footways of Streche Road between its junction with Redcliffe Road and its junction with Ballard Road and using public footpath no.18 between Ballard Road and the proposed route on Ballard Way near the entrance to the Ballard Estate. This would provide a more amenable route with no expense implications.

Natural England's comment:

Natural England agrees that the route proposed by the South West Coast Path Association is slightly shorter and quieter than our proposed route, but in our view these advantages are not so significant that they warrant a change to the existing route of the South West Coast Path National Trail.

Our starting point in such situations where there is already an existing National Trail is set out in section 4.7.1 of the Coastal Access Natural England's Approved Scheme. This states that where there is an existing national trail along the coast – or another clear walked line along the coast, whatever its status – we normally proposed to adopt it as the line for the England Coast Path so as long as:

- *It is safe and practicable for the public to use;*
- *It can be used at all times; and*
- *The alignment makes sense in terms of the other statutory criteria and principles set out in this Scheme.*

Our proposed route (route sections LCH-3-S026 to LCH-3-S030) follows the existing South West Coast Path National Trail, is signposted as such and is known locally. It goes up Redcliffe Road from its junction with Streche Road and then along Ballard Way to Footpath 18. It is 325m long and uses public highway/pavement.

The modification proposed by the South West Coast Path Association uses Streche Road and Footpath 18 to its junction with Ballard Way; it is 250m long. This route also uses public highway/pavement.

In keeping with the approach in the Scheme, we would not support such a change to the existing National Trail because the alternative does not offer significant advantages over the existing route.

We refer the Secretary of State to the following representations that appear relevant to these considerations:

- *MCA\Kimmeridge Bay to Highcliffe\R\12\LCH1574 [redacted] The Ramblers Association*
- *MCA\Kimmeridge Bay to Highcliffe\R\14\LCH1261 [redacted] South West Coast Path Association*
- *MCA\Kimmeridge Bay to Highcliffe\R\21\LCH0016 [redacted] Open Spaces Society.*

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\14\LCH1261

Organisation/ person making representation:

[Redacted] – National Trails Officer, South West Coast Path Association

Route section(s):

Chapter 3 Map 3b

Route sections LCH-3-S026 to LCH-3-S030

Summary of representation:

[Redacted] agrees with the South West Coast Path Association's concerns regarding the proposals for the siting of the route on the footways alongside busy roads at the northern approaches to Swanage when there are quieter and more seaward options. The Association's view is that a quieter, safer and, incidentally, more seaward route is available by using the footways of Streche Road between its junction with Redcliffe Road and its junction with Ballard Road and using public footpath Swanage no.18 between Ballard Road and the proposed route on Ballard Way near the entrance to the Ballard Estate. This would provide a more amenable route with no expense implications.

Natural England's comment:

The representation suggests a modification to our proposed route through New Swanage including part of Streche Road. This modification was also suggested in a representation by

OFFICIAL SENSITIVE

Steve Church of the South West Coast Path Association (MCA\Kimmeridge Bay to Highcliffe\R\9\LCH1573) and we refer the Secretary of State to our comments there.

We also refer the Secretary of State to the following representations that appear relevant to these considerations:

- *MCA\Kimmeridge Bay to Highcliffe\R\12\LCH1574 Jan Wardell The Ramblers Association*
- *MCA\Kimmeridge Bay to Highcliffe\R\21\LCH0016 Kate Ashbrook Open Spaces Society*

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\20\LCH1569

Organisation/ person making representation:

[Redacted] Natural Heritage and Tourism Manager/Dorset AONB Officer (Biodiversity)/Wild Purbeck Manager, Planning and Community Services, Purbeck District Council

Route section(s):

Chapter 3 (Peveril Point to Shep's Hollow)

Summary of representation:

Purbeck District Council welcomes the proposal for the England Coast Path from Kimmeridge to Highcliffe. In particular the ability to move the path, should erosion occur, using the "roll back" system (in co-operation with the landowner) as a quicker alternative to the current lengthy process, will be a positive improvement. The Council also welcomes the improvements to infrastructure and signage where needed, providing the number of signs does not substantially increase.

Natural England's comment:

We note the District Council's support for our "rollback" proposals, which we take to mean proposals for the path to roll back throughout Purbeck District from Kimmeridge to Studland (chapters 1 to 4 of the proposals). However, the representation refers only to the proposals in chapter 3, which does not include any proposals for the route to roll back.

We also note the District Council's concern that the number of signs does not substantially increase, a concern we share. The improvements to infrastructure and signage will be undertaken by the local access authority (Dorset County Council) following discussions with the landowners. This will ensure that new signage improves on that already in place (whilst in keeping with the prevailing local design) and that any redundant signs are removed.

Other representations

Chapter 4

Full representations

Representation number

MCA\Kimmeridge Bay to Highcliffe\R23\LCH1274

Organisation/ person making representation

[Redacted] – Chair of the Dorset, Poole and Bournemouth Local Access Forum

Report chapter

Chapter 4

Route section(s)

LCH-4-S003FP to LCH-4-S004FP

Specifically at grid reference SZ 038 811

Representation in full

At SZ 038 811 there is a steep incline down to the cliff top and a slip/fall to the right would be potentially fatal. We would recommend that some form of guard rail should be in place to protect users of the ECP.

Natural England's comments *Enter Natural England's comments here with as much detail as possible.*

We have surveyed this part of the route again to better understand the Local Access Forum's concerns. Our view is that a guard rail is not necessary in this location because the risks are in keeping with the likely experience and expectations of walkers on this part of the coast path.

