

Annex J

Coastal Access – Combe Martin to Marsland Mouth lengths 4 and 8, and VR11.



Representations with Natural England’s comments

August 2023

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1. Introduction

This document records the representations Natural England has received on the proposals in length reports 4, 8 and VR11 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 Combe Martin to Marsland Mouth they are included here in so far as they are relevant to lengths 4, 8 and VR11 only.

2. Background

Natural England’s compendium of reports setting out its proposals for improved access to the coast from Combe Martin to Marsland Mouth, comprising an overview and 10 separate length reports, was submitted to the Secretary of State on 15th January 2020. The subsequent Variation Report (VR11) was submitted to the Secretary of State on 3rd March 2022. This began an eight-week period during which representations and objections about each constituent report could be made.

In total, Natural England received 26 representations pertaining to length reports 4, 8 and VR11, of which 13 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 13 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 lengths against which they were submitted. Each length below contains the 'full' and 'other' representations submitted against it, together with Natural England's comments. Where representations refer to two or more lengths, they and Natural England's comments will appear in duplicate under each relevant length. Note that although a representation may appear within multiple lengths, Natural England's responses may include length-specific comments which are not duplicated across all lengths in which the representation appears.

4. Representations and Natural England's comments on them

Length Report 4

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

Representation number:	MCA/CMM4/R/1/CMM1249
Organisation/ person making representation:	[redacted] Ramblers Association
Route section(s) specific to this representation:	CMM-4-S004
Other reports within stretch to which this representation also relates:	N/A
Representation in full	
Map CMM 4a Section CMM-4-S004 Ramblers expect to see appropriate "traffic calming" and / or a central refuge or traffic island where the route crosses this busy main road.	
Natural England's comments	
<p>The proposed road crossing at this location has clear lines of visibility in both directions. The location of the crossing has been approved by Devon County Council Highways Department. There is no space for a traffic island or central refuge at this location. There is already a 40mph speed limit on this section of road and also 'pedestrians in roadway' traffic warning triangle signs. We feel that the proposed route is considerably safer than the current route as it involves a much shorter 'on road' section and the road crossing has much better sight lines.</p> <p>This section is also referred to in the following representations:-</p> <p>South West Coast Path Association - MCA/CMM4/R/3/CMM1522 Devon Countryside Access Forum - MCA/CMM4/R/6/CMM1324</p> <p>Please refer to MCA/CMM4/R/5/CMM0584 for details of an additional proposed modification that may impact upon the alignment of this section of the ECP. Should this proposal be agreed, then there would be a new and safer road crossing point by Down End Car Park.</p>	
Relevant appended documents (see section 5):	
N/A	

Representation number:	MCA/CMM4/R/6/CMM1324
Organisation/ person making representation:	[redacted] Countryside Access Forum
Route section(s) specific to this representation:	CMM-4-S003 to CMM-4-S004
Other reports within stretch to which this representation also relates:	N/A
Representation in full	
<i>Chesil Sand</i>	
<p>The Devon Countryside Access Forum welcomes the new safer route proposal, CMM-4-S003 and CMM-4-S004, as this avoids on-road walking and provides a road crossing point with better visibility.</p>	
Natural England's comments	
<p>We welcome the positive engagement from Devon Countryside Access Forum during the development of our proposals and the supportive comments expressed in their representation.</p> <p>This section is also referred to in the following representations:-</p> <p>South West Coast Path Association - MCA/CMM4/R/3/CMM1522 Ramblers Association - MCA/CMM4/R/1/CMM1249</p> <p>Please refer to MCA/CMM4/R/5/CMM0584 for details of a proposed modification that may impact upon the alignment of this section of the ECP.</p>	
Relevant appended documents (see section 5):	
N/A	

Representation number:	MCA/CMM4/R/7/CMM1324
Organisation/ person making representation:	[redacted] Devon Countryside Access Forum
Route section(s) specific to this representation:	CMM-4-S011/012 to CMM-4-S018/019
Other reports within stretch to which this representation also relates:	N/A
Representation in full	

<p><i>Saunton</i></p> <p>The Devon Countryside Access Forum welcomes the seaward route, between the junctions of CMM-4-S011/S012 and CMM-4-S018/S019, avoiding the road.</p>
<p>Natural England’s comments</p> <p>We thank Devon Countryside Access Forum for the supportive comments expressed in their representation.</p>
<p>Relevant appended documents (see section 5): N/A</p>

