

**NOTICE BY THE APPOINTED PERSON UNDER PARAGRAPH 10 OF
SCHEDULE 1A TO THE NATIONAL PARKS AND ACCESS TO THE
COUNTRYSIDE ACT 1949: OBJECTION ABOUT A COASTAL ACCESS
REPORT**

On 22 January 2020 Natural England submitted a coastal access report to the Secretary of State for Environment, Food and Rural Affairs under section 51 of the National Parks and Access to the Countryside Act 1949 pursuant to its duty under section 296(1) of the Marine and Coastal Access Act 2009. The report relates to Harwich to Shotley Gate.

A person has been appointed^(b) for the purpose of considering an objection which has been received in relation to the report. Details of that objection are given below.

The appointed person is minded to determine that the proposals in the report fail, in the respects specified in the objection, to strike a fair balance^(c) as a result of the matter or matters specified in that objection.

A. Land in the report to which the objection relates:

Ray Lane, Ramsey to Stone Point, Wrabness.

B. Reference to the relevant section of the report to which the objection relates:

Chapter 2 of Natural England's report, Ray Lane, Ramsey to Stone Point, Wrabness (Map 2a) route section HSG-2-S001 to HSG-2-S004.

C. Details of the objection, including details of:

- (a) the matter(s) specified in the objection as the ground(s) on which that objection was made, and
- (b) any modifications proposed by the objection:

The objection is made on the ground set out in paragraph 3(3)(a) of Schedule 1A to the 1949 Act that the proposals in the report fail to strike a fair balance as a result of the position of the proposed route.

Summary of Objection

- 1) At the time of the site visit with Natural England (NE) the objector had been persuaded that the proposed route would be the best option. The objector now considers that there is another route which would be a better option for the general public and himself as landowner and farmer.
- 2) The proposal would take out 1160 metres of land in arable production and a very important part of a relatively small farming business. The objector's preferred route would only cause disruption to 645 metres of arable land as part is already an existing public right of way along a farm track. This would strike a fairer balance, being safer for the public and with considerably less impact on farming operations.
- 3) Where the proposed alternative route follows an existing public right of way it is 10 metres or so from the field edge, distancing the public from potentially hazardous working farm machinery.
- 4) The Manningtree to Harwich railway line runs parallel to the proposed route and in places they are only 8 metres apart. The post and wire fence separating the proposed route and railway line would not prevent dogs or members of the public from entering the railway line. There is significant risk to public safety. The report does not mention any plans to install improved fencing.
- 5) The farm track would provide a better, more convenient all year-round walking surface.
- 6) Due to the topography the proposed alternative route offers elevated views of the estuary. It is also distanced from the busy railway line and alleviates any associated risks.
- 7) The proposed alternative route would have significantly lower establishment costs and therefore be a more effective use of tax-payer's money.

Proposed modifications

The objector proposes a modification to the route. From the sewage works at Ray Lane the modified route (as revised) continues along Ray Lane in a westerly direction. At the point that Ray Lane ceases to be a public right of way (before reaching the dwelling at East Newhall), the route would cut inside the adjacent field to the north of Ray Lane through a newly created gap in the hedge. The route would

proceed along the field edge continuing west before turning north at the corner of the field to follow the hedge-line to connect with Copperas Wood at the junction of HSG-2-S004 and HSG-2-S005.

D. Details of Natural England's comments on the objection, including any relevant alternative modifications^(d):

Original Comments (in summary):

- 1) NE accepts the landowner is best placed to assess the relative merits of the two routes in terms of potential impacts on his business. However, if it was clearly evident that the proposal was likely to have a substantially greater impact on the farm business than the alternative route then the objector would have said so earlier.
- 2) NE took into account the key principle in section 4.2 of the Coastal Access Scheme (the Scheme) that visitors should take primary responsibility for their own safety when visiting the coast and the safety of any children or other people in their care and should be able to decide for themselves the level of personal risk they wish to take. Whilst section 4.2 intends to refer to coastal environments, the same principle can reasonably be applied to the proximity of the coastal trail to railway lines or potential interactions with farming activities/machinery.
- 3) The railway is a branch line linking Harwich with Manningtree on the Liverpool Street to Norwich high speed line. Trains travel relatively slowly but they clearly present a significant safety risk. The track and overhead lines are clearly visible and separated by vegetation. Network Rail did not object to the proposals. Nothing about this length of rail line makes it particularly high risk and the risks are clearly evident. Better fencing would improve safety further and Network Rail may evaluate this option. NE does not consider that the risks justify mitigation measures or a different alignment.
- 4) Risks to the public from farming operations are clearly evident to path users and machine operators and readily avoided/mitigated. Where hazardous substances are used there is a duty of care on the operator/contractor/farmer to manage the risks appropriately. As there are other public paths on the farm, the objector is used to managing operations to accommodate walkers.
- 5) It is implicit in the legislation and guidance that parts of the trail will be in arable environments. NE considers there is little to choose between the proposal and suggested alternative. The proposal involves much greater field edge walking whereas the alternative includes at least 650m of farm track where walkers would probably come into close contact with farm machinery at times.
- 6) For a route to be convenient it should be pleasant to walk along (section 4.3 of the Scheme). Each route is pleasant but the proposed route is at a higher level with more extensive views.
- 7) Under section 4.5 of the Scheme, the route should normally be close to the sea otherwise it would fail in its primary purpose. The proposal is 250m-300m closer to the shoreline than the alternative. The trail should normally offer views of the sea (section 4.6 of the Scheme). Views of the sea are not extensive from the proposed trail but there are glimpses with a more coastal feel than the alternative route.
- 8) Where there is a clear walked line along the coast, NE will normally propose to adopt it (section 4.7 of Scheme). Nearly 40% of the alternative route follows the clear line of an existing public right of way along a farm track but this would bring the disadvantages of being at a lower level, further inland and used by agricultural vehicles.
- 9) Any land seaward of the route qualifies automatically as coastal margin unless an exception applies. Arable land is excepted. If the land use were to change in future to a non-excepted use then land within the coastal margin would become accessible to the public. It is unclear if the objector took this into account when making the objection.
- 10) NE remains of the view that the proposal strikes the appropriate balance and that the principles of the Scheme have been applied. While the advantages of the proposal would not be overwhelming in the context of most national trails, they are significant in the context of a national trail focused on the 'coastal experience'. NE considers this is particularly relevant in the context of the great majority of the trail to the immediate east (covered by HSG 1) which is at a low level, remote from the estuary and in an urban setting.