Section 4.2 of the Coastal Access Natural England's Approved Scheme 2013 covers safety on the trail:

- Section 4.2.3 states 'Our approach to risk management on the trail is ... light touch, aiming to minimise any safety measures that would be restrictive on public access or enjoyment, or that would conflict with land management or environmental objectives.'*
- Section 4.2.5 states 'We assess the likely level of visitor's familiarity with and expectations of the risks on each section of the trail when deciding what safety measures are necessary, if any. We will adopt a principle of minimum intervention, assuming people will avoid dangers that are well known – such as cliff edges – provided they are readily apparent.'*

We have assessed this part of the proposed route with these general principles in mind.

We noted that the section of trail highlighted in the representation - map 4a route section LCH-4-S004 - is quite steep but similar to other locations on this stretch of coast. There are stone steps on about 80% of the slope. To the seaward side of the path, there is thick gorse/bramble scrub that would prevent someone from falling in the direction of the sea. The location is 1.5km (20 minutes brisk walk) from the nearest car park in New Swanage and 4km (1 hours walk) from the National Trust car park in Studland village. We concluded from this analysis that the risks of falling are not unusual in the local context and that walkers are likely to be aware of and familiar with the risk and able to take precautions.



Photo 2. Top of route section LCH-4-S004 (Grid reference SZ 038 811) (29 Sept 2017)



Photo 3. Bottom of route section LCH-4-S004 (29 Sept 2017)

We noted that the section of trail highlighted in the representation - map 4a route section LCH-4-S003 - is relatively steep but similar to other locations on this stretch of coast. To the seaward side of the path, there is thick gorse/bramble scrub that would prevent someone from falling in the direction of the sea. In addition there is a short section of guard rail adjacent to a landslip (see photo 4). The location is 1.4km (20 minutes brisk walk) from the nearest car park in New Swanage and 4.1km (1 hours walk) from the National Trust car park in Studland village. We concluded from this analysis that the risks of falling are not unusual in the local context and that walkers are likely to be aware of and familiar with the risk and able to take precautions.



Photo 4. Guard rail at route section LCH-4-S003 (29 Sept 2017)

Representation number

MCA\Kimmeridge Bay to Highcliffe\R24\LCH1274

Organisation/ person making representation

[Redacted] – Chair of the Dorset, Poole and Bournemouth Local Access Forum

Report chapter

Chapter 4

Route section(s)

Map 4c: Warren Wood to Knoll Beach

Representation in full

We are disappointed at the lack of emphasis in NE's proposals for increasing accessibility for wheelchair users [and also families needing to use pushchairs], and consider that creation of a designated wheelchair accessible route from car parking in Studland Village to Handfast Point would go some way to redress this.

Specifically if sections LCH-4-S012 BW and LCH-4-S011 BW were to be made up to a suitable quality for wheelchair use, then access to the point would be possible in most weathers. This might be facilitated by there being an existing public toilet facility at Watery Lane end, which also offers a potential drop-off / pick-up point for car users.

[Ideally, rather than relying on parking in the village of Studland it would be desirable to provide some minor parking facility (specifically for wheelchair users) somewhere in the vicinity of the toilet block, though we recognise that this might be beyond NE's current remit.]

Natural England's comments.

We agree that this part of the proposed route would benefit from improvements to make it more suitable for people with reduced mobility.

OFFICIAL SENSITIVE

As mentioned in paragraph 4.1.12 of chapter 4, we envisage these taking place as part of the programme of establishment works for this stretch of coast described in part 7 of the Overview to the report.

*Currently the surface at route section **LCH-4-S012 BW** is a mix of broken tarmac, concrete & loose and compacted stone/gravel (see photos 5 and 6).*

Natural England have proposed resurfacing the trail at this section in order to make it more accessible for wheelchair users.



Photo 5. Loose gravel at bottom of LCH-4-S012 BW (29 Sept 2017)



Photo 6. Run-off from adjoining drive-way onto concrete surface (LCH-4-S012 BW) (29 Sept 2017)

Route section LCH-4-S011 BW is made up with stone aggregate/gravel and a very short length of tarmac with an uneven edge/step across the track. At the time of the original route surveys (Feb 2016), the majority of the surface was considered to be in reasonable condition.

OFFICIAL SENSITIVE

Following receipt of the representation from the LAF, a further inspection of the section was carried out in September 2017. This confirmed that the majority of the surface of this section was in good condition apart from one or two short lengths with broken tarmac



Photo 7. Route Section LCH-4-S011 BW – compacted gravel – good condition (29 Sept 2017)



Photo 8. Route section LCH-4-S011 BW – broken tarmac edge (29 Sept 2017)

Natural England agree that these areas of broken tarmac will be resurfaced in order to make it more accessible for wheelchair users. We will discuss this with Dorset County Council with a view to including it in our programme of establishment works, should the Secretary of State approve this part of the route.

We note the Forum’s suggestion for the provision of disabled car parking at the toilet block between route sections LCH-4-S012 and LCH-4-S013. This is not something that Natural England is required to consider under the Coastal Access Scheme (see section 4.3.12).

However, we will pass on this suggestion to the National Trust, who own the land, should this part of the route be approved by the Secretary of State.

Other representations

Chapter 5

Full representations

Representation number

MCA\Kimmeridge Bay to Highcliffe\11\LCH1508

Organisation/ person making representation

[Redacted], Environment Agency

Report chapter

Chapters 3, 5, 6 and 7

Route section(s)

Maps 3a, 5a-h, 6a-b, 7b-c

Representation in full

See first occurrence of this representation under Chapter 3.

Natural England's comments.

See Natural England's comments at the first occurrence of this representation under Chapter 3.

Representation number

MCA\Kimmeridge Bay to Highcliffe\13\LCH1574

Organisation/ person making representation

[Redacted], Ramblers Association

Report chapter

Chapter 5

Route section(s)

LCH-5-S002 to LCH-5-S003

Representation in full

Details:

From LCH-5-S001 RD (GR SZ 0372 8706) to the western end of LCH-5-S004 (GR SZ 0408 8719) we suggest the route should be from the south-east end of the small car park adjacent to the ferry, along Poole FP120 (in front of the hotel), and then follow the beach to meet with LCH-5-S004.