Representation number:	MCA/CMM4/R/8/CMM1324
Organisation/ person making representation:	[redacted] Devon Countryside Access Forum
Route section(s) specific to this representation:	CMM-4-S022 to CMM-4-S026
Other reports within stretch to which this representation also relates:	N/A
Representation in full	
<p><i>Horse Island</i></p> <p>The Devon Countryside Access Forum agrees with moving the route to the inner flood bank, CMM 4-S022 to 4-S026, as the outer flood bank has been breached, particularly as the area will have a long-term access exclusion.</p>	
Natural England’s comments	
<p>We thank Devon Countryside Access Forum for the supportive comments expressed in their representation.</p>	
Relevant appended documents (see section 5): N/A	

Representation number:	MCA/CMM Stretch/R/1/CMM1324
Organisation/ person making representation:	[redacted] Devon Countryside Access Forum
Route section(s) specific to this representation:	Whole length

Other reports within stretch to which this representation also relates:	N/A
Representation in full	
Complex roll-back	
<p>The Devon Countryside Access Forum notes the significant number of more complex roll-back locations which have been identified in the reports. There is concern that there is no limit to how far inland roll-back might apply, given excepted land and environmental obligations. The Forum agrees that simple roll-back should take place. The Devon Countryside Access Forum advises that it does not seem appropriate for roll-back to take place in the complex situations cited in the reports. Roll-back does not provide any statutory process for consultation and could impact on landowners hitherto unaware that their land could be affected.</p> <p>The Devon Countryside Access Forum advises that it would be more appropriate to publish variation reports in these instances to formally allow landowners and others, such as the DCAF, to make objection or representation.</p>	
Natural England's comments	
<p>In our published Overview document, we explain that ordinarily, where roll-back has been proposed and becomes necessary, we would expect the trail to be adjusted to follow the current feature (for example, the cliff edge or top of foreshore). Where we foresee that local circumstances will require more detailed consideration, we provided further information about the situation in the relevant report. We call this 'complex rollback'; such situations may include where the trail can't roll back in the normal way because of an obstruction, excepted land or because of environmental considerations.</p> <p>We have taken and <u>will continue</u> to take all reasonable steps to discuss implications and options with all parties likely to be affected by such changes, both during the initial planning work that preceded the writing of the reports for each length, and during any future work to plan and implement a 'rolled back' route.</p>	
Relevant appended documents (see section 5):	
N/A	

Representation number:	MCA/CMM Stretch/R/2/CMM1324
Organisation/ person making representation:	[redacted] Devon Countryside Access Forum
Route section(s) specific to this representation:	Whole length
Other reports within stretch to which this representation also relates:	N/A
Representation in full	

<p>Signage and way-marking</p> <p>The Devon Countryside Access Forum expects, as part of the implementation process, that signage and way-marking will be clear, especially at points of decision where paths may go in different directions. Signage should reflect the nature of the path and be appropriate to the landscape to avoid sign clutter or urbanisation. Users should be encouraged to have maps available, especially away from residential areas.</p>
<p>Natural England’s comments</p> <p>As part of the implementation process Natural England, together with the access authority, will ensure that signage is clear and appropriate, particularly at junctions.</p>
<p>Relevant appended documents (see section 5): N/A</p>

Representation number:	MCA/CMM Stretch/R/3/CMM1324
Organisation/ person making representation:	[redacted] Devon Countryside Access Forum
Route section(s) specific to this representation:	Whole length
Other reports within stretch to which this representation also relates:	N/A