Supplemental Comments following revision of the plotted modified route (in summary):

- 11) During a site visit in August 2021 NE noticed two very wet areas on the proposed route which would not provide a suitable or pleasant surface for walkers. NE accepts that people would wander up to 6 metres or more into the objector's cropped fields to avoid these patches causing an additional small loss in revenue to his farming business. The proposed alternative would avoid this by following a firm track along Ray Lane before joining, and then following, a field margin on higher, better drained ground on the landward side of the same field.
- 12) The alternative route is largely on the objector's own land except for a short section along Ray Lane which NE understands is jointly owned by the objector and the landowner to the south. This short section is an existing public right of way and already well used by the public. NE does not anticipate that aligning the Coast Path here will significantly change the pattern and levels of use of the public right of way.
- 13) Whilst the proposed route is closer to the estuary and offers glimpses of it, the alternative is on rising ground at its western end and would give a panoramic view across the estuary to Harwich and Felixstowe.
- 14) A sleeper bridge would be required for the alternative route to enable walkers to cross a ditch, increasing the cost of implementing this section by about £300. As the entry point into the field is at a junction where the public right of way turns south, it would be a natural place for walkers to look at signage directions. The installation of a multi-directional finger post should suffice to keep walkers on the correct route.
- 15) In conclusion, NE finds there is little to choose between the two routes from a walkers' perspective. The alternative would have less impact on the objector's farm business. There is potential for it to impact upon another landowner because it follows a track which the objector states he jointly owns with his neighbour to the south. However, it is not believed this impact will be significant because there is an existing well-used public right of way here already.
- 16) NE would be content to see its proposed route modified as proposed by the objector if the Secretary of State would prefer this.

Alternative modifications proposed by Natural England

NE do not propose any alternative modifications.

E. If applicable, any observations of the appointed person on any relevant alternative modifications or any modifications proposed by the objection:

The alignment of the modified route proposed by the objector has been corrected from that originally plotted by NE so that it would only follow Ray Lane where there is an existing public right of way.

The appointed person observes that a section of the proposed trail along HSG-2-S001 would be a field edge path extending beside the boundary with the adjacent sewage treatment works. If modified, the route would avoid this stretch as well as the proposed section beside the railway line.

It is noted that NE no longer objects to modification of the proposed route along the alignment proposed by the objector.

A copy of the report and a map of the area indicating the proposed line of the route and (if applicable) the boundaries of the associated coastal margin which is the subject of the objection above are available at <https://www.gov.uk/government/publications/england-coast-path-from-harwich-to-shotley-gate-comment-on-proposals> or may be obtained from Natural England, contact Darren Braine, email essexcoastalaccess@naturalengland.org.uk

This notice invites any person to make representations to the appointed person in connection with the above objection.

Representations may be made about any of the following matters:

- (a) the objection (including any modifications proposed by the objection) (see box C above);

(b) any relevant alternative modifications in relation to that objection (see box D above); or
(c) any observations of the appointed person on any relevant alternative modifications or any modifications proposed by the objection (see box E above).

Any representations must be received by the appointed person no later than **19 September 2023**

Any representations must be made on the appropriate form - Schedule 7 of Statutory Instrument 2010 No 1976, The Coastal Access Reports (Consideration and Modification Procedure) (England) Regulations 2010) - which may be obtained from the appointed person at: The Planning Inspectorate, Temple Quay House, Temple Quay, Bristol BS1 6PN Contact Caroline Baylis, email caroline.baylis@planninginspectorate.gov.uk or tel 0303 444 5226 or from Natural England, contact as above.

Representations should be sent to the appointed person at the above postal address, or to caroline.baylis@planninginspectorate.gov.uk

25 July 2023

(b) See paragraph 4(2) of Schedule 1A to the National Parks and Access to the Countryside Act 1949.
(c) A fair balance means a fair balance between the interests of the public in having rights of access over land, and the interests of any person with a relevant interest in the land (see paragraph 1(b) of Schedule 1A to the National Parks and Access to the Countryside Act 1949 and section 297(3) of the Marine and Coastal Access Act 2009).
(d) See paragraph 6(3) of Schedule 1A to the National Parks and Access to the Countryside Act 1949 for the meaning of “relevant alternative modifications”.