Reasons:

The NE proposals for some 350m of the above section of the route of the England Coast Path on the footway of a busy main road (B3369) and then on Poole FP86 are considered to be inappropriate for a "coast path". The steps and other issues stated to rule out this route for the path by NE should be upgraded to provide a path suitable for all walkers, including those with reduced mobility. As there is very little outlay required for improvements to the remainder of this section, the cost to improve this short section is not unreasonable. NE themselves state in their reasons for proposing the subsequent sections (LCH-5-S004 to LCH-5-S007) are that 'it maintains views of the sea.'

In bad weather or exceptional high tides the routes of Sections LCH-5-S002 FW & LCH-5-S003 FP as shown on Map 5a would still be available as they already have public access rights (and should be highlighted by suitable notices at each end of the alternative route for the ECP section mentioned above.)

Annex B to this document is a map provided by the Ramblers that shows their proposed modification.

Natural England's comments

Our views on the Ramblers' proposed modification are set out in table 5.2.2 of chapter 5 of the report. We maintain that the advantages of the modification in terms of views and proximity to the sea are outweighed by the disadvantages in terms of safety, convenience and the complexity and likely cost of remedying those drawbacks.

During the preparation of the proposals, Natural England considered a number for options for the route in this area including a route in front of the Haven Hotel.

We opted for the proposed route (along Banks Road and Midway Path) because the seawall path preferred by the South West Coast Path Association has an uneven and, at times, slippery surface and requires climbing a ladder. Under our proposals, the seawall route would remain available for people to use as part of the spreading room, but would not form part of the designated trail.

This view is in keeping with paragraphs 4.3.1 and 4.3.3 of the Coastal Access Scheme.

Section 4.3.1 of the Coastal Access Natural England's Approved Scheme 2013 states 'For the route to be convenient, it should be reasonably direct and pleasant to walk along'. Whilst we recognise that walkers generally prefer routes way from roads, we maintain that the proposed route is reasonably direct and pleasant to walk along and is suitable for those with reduced mobility.

Section 4.3.3 states 'So far as is practicable, we will align the route to avoid excessively steep, narrow or oppressive sections '. The proposed route avoids the ladder and the slippery/sloping surface below the sea wall.

OFFICIAL SENSITIVE

We draw attention to the inclusion of the more seaward route within the coastal margin and its status as a public footpath (FP120), ensuring that it will be subject to access rights and available for people to use if they prefer it.

We agree there is the potential for the seawall path to be modified to make it safer and more convenient for people to walk along and we would in principle support such a project provided that the design was in keeping with landscape and nature conservation objectives for the area. However, such a modification would be complex, requiring detailed specialist advice from coastal engineers and permission from the land owner, the local planning authority and various statutory agencies.

The delivery of such a project is not something that Natural England's England Coast Path Programme is able to fund. We are aware of proposals to redevelop the Haven Hotel, situated behind the seawall, which is currently under consideration by the local planning authority. Should these plans proceed, they may include provision to make the seawall safer and more convenient to walk on. We have drawn this potential opportunity to the attention of the local planning authority as part of our advice on the initial development proposal.

We refer the Secretary of State to the following representations that are relevant to consideration of this representation:

- *MCA\Kimmeridge Bay to Highcliffe\R10\LCH1573 Steve Church, South West Coast Path Association*
- *MCA\Kimmeridge Bay to Highcliffe\R25\LCH1274 Paul Tomlinson, Dorset Local Access Forum*

Representation number

MCA\Kimmeridge Bay to Highcliffe\R25\LCH1274

Organisation/ person making representation

[Redacted] – Chair of the Dorset, Poole and Bournemouth Local Access Forum

Report chapter

Chapter 5

Route section(s)

LCH-5-S001 RD, LCH-5-S002 FW, LCH-5-S003 FP

Representation in full

We consider that the proposed redevelopment of the Hotel adjacent to the ferry slip at Sandbanks provides a once in a generation opportunity to define a proper sea-edge route, incorporating an existing public right of way (Poole footpath 120) and thence avoiding a significant length of walking along a heavily trafficked road. Poole BC is currently considering a planning application for this site, we strongly recommend that this should be taken to seek planning gain in the form of provision for a waterside walkway (at the development raised level for much of its length) beside the new development as part of their plans. This could then drop down to the beach level beyond the development site and be above mean high water for most of its length.

Natural England's comments

This modification was also suggested in a representation by the Ramblers (R13) and we refer the Secretary of State to our comments on representation R13 which set out our views about it.

Other representations

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\10 \LCH1573

Organisation/ person making representation:

[Redacted], Chairman of the Path Committee, South West Coast Path Association

Route section(s):

Chapter 5 Map 5a Route section LCH-5-S002

Summary of representation:

The Association has concerns regarding the proposal for the siting of the route on the footway on a busy main road at Sandbanks when there is a quieter and more seaward option which maintains sea views along its whole length. This could be achieved by diverting the route through the small car park adjacent to the ferry, following public footpath no.86 and the top of the beach to link with the proposed route at the south-east end of section LCH-5-S003 (at Midway Path). It is acknowledged that some significant improvements would be required to footpath no.86, but the expense required would not be 'abnormal' compared with other locations elsewhere, and it is noted that costs elsewhere in this stretch are modest. The route along the main road as set out as sections LCH-5-S002 to LCH-5-S003 would remain available for public use at exceptional times of adverse weather or abnormally high tides, and could be so signed.

(NB, although this section is not part of the SWCP, the Association felt it appropriate to comment as very many SWCP walkers will access the end of the SWCP here using the ferry, or continue along the coast having left the SWCP via the ferry.)