<p>Representation in full</p> <p>Disability access</p> <p>The Devon Countryside Access Forum is aware that many sections of the coast path include man-made obstacles such as path furniture (stiles, steps and gate design), narrow chicanes or lack of drop kerbs which make access difficult for people with limited mobility. There are other instances where upgrades to path surface, width or drainage could make access easier. The Forum advises that Natural England considers this in implementing the England Coast Path in Devon and works with land managers and other partners to secure improvements. It may be possible to identify particular stretches of path where the gains to access would be most beneficial. While the Forum recognises that issues of topography might make accessing some areas challenging, there are often many simple actions which can be taken to improve access for disabled people.</p> <p>To give an example, the kerb in this photo* (on the existing South West Coast Path) makes access through the gate difficult but could be replaced at modest cost with a ramp.</p> <p>*See relevant appended document referred to below.</p>
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<p>Natural England’s comments</p> <p>During the consultation process we had discussions with the Disabled Ramblers who raised a number of specific issues and problems at a number of locations specifically in relation to steps, gates (either being too narrow or only opening in one direction) and other artificial obstructions that make access by buggy, <i>Tramper</i> and other similar vehicles very difficult if not impossible. We will discuss their suggested improvements with the access authority and</p>
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the landowners with a view to improving surfaces, replacing gates, stiles, steps etc with more use-friendly structures.

A number of specific issues were raised by the Disabled Ramblers representation (MCA/CMM4/R/9/CMM1527). These are discussed in more detail in Natural England's comments on their representation.

Relevant appended documents (see section 5):

*5A - MCA/CMM Stretch/R/3/CMM1324 - Photo accompanying Devon Countryside Access Forum (DCAF) representation
5B - MCA/CMM Stretch/R/3/CMM1324 - DCAF Disability Access Position Statement

Summary of 'other' representations making non-common points, and Natural England's comments on them

Representation ID:	MCA/CMM4/R/2/CMM1524
Organisation/ person making representation:	[redacted] North Devon Coast AONB
Name of site:	Broad Sands Beach between Crow Neck and White House
Report map reference:	Directions Map CMM 4A
Route sections on or adjacent to the land:	
Other reports within stretch to which this representation also relates	N/A
Summary of representation:	
<p>The section of foreshore between Crow Point and the White House is a very popular beach for both locals and visitors to use, there is good car parking behind, which is accessed via the Toll Road. Many people walk their dogs on this beach and in addition, in the summer, many pleasure boats moor off this beach as well.</p> <p>With the exception of a small section of saltmarsh, near Crow Neck, it would be almost impossible to restrict public access to this beach and it would create a lot of public discontent if it were attempted.</p> <p>Whilst we understand the nature conservation objectives at this location, we would recommend that this section is not closed to the public.</p>	
Natural England's comment:	
<p>The beach area (as shown in the photograph at 5C - page 34) is landward of the proposed long-term access exclusion 'Unsuitable for public access Section 25A' as the direction only covers mudflats and saltmarsh. There would be no restrictions on access to the beach. Existing rights to moor boats are unaffected.</p>	

Relevant appended documents (see Section 5):
5C - MCA/CMM4/R/2/CMM1524 Email and photo from North Devon Coast AONB

Representation ID:	MCA/CMM4/R/3/CMM1522
Organisation/ person making representation:	[redacted] South West Coast Path Association
Name of site:	Down End, Croyde
Report map reference:	Map CMM 4a
Route sections on or adjacent to the land:	Route section CMM-4-S003
Other reports within stretch to which this representation also relates	N/A
Summary of representation:	
<p>The current route at Down End, Croyde requires a length walking along the B3231 road and potential dangers crossing it. The proposed amendment negates the need to walk along the road and creates a much safer crossing. The Association strongly welcomes this proposal.</p>	
Natural England's comment:	
<p>We welcome the positive engagement from the South West Coast Path Association during the development of our proposals and the supportive comments expressed in their representation.</p> <p>This section is also referred to in the following representations:-</p> <p>Ramblers Association MCA/CMM4/R/1/CMM1249 Devon Countryside Access Forum - MCA/CMM4/R/6/CMM1324</p> <p>Please refer to MCA/CMM4/R/5/CMM0584 for details of a proposed modification that may impact upon the alignment of this section of the ECP. Should this proposal be agreed, then there would be a new and safer road crossing point by Down End Car Park.</p>	
Relevant appended documents (see Section 5):	
N/A	

Representation ID:	MCA/CMM4/R/4/CMM1522
Organisation/ person making representation:	[redacted] South West Coast Path Association
Name of site:	Saunton Sands/Braunton Burrows
Report map reference:	Maps CMM 4a, 4b, 4c, 4d, 4e
Route sections on or adjacent to the land:	Route sections CMM-4-S011 to CMM-4-S018 inclusive
Other reports within stretch to which this representation also relates	
Summary of representation: The current route between the Saunton Sands Hotel and Crow Point uses a length of the B3231 road at Saunton. The remainder of this length is behind dunes, offering no sea views or maritime character. The proposed route, following the length of Saunton Sands, has a strong coastal character with extensive sea views. The Association supports this proposal.	
Natural England's comment: We thank the South West Coast Path Association for the supportive comments expressed in their representation.	
Relevant appended documents (see Section 5): N/A	

Representation ID:	MCA/CMM4/R/5/CMM0584
Organisation/ person making representation:	[redacted]
Name of site:	Land adjoining Oyster Falls, Down End, Croyde
Report map reference:	CMM 4a
Route sections on or adjacent to the land:	CMM-4-S001 to CMM-4-S004

<p>Other reports within stretch to which this representation also relates</p>	
<p>Summary of representation:</p> <p>The wording of the representation is exactly the same as the wording of Mr and Mrs Hare’s objection MCA/CMM4/O/1/CMM0584. The reasons for the representation are:-</p> <p>Human Rights</p> <ol style="list-style-type: none"> 1. Human Rights Article 8 – the right to respect for privacy and family and for the home, and 2. Article 1 of the first protocol – protection of property. <p>[redacted are the owners of Oyster Falls and fields to the west and north and of the land between the access to Heather Down and the steps onto the existing public access from the highway by Oyster Falls.</p> <p>Roll-back</p> <p>The concern is to the unspecified period of time, or meterage to a recognisable feature. They make reference to 7.1 - Cliffs. (from the Coastal Access Natural England’s Approved Scheme 2013). At this location the cliffs are seaward of the trail. They are concerned that <i>‘Unabated roll-back will lead to the eventual loss of grazing land and further intrusion on privacy i.e. we will be obliged to move the fence back and back until it is for example 10 m or just 5 m from the house meaning complete loss of privacy and loss of income from private grazing land’</i>.</p> <p>Existing use of the coast path</p> <p>Saturation of fields from Down End spring, additional rainwater run-off after periods of heavy rain and walkers using the path probably contribute more to the destabilisation of the coastal path (and any slippage) than the sea itself.</p> <p>References from the Approved Coastal Access Scheme to:-</p> <ul style="list-style-type: none"> 7.11.d – the stability of the path surface, including the potential effect of wet conditions 7.1.17 – trampling 7.1.19 – alignment solutions 7.1.21 – Managing access through sensitive areas (for example using guide fencing/posts to lead people away from damaged areas that need to recover (preferable to stabilisation or drainage works). <p>Modified line of route section CMM-4-S003</p> <p>They are concerned that the proposed line of the new path which would result in unavoidable viewing into their open plan home, garden area, an upstairs window and impinge on a lawn area. This would be damaging to their quality of life, especially in the summer months and reduce the value of their home and associated land.</p> <p>Re-routing of the path ‘across this field’ would be a ‘gross invasion of their long-standing privacy’. Hare family ownership (and generations of forefathers) of these fields and a dwelling on this site long preceded any ideas about the rights of the public to roam or the inception of this Act to formalise a coastal trail. In this situation they feel it is unjust and in no way striking a fair balance and they will fight for the protection of their property and privacy.</p>	

Proposed coastal margin

The indicative coastal access proposals sent to [redacted] prior to publication show an 'incursion' of coastal margin from Chesil Cliff House to Oyster Falls. This is 'not considered reasonable'. This land is currently enclosed by the path where it loops to the public road to gain access to steps leading up and down to the continuation of the path, but it abuts the road only, not the sea. It is not known whether this apparent anomaly has been corrected in the new proposals since the subsequent mapping is lacking detail.

Suggested alternative routes

To avoid the intrusion of the proposal to realign the path (CMM-4-S003) Mr and Mrs Hare have suggested some alternatives:-

Option A. Improve the existing route

There is a low wall running alongside the road (the current route of the SWCP) between the former coastguard hut towards Oyster Falls. This wall could be removed and a roadside verge or pavement constructed from the top of the steps by the old coastguard hut to Oyster Falls. Additional road calming may be necessary (in addition to the existing red triangle pedestrians – no footway for 400 yds sign) – this could include rumble strips and 'Reduce speed' signs.

Option B. Avoid the problem – an additional route to connect with a better road crossing.