Natural England's comment:

Our views on the South West Coast Path Association's proposed modification are set out in table 5.2.2 of chapter 5 of the report. We maintain that the advantages of the modification in terms of views and proximity to the sea are outweighed by the disadvantages in terms of safety, convenience and the complexity and likely cost of remedying those drawbacks.

During the preparation of the proposals, Natural England considered a number of options for the route in this area including a route in front of the Haven Hotel.

We opted for the proposed route (along Banks Road and Midway Path) because the seawall path preferred by the South West Coast Path Association has an uneven and, at times, slippery surface and requires climbing a ladder. Under our proposals, the seawall route would remain available for people to use as part of the spreading room, but would not form part of the designated trail.

This view is in keeping with paragraphs 4.3.1 and 4.3.3 of the Coastal Access Scheme.

Section 4.3.1 of the Coastal Access Natural England's Approved Scheme 2013 states 'For the route to be convenient, it should be reasonably direct and pleasant to walk along'. Whilst we recognise that walkers generally prefer routes way from roads, we maintain that the proposed route is reasonably direct and pleasant to walk along and is suitable for those with reduced mobility.

OFFICIAL SENSITIVE

Section 4.3.3 states 'So far as is practicable, we will align the route to avoid excessively steep, narrow or oppressive sections '. The proposed route avoids the ladder and the slippery/sloping surface below the sea wall.

We draw attention to the inclusion of the whole of the more seaward route within the coastal margin, ensuring that it will be subject to access rights and available for people to use if they prefer it.

We agree there is the potential for the seawall path to be modified to make it safer and more convenient for people to walk along and we would in principle support such a project provided that the design was in keeping with landscape and nature conservation objectives for the area. However, such a modification would be complex, requiring detailed specialist advice from coastal engineers and permission from the land owner, the local planning authority and various statutory agencies.

The delivery of such a project is not something that Natural England's England Coast Path Programme is able to fund. We are aware of proposals to redevelop the Haven Hotel, situated behind the seawall, which is currently under consideration by the local planning authority. Should these plans proceed, they may include provision to make the seawall safer and more convenient to walk on. We have drawn this potential opportunity to the attention of the local planning authority as part of our advice on the initial development proposal.

We refer the Secretary of State to the following representations that are relevant to consideration of this representation:

- *MCA\Kimmeridge Bay to Highcliffe\R\13\LCH1574 Jan Wardell, The Ramblers Association*
- *MCA\Kimmeridge Bay to Highcliffe\R\25\LCH1274 Paul Tomlinson, Dorset Local Access Forum*

Chapter 7

Full representations

Representation number

MCA\Kimmeridge Bay to Highcliffe\R\11\LCH1508

Organisation/ person making representation

[Redacted], Environment Agency

Report chapter

Chapters 3, 5, 6 and 7

Route section(s)

Maps 3a, 5a-h, 6a-b, 7b-c

Representation in full

See first occurrence of this representation under Chapter 3.

Natural England's comments.

See Natural England's comments at the first occurrence of this representation under Chapter 3.

Representation number

MCA\Kimmeridge Bay to Highcliffe\R29\LCH1577

Organisation/ person making representation

[Redacted], Hampshire RoamAbility & Disabled Ramblers (rambling groups for disabled people using mobility scooters)

Report chapter

Chapter 7

Route section(s)

LCH-7-S011

Representation in full

Chapter 7, Section 7.1.6 – Accessibility

The zig-zag path at the junction of LCH-7-S011 and LCH-7-S012 has been part of a popular route along the coast for our members and other disabled people for many years. We organise group rambles along it, using mobility scooters, going from Chewton Bunney to Mudeford Quay, Routes LCH-7-S0013 to LCH-7-S01. We have to use the zig-zag path and then go via Steamer Point Nature Reserve as the sandy beach is inaccessible to us. The permanent closure of this path long-term stops disabled people accessing this route. See attached 2 newspaper reports about this just announced closure.

I understand that Coastal Paths do not generally use sand paths as they are difficult to walk on, and very tiring to use. Therefore I would like to see Route LCH-7-2011, currently sand and inaccessible for disabled people, to be made accessible for all, using a surface similar to that on LCH-7-S013, a compacted gravel surfaced track. This would make the Coast Path all the way from Mudeford to Chewton Bunny accessible for all users, not just mobility scooter users, but all who are less able bodied, parents with pushchairs and the elderly.

The possibility of putting in a boardwalk along Route LCH-7-2011 is mentioned in the report, but timber rots after only a few years, especially right on the sea edge and exposed to salt water and spray. A compacted gravel surface would last longer and need less maintenance.

Annex D to this document is Document 1 provided by [redacted] – a copy of two articles from the Christchurch Daily Echo about long term closure of zig-zag path.

Natural England's comments *Enter Natural England's comments here with as much detail as possible.*

We agree in principle that it would be desirable to install a surfaced path along this section of the proposed route, particularly in view of the recent closure of the zigzag path, which was not anticipated as the time that our report was published.

We are already in discussions with Christchurch Borough Council about it. Discussions are at an early stage. There are a number of issues to be considered including the potential impact of any boardwalk/gravel surface on the SSSI, and whether a design would be able to reliably withstand winter storms, when the sea can sometimes cover the beach but also not interrupt any existing natural erosion processes.*

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We refer the Secretary of State to the following representation which draws attention to some of the associated environmental issues:

- MCA\Kimmeridge Bay to Highcliffe\R\36LCH1580 Vincent May

***Highcliffe to Milford Cliffs SSSI** is designated primarily for its geological interest and fossil flora and fauna. Of contemporary biological interest amongst the coastal slopes and broad cliff terraces there are runnels and pools partially vegetated by plants such as willow, reed mace, coltsfoot and cross-leaved heath. These areas of open vegetation are the habitat of a range of invertebrates strongly associated with soft cliffs.