The new route which [redacted] would like to be a permissive path, would start at the top of the steps which leave the beach, cross Croyde Road by the Down End car park, go up the lane towards Heather Down House, up over the down on land owned by [redacted] before descending on land owned by [redacted] and re-joining the existing route at the top of the steps opposite Oyster Falls. This option has been offered to [redacted] and not rejected by them. This route (being high above the road and coast) would command wonderful sea views in both directions – down towards Saunton and Braunton Burrows and over Croyde Bay. This route would lessen any intrusion over the long-established properties at Oyster Falls and Chesil Cliff House. It would negate the need for any future changes to the 'official route' and would be in keeping with the existing route from Chesil Cliff House to Saunton which, being above the road, does not follow the immediate profile of the coast.

The current route of the South West Coast Path, a public footpath, would remain as an option for walkers. Clear way-marking to steer walkers along a preferred route is noted as an option in paragraph 7.2.11 of the Coastal Access Natural England's Approved Scheme 2013.

Natural England’s comment:

Background

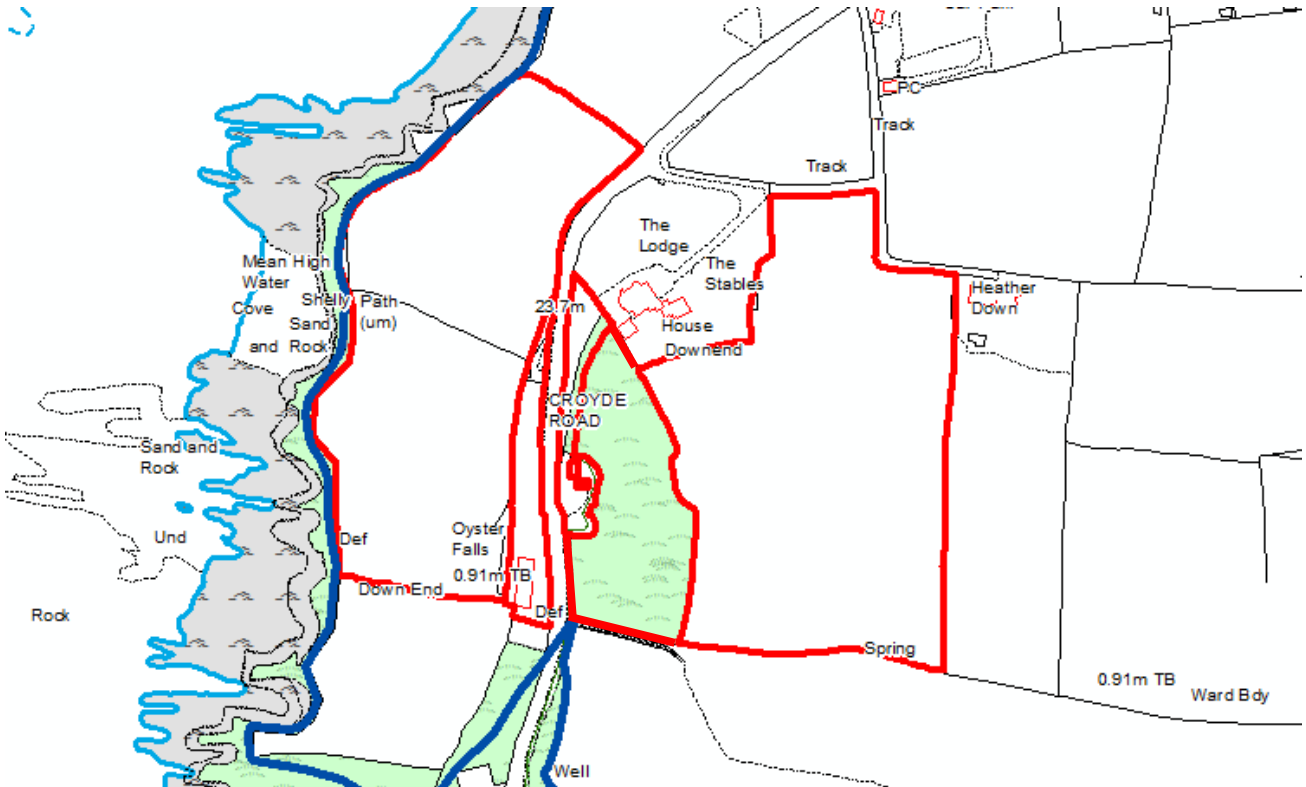


Figure 1. Map showing the Land Registry boundaries of [redacted] property (in red) together with the proposed route of the England Coast Path (in blue).

Human Rights Act

It is established law that something like the creation of public access rights over private land represents a control of its use for human rights purposes, rather than an appropriation of the land itself. The land remains in the same ownership and can continue to be used as it was before, subject to the availability of new public rights that are limited in various ways as below. There is nothing fundamentally incompatible with the Human Rights legislation about statutory measures imposing a control of use of land.

The duty at s297(3) of the 2009 Act for Natural England to aim to strike a fair balance, when discharging the Coastal Access Duty, between the interests of the public in having rights of access over land and the interests of its owner or occupier ensures that the extent of the control of use is reasonable for human rights purposes. An objection, of course, turns on an allegation that NE’s proposals fail to strike that fair balance, and when one is made it is subject to an independent determination process. In addition, whether objections are made or not, all of NE’s proposals for a stretch of coast require approval by the Secretary of State before any new public rights are created.

The inherent flexibility of the path alignment power under the coastal access legislation enables Natural England to choose, in discussion with those who would be most affected, the route for the ECP that best strikes this fair balance as well as having due regard to the other key considerations set out in section 297 (safety and convenience of the route; the desirability of it adhering to the periphery of the coast and providing views of the sea; and the desirability of ensuring that interruptions to the route are kept to a minimum). The Coastal Access

Scheme contains a lot of detailed information as to how we go about weighing all of these factors together, and we must act in accordance with it.

The impact of any potential control of use on the legal interests in the land is also limited by:

- a. the automatic exception of the most unsuitable categories of land from the application of the access rights (Schedule 1 to CROW);
- b. the inherent national limitations on the type of activities that members of the public may engage in while exercising any coastal access rights (Schedule 2 to CROW); and
- c. the ability of NE to avoid any unreasonable impacts arising from the control of use by giving legal directions to exclude or restrict coastal access rights to the extent necessary for this purpose, on the grounds set out in CROW Part 1 Chapter 2.

For all of these reasons, the Ministers who took the 2009 Act through Parliament were able to certify with confidence that the arrangements are compliant with the human rights legislation.

Roll-back.

In our published Overview document we explain that ordinarily, where roll-back has been proposed and becomes necessary, we would expect the trail to be adjusted to follow the current feature (for example, the cliff edge or top of foreshore). Where we foresee that local circumstances will require more detailed consideration, we provided further information about the situation in the relevant report. We call this 'complex rollback'; such situations may include where the trail can't roll back in the normal way because of an obstruction, excepted land or because of environmental considerations.

We have taken and will continue to take all reasonable steps to discuss implications and options with all parties likely to be affected by such changes, both during the initial planning work that preceded the writing of the reports for each length, and during any future work to plan and implement a 'rolled back' route.

Information extracted from the Environment Agency MCERM Medium term (20-50 yr) SMP Policy retreat in metres for the 50 percentile, suggests that in the next 20-50 years, the coastline could retreat 7-9 metres in this location (see figure 2 below). This would still leave the path c. 75m from the house.