The main factors impacting on units 1 (Friar's Cliff) and 2 (High Cliff) of the SSSI are the interruption of natural coastal processes by inappropriate engineering works (rock groyne, landscaped hard footpaths and drainage channels) restricting erosion and allowing vegetation encroachment.

Both units are currently in 'unfavourable – no change – condition'.

Other representations

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\1\LCH1567

Organisation/ person making representation:

[Redacted], Chairman, Friends of Highcliffe Beaches and Cliffs Interest Group

Route section(s):

LCH-7-S010 to LCH-7-S013

Summary of representation:

Friends of Highcliffe Beach and Cliffs (FOHBAC) was formed in the Spring of 2016 to campaign against the development of 12 overnight Beach Retreats on Highcliffe cliffs, within the SSSI area, by Plum Pictures/Channel 4 ([redacted]) and Christchurch Borough Council (CBC). FOHBAC successfully stopped the development following a high-profile media campaign, the support of a considerable number of local residents and a Petition to CBC.

FOHBAC place a high value on the beautiful, tranquil and open cliff face landscape with its diverse flora and wildlife which must be retained and enhanced for visitors and residents to enjoy.

FOHBAC support the proposed route of the coastal path along this section of coastline.

Whilst FOHBAC recognise that a possible route of the path from Avon Beach could pass through Steamer Point Nature Reserve and the grounds of Highcliffe Castle and back to the coastal path using the Castle 'zig zag' path, as the 'zig zag' is closed and subject to ongoing replacement works (completion unknown), the Natural England proposed route is 'secure' and preferable.

As the Dorset section of the coastal path starts in the east at 'Chewton Bunny' (LCH7 – S013) we would like to see the path marked by an appropriate sign. Examples below – Studland sign marking the end of the 'South West Coastal Path' and stone directional sign.

Annex U: Photographs of examples of appropriate signage provided by [redacted].

Natural England's comment:

We understand that the future of the zigzag path at Highcliffe Castle is currently being considered by Christchurch Borough Council.

We are considering what sign would be appropriate at Chewton Bunny, marking the Dorset/Hampshire border and thank the Friends Group for its suggestion. Works to improve the visitor experience at Chewton Bunny are already being undertaken under the Dorset Coastal Connections Project. Any coast path signs there will be agreed in consultation with the relevant local access authorities (Dorset and Hampshire).

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\7\LCH1273

Organisation/ person making representation:

[Redacted], Head of Community and Leisure, Christchurch Borough Council

Route section(s):

Chapter 7. Maps 7a, 7b and 7c

Summary of representation:

The Borough Council is the owner of most of the land covered by this section of the proposed route (LCH-7- S002 to LCH -7-S005 and LCH7-S010 to LCH-7-S022) and wishes to express its support for the route, as landowner.

The Borough Council welcomes the proposal to promote the proposed route as a long distance footpath as this will support several of the Council's corporate objectives:

- GE2 Maintain an adequately resourced Growth Plan to positively influence the local economy in our area
- GE3 - Enhance our reputation as being a place which is "open for business"
- EC1 - Focus on collaboration and partnership in the delivery of services
- EC2 - Deliver services more efficiently
- SC2 - Promote healthy and active lifestyles
- ME1 - Work with partners to maintain clean and green public spaces

The proposed route provides good views of the coast on well-established footpaths or public access beaches and brings users close to existing amenities.

The Council is pleased to see that alternative routes via Steamer Point Woodland and Highcliffe Castle will be sign posted as available from dawn to dusk. Please note that at this time the route from the beach to Highcliffe Castle from the junction of route section LCH-7-S009/S010 to the junction of LCH-7-S011/S012 remains closed.

OFFICIAL SENSITIVE

We also welcome the provision of additional interpretation at Mudeford Quay/ Mudeford Sandbank ferry terminals, Highcliffe Castle and Chewton Bunny but would ask that our officers be involved in the wording for such panels in order that they are compatible with other interpretation panels which are planned as part of the Coastal Communities Funded work.

Natural England's comment:

We ask the Secretary of State to note Christchurch Borough Council's support for the proposed route described in chapter 7 of the report.

We undertake to work with Christchurch Borough Council and Dorset County Council to ensure that any new panels along the trail are in keeping with existing local designs.

We refer the Secretary of State to these other representations which are relevant to these considerations:

- *[Redacted] (MCA\Kimmeridge Bay to Highcliffe\R\5\LCH1334)*
- *[Redacted] (MCA\Kimmeridge Bay to Highcliffe\R\36\LCH1580)*

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\36\LCH1580

Organisation/ person making representation:

[Redacted] – local resident and walker (and self-employed coastal geomorphologist).

Route section(s):

Chapter 7 Map 7b

Summary of representation:

[Redacted] comments on specific paragraphs and concludes by summarising his reasons for this representation. We have reordered his detailed points and grouped them under sub-headings to facilitate cross-referencing with our comments.

Access for people with reduced mobility

(Paragraph 7.1.6) In its present condition the Section LCH-7-S011 is not, as you recognise, suitable to people with reduced mobility and there is no continuous alternative along the cliff-top following the decision by Christchurch Borough Council last week to close permanently the ZigZag path.

Paragraph 7.1.7 refers to a walked path to the Junction of LCH-7-S011/S012. This is no longer true as the Zig Zag Path is closed. The only access from the cliff-top path is now via steps opposite Highcliffe Castle.

Future roll back

Paragraph 7.1.14 refers to Rollback of the Path "from time to time in response to coastal processes." On LCH-7-S011 this is only possible by using the cliff-top path and with the closure of the ZigZag path the only alternative is to follow the road from the Castle entrance along the Lymington Road and then following a footpath on to Oakleigh Way and Beacon Drive to the

OFFICIAL SENSITIVE

cliff-top where there is access to the upper path along the cliffs. Although there appear from some maps to be paths from Rothesay Drive, there is no public access from this to the cliff-top.