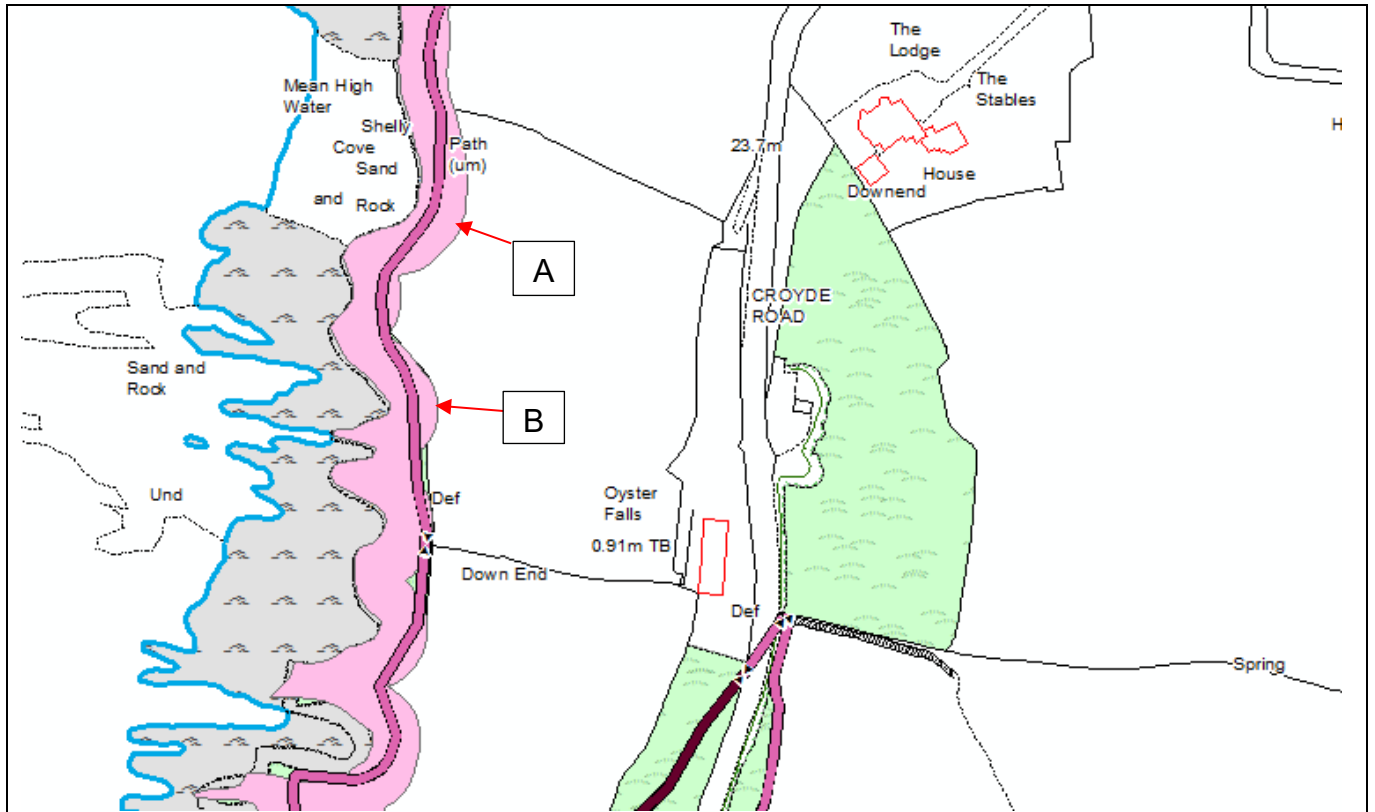


Figure 2. Extract from ArcMap showing the predicted MCERM Medium term (20-50 yr) SMP Policy retreat in metres for the 50 percentile © Environment Agency. [A = c.9m; B = c.7m]

Modified line of route section CMM-4-S003

Our proposal to align the route of the England Coast Path off the main road between Chesil Cliff House and Oyster Falls was primarily to make it safer for walkers who currently have to walk along c.100m of narrow, busy road from the top of the steps between Chesil Cliff House and the old coastguard hut to the steps opposite Oyster Falls.



Figure 3. ‘Snips’ of Google Streetview scenes showing the current alignment of the South West Coast Path.
i) Top of steps between Chesil Cliff House & old Coastguard hut – arrow marks gap in wall to public footpath (Current SWCP in yellow dots)



ii). Current SWCP (yellow dots) from bend in road above the old coastguard hut towards Oyster Falls (marked by black arrow).



iii). Oyster Falls (black arrow) – current SWCP – yellow dots, proposed ECP - red dashes. Pedestrian refuge – blue area.

Currently, walkers can only see the small side window at the side of Oyster Falls (shown by the black arrow and the back door just visible over the screening Fig. 3.iii). The current road crossing is c.10 m from the back door of Oyster Falls.

Various options were considered and the most practical (from an engineering point of view) was to follow route section CMM-4-S003 diagonally up the bank below the B3231 and reaching the road c. 25m from Oyster Falls, before crossing the road on a diagonal to the steps opposite Oyster Falls (shown as red dashes Fig.3. iii). See also Figures 4 and 5 below.

The proposed route would go diagonally up the bank to a small pedestrian refuge area (blue area in Fig.3.iii) at the side of the road. Screening could be provided to reduce the impact on Oyster Falls, however it is appreciated that it would not be possible to completely screen the proposed path from Oyster Falls. This is best seen in Figure 5) below which includes, as an insert, a photo provided by [redacted] in their representation.