Paragraph 7.2.3 refers to more complex rollback implementation. Choosing an alternative route following discussions with landowners to resolve the problem of the gap in the path at the ZigZag location could prove complex. It needs to be considered now, rather than waiting for an event which prevents use of the path along the beach.

Paragraph 7.3.4 raises the question of potential need to change the route to maintain its viability and Natural England's determination of the new route.

Page 53 of the report dealing with Access and Sensitive Features Appraisal in section 1 refers to roll-back in the future to adapt to erosion etc but does not address how this might one achieved.

The potential for roll-back being needed along this section needs to be taken into more immediate consideration. With changes to sea-level and a higher frequency of storm events expected under current climate change models, the risk of this section of the path being affected has increased.

During the 2013-14 and 2015 storms, this beach was the only location where waves did not reach the cliff-toe. As a result, there was no erosion of the cliffs or failure therein as a result of the storms.

This was because the beach was wide and deep enough to absorb the storm wave impact.

Considerable quantities of timber from beach huts demolished further to the west were dumped here by the sea and in a similar event would have blocked the path. What is not appreciated however is that during those storms very large beach cusp systems were formed which would have undercut the proposed pathway. Had the pathway been in place at that time it would have been damaged.

Sea views

Paragraph 7.1.16 and 7.2.2 refer to the other options considered. Sub-paragraph 7b states that you opted for the proposed route because “* It is closer to and maintains better views of the sea” Such a qualitative comment is open to debate. Although the cliff-top path does not provide a continuous view of the sea, the views from there are significantly better given the greater height from which viewing occurs and the distance over which viewing of the sea occurs. Being closer to the sea doesn't necessarily improve views of it.

The ZigZag path is now to be closed and so there will be no direct access along the cliff top.

Wildlife considerations

Page 54 states that there is “no obvious attraction for walkers in the areas of sensitivity at the base of the cliffs”. That is not supported by the present behaviour of beach users who occupy several of the dune grass areas, and picnic, rest and erect small tents there.

There is a current proposal to place either a hardened gravel pathway or a boardwalk along this section. To date there has been no assessment of the environmental implications of this for the beach and its current dune vegetation.

OFFICIAL SENSITIVE

In summary, the present proposal does not consider sufficiently (a) the risk of future storm events damaging the path along the upper beach, (b) the rollback position of the path as a result of erosion etc by storm events and (c) the absence of a continuous cliff-top pathway.

Natural England's comments:

We refer the Secretary of State to these other representations which are relevant to these considerations:

- *[Redacted] (MCA\Kimmeridge Bay to Highcliffe\R\5\LCH1334)*
- *Christchurch Borough Council (MCA\Kimmeridge Bay to Highcliffe\R\7\LCH1273)*

We thank [redacted] for setting out his views in detail. Our comments are arranged according to the thematic subheadings we use to group his detailed observations in our summary of his representation above.

Access for people with reduced mobility

Natural England in principle supports the ambition to provide a path between Friars Cliff and Highcliffe for people with reduced mobility, provided that it can be achieved without interrupting natural coastal processes that sustain the Site of Special Scientific Interest.

As things stand route section LCH-7-S011 (along the beach) is not entirely suitable because of the sandy surface and the alternative path along the cliff top is interrupted where the zigzag path (linking it to route section LCH-7-S012) has been closed since March 2017 because it is requires substantial and costly repairs.

We understand that the future of the zigzag path is currently under discussion at the Council and we are advising them on the environmental implications. The possibility of a walking structure along the beach is also being considered. The walkway would coincide with the route we now propose. Neither of these options is straightforward – there are engineering challenges, significant costs and environmental implications to consider. Natural England is advising the Council about the environmental implications of each. The outcome of the Council's deliberations will inform any future adjustment of the path under the rollback provisions, which we turn to next.

We refer the Secretary of State to the following representation that is relevant these considerations:

- *MCA\Kimmeridge Bay to Highcliffe\R\29\LCH1577 [redacted], Disabled Ramblers*

Future roll back

We agree with [redacted] that the proposed route is subject to coastal processes and it may be necessary to adjust it in the future if as a result it is no longer viable for walking. The route we now propose is an initial route, which if approved could be adjusted by Natural England in the future if it is necessary as a result of erosion and other coastal processes.

Such a scenario is more likely in the medium to long term in line with expected sea level rise and increased frequency of storm events, but a temporary or long-term change in the extent or surface of the beach – with consequences for coast path - cannot be ruled out in the shorter term. However, we maintain that for the time being it is the best available route option.

OFFICIAL SENSITIVE

We thank [redacted] for his information about future route options. We do not agree that it is necessary to commence negotiations for the route to rollback at this stage and there is no duty on Natural England to propose a future route in its report to the Secretary of State.

The factors [redacted] describes are likely to have a bearing on the Council's considerations about the zigzag path and the scope for a constructed walkway along the beach. Should the zigzag path be restored, it is a possible the coast path could be adjusted to follow the cliff top in the event that the beach route we propose becomes unviable. Our view is that the Council's considerations are therefore the next step in planning for any future rollback.

Sea views

We agree with [redacted] that views of the sea from the beach are not necessarily superior to those from the cliff top. However, the cliff top views are interrupted by vegetation and this was one a several factors leading us to favour the route we now propose.

Wildlife considerations

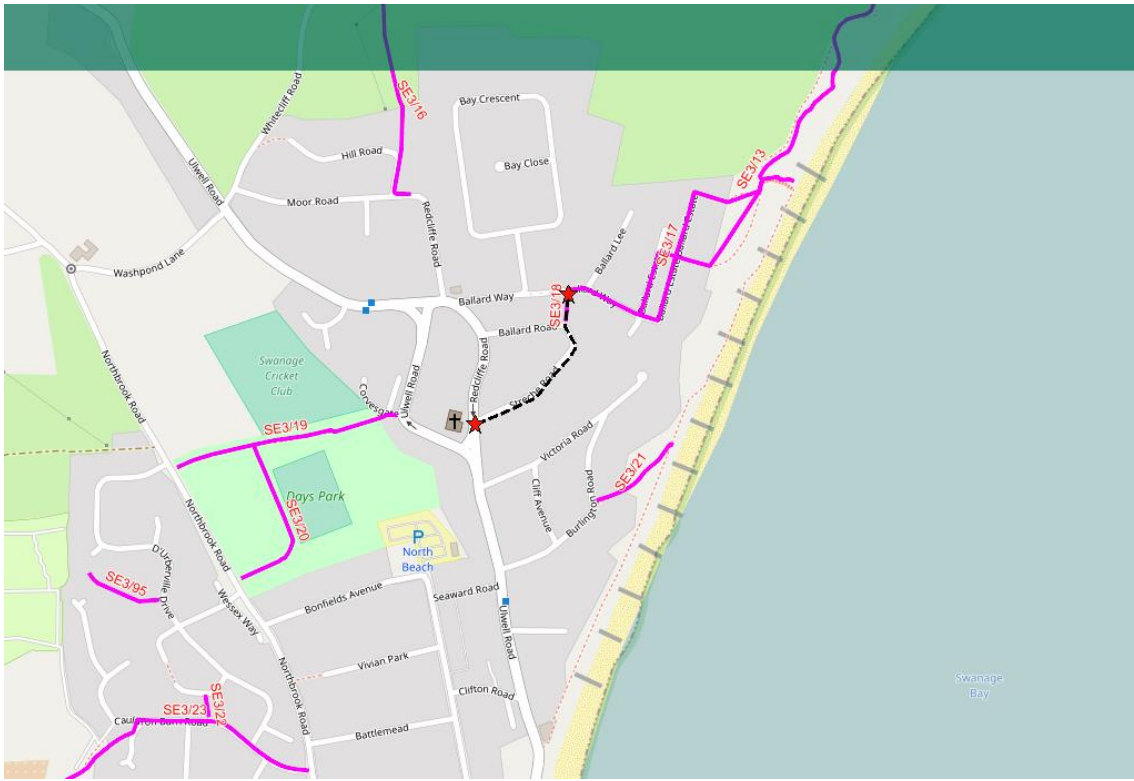
The soft cliffs along the coast in chapter 7 are part of the Highcliffe to Milford Cliffs Site of Special Scientific Interest (SSSI). They are notified for their geological interest and the invertebrates living in the slumped areas and pools at the cliff base.

We thank [redacted] for pointing out that people already sit among the dunes adjacent to route section LCH-6-S011. These do not support the notified features but nevertheless perform a role in the wider ecology of the coastline.

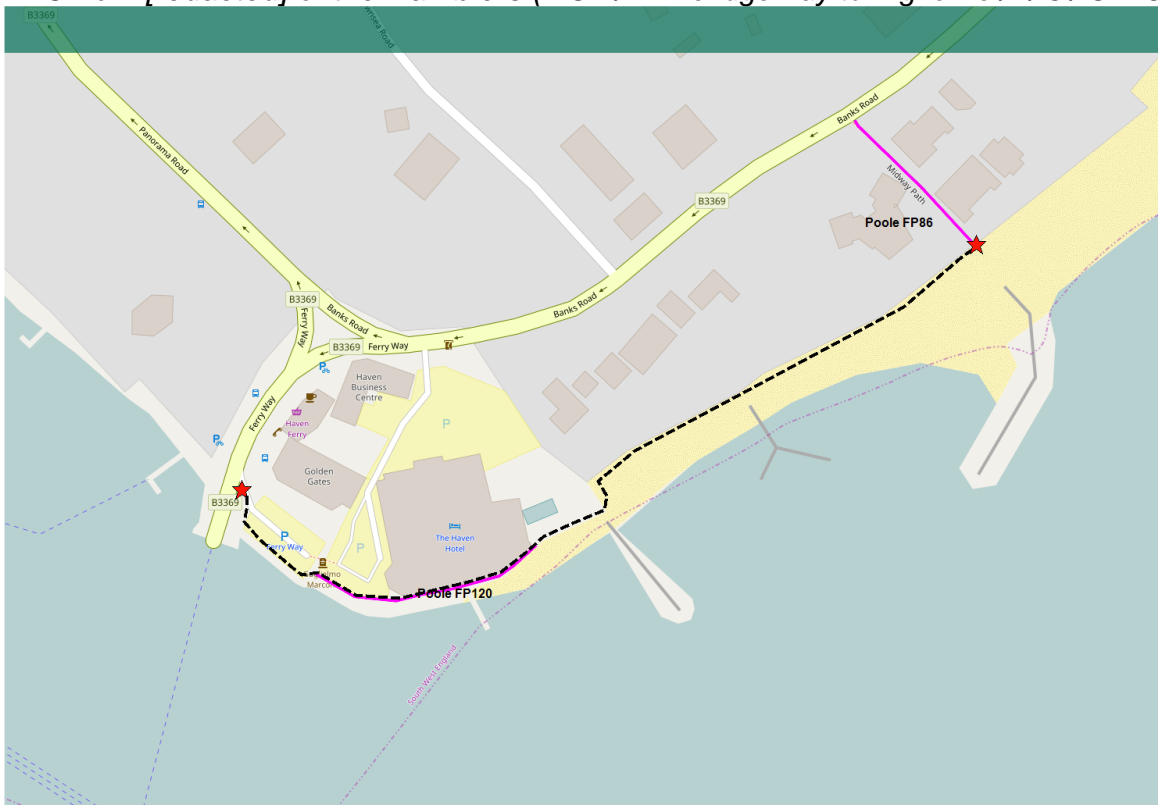
Low key recreational activity in dunes is not a significant concern, but it is sometimes necessary to discourage people from walking among dunes if there is evidence that they are inadvertently preventing the dunes from developing naturally. This is something we could consider in the future if it proved necessary.

5. Supporting documents

Annex A: map of New Swanage (part of Chapter 3). *This map was attached to representation R12 from [redacted] of the Ramblers (MCA\Kimmeridge Bay to Highcliffe\12\LCH1574)*



Annex B: map of Sandbanks (part of Chapter 5). This map was attached to representation R13 from [redacted] of the Ramblers (MCA\Kimmeridge Bay to Highcliffe\13\LCH1574)



Annex C: map of New Swanage (part of Chapter 3). This map was attached to representation R21 from [redacted] of the Open Spaces Society (MCA\Kimmeridge Bay to Highcliffe\12\1\LCH0016)



Annex D: Copy of two articles from the Christchurch Daily Echo (part of Chapter 7). This document was attached to representation R29 from [redacted] of the Disabled Ramblers (MCA\Kimmeridge Bay to Highcliffe\RV29\LCH1577)

Representation – Miss Di Pettet - Route LCH-7-S011

Document 1 - copy of 2 articles from the Christchurch Daily Echo about long term closure of zig-zag path at junction of LCH-7-S011 and LCH-7-S012 supporting Question 5.

Christchurch Daily Echo
2nd August

Doubt over zig zag replacement plan as costs soar to £1.25m

THE estimated cost for rebuilding the Highcliffe zig zag has rocketed to £1.25 million.

Christchurch councillors face a tough choice on whether to find the extra cash needed to complete the project, originally estimated to cost in the region of £580,000, or to scrap it.

Should it be scrapped, the authority faces a £140k bill to demolish the zig zag and restore the area to a natural cliff face, on top of up-to-£65k spent on consultants' fees and repairs over the past few months.

Lindsay Cass, the council's head of property and engineering, said engineering firm AECOM had identified two feasible engineering fixes for the crumbling zig zag.

The cheapest, a king post piled wall, would see steel rods driven into the cliff face with concrete poured between them, which the council would then seek to cover with timber in a bid to create a more natural look.

"When you add all this together the best estimate of the overall cost is £1.25m," said Mr Cass.

"We are asking members to decide on August 9 whether that is a good use of public funds.

"We can't get away from it, there are other ways quite nearby of getting down to the beach.

"It is a decision members have to make, they know the views of the community."

Christchurch council originally allocated £300k for the work, derived from the cost of the construction of the zig zag in 2005 for some £150k, and with the expectation of a grant from the Coastal Communities Fund.

The Fund has provided a £280k grant, which the council will seek to use on another coastal project if the zig zag scheme is abandoned.

Mr Cass said the council had been unaware of the scale of the engineering challenge until the expert consultants were hired.

The zig zag was closed earlier this year after engineers found the wooden piling shoring up the cliff was failing and at risk of collapse at any time.

Although the entrance is blocked, the council says some people are ignoring warning signs and using the path, hence the need to restore the cliff if the scheme is refused.

Should councillors approve the scheme, cash could be provided from the borough's £2.2m 'unallocated revenue funding', however Mr Cass said the authority may need this money to fund repairs at the Regent Centre.

Council workers have found problems with the theatre's steel frame and the cost of repairs is currently unknown.

The area around the zig zag is designated a Site of Special Scientific Interest due to its geology, and has numerous protected trees, resulting in further engineering restrictions.

Last month two public consultations were held by Dorset Coast Forum seeking views on the design and materials proposed for the project.

Christchurch Daily Echo

11th August

Closed for good: beach zig zag will not be repaired

THE unsafe zig zag path in Highcliffe will not reopen, after councillors voted against costly repairs.

Members of the council's community committee decided in a narrow vote not to proceed with the reconstruction of the path at Highcliffe Castle, despite some calls for a second opinion.

Options to make the site safe will now be looked at along with how the council can make other routes more accessible.

If repairs had been approved on Wednesday night the council may have faced a bill of more than £1.25m. The path was only built in 2005.

Speaking at the meeting, the council's chief finance officer, Ian Milner, said: "This council is in a fairly sound financial position and that's in the face of austerity."

"But things are going to get worse and we are looking to become more and more self-sufficient."

He said if members chose to fund the repairs from reserves, "that is a pot of money that once we have used it, it's gone."

He added: "I do understand it's an emotive issue but I have to have a mind on the future and I have to advise you how best to spread our limited resources."

Members heard the latest surveyors report revealed the path has continued to move a further 20mm in the last month.

Consulting engineers AECOM considered nine structure options for the walkway, but only one was considered realistic.

Chairman of the committee, Cllr Sally Derham-Wilkes said: "We have had a lot of emails on this subject. The vast majority of people wish us to go ahead."

Cllr Claire Bath urged members to consider a second opinion from other companies, and was supported by Cllr Vicki Hallam.

"To my mind we still have some unanswered questions", Cllr Bath said.

"We have to look at the financial constraints and be mindful of that but we also have to be mindful of the wishes of the residents and take them seriously."

It is not yet known what will happen to the £280k from Dorset Coastal Communities Fund.

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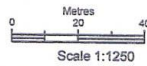
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Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk

Annex U: Photographs of signs at Studland
Submitted by [redacted] (MCA\Kimmeridge Bay to Highcliffe\RV1\LC1567)

OFFICIAL SENSITIVE

As the Dorset section of the coastal path starts in the east at 'Chewton Bunny' (LCH7 – S013) we would like to see the path marked by an appropriate sign. Examples below – Studland sign marking the end of the 'South West Coastal Path' and stone directional sign.



[cropped to remove personal information]