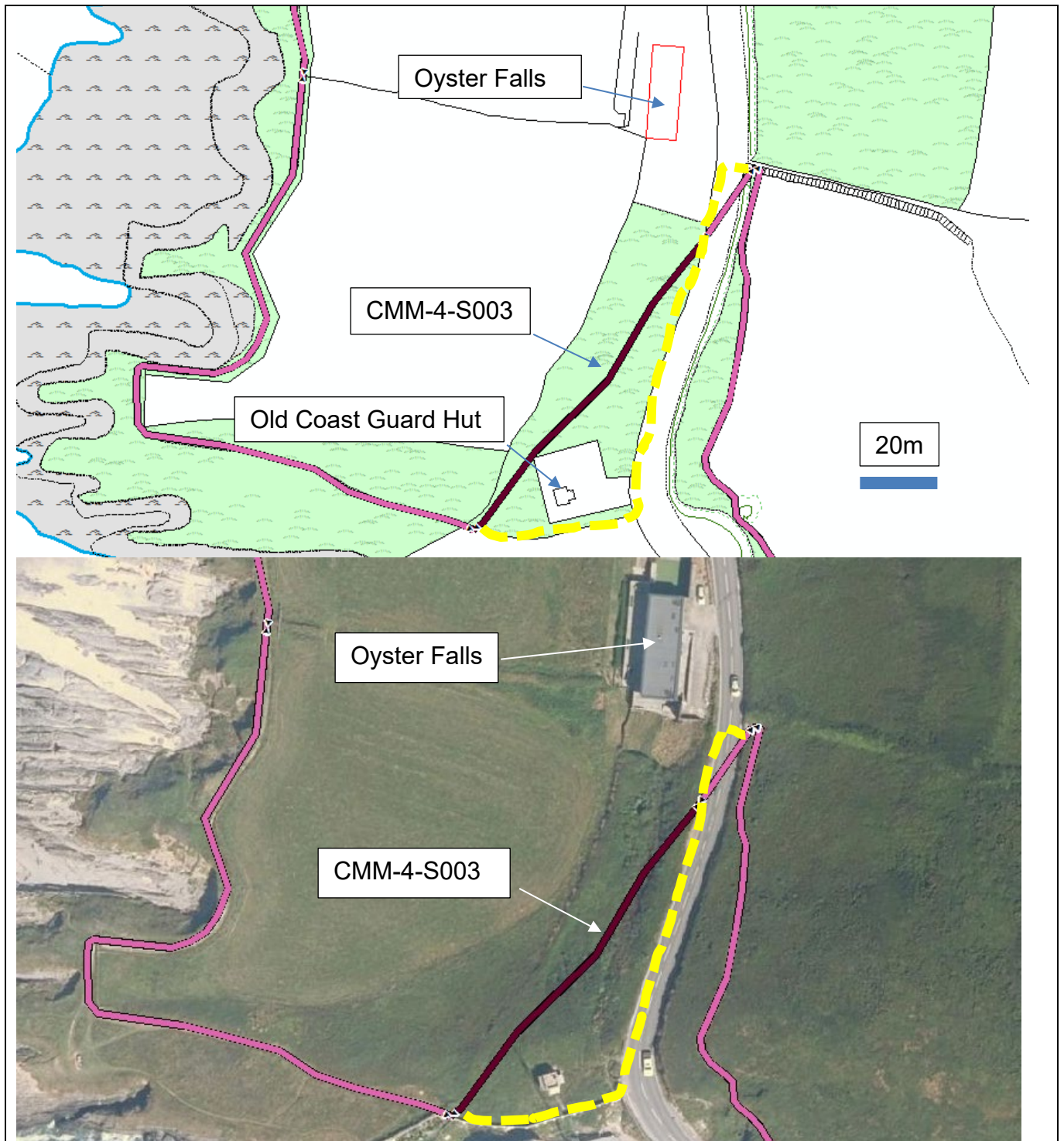


Figure 4. Annotated map and aerial photo showing existing SWCP and proposed ECP in relation to Oyster Falls. Yellow dashes – current SWCP. Dark red line – proposed ECP (route section CMM-4-S003).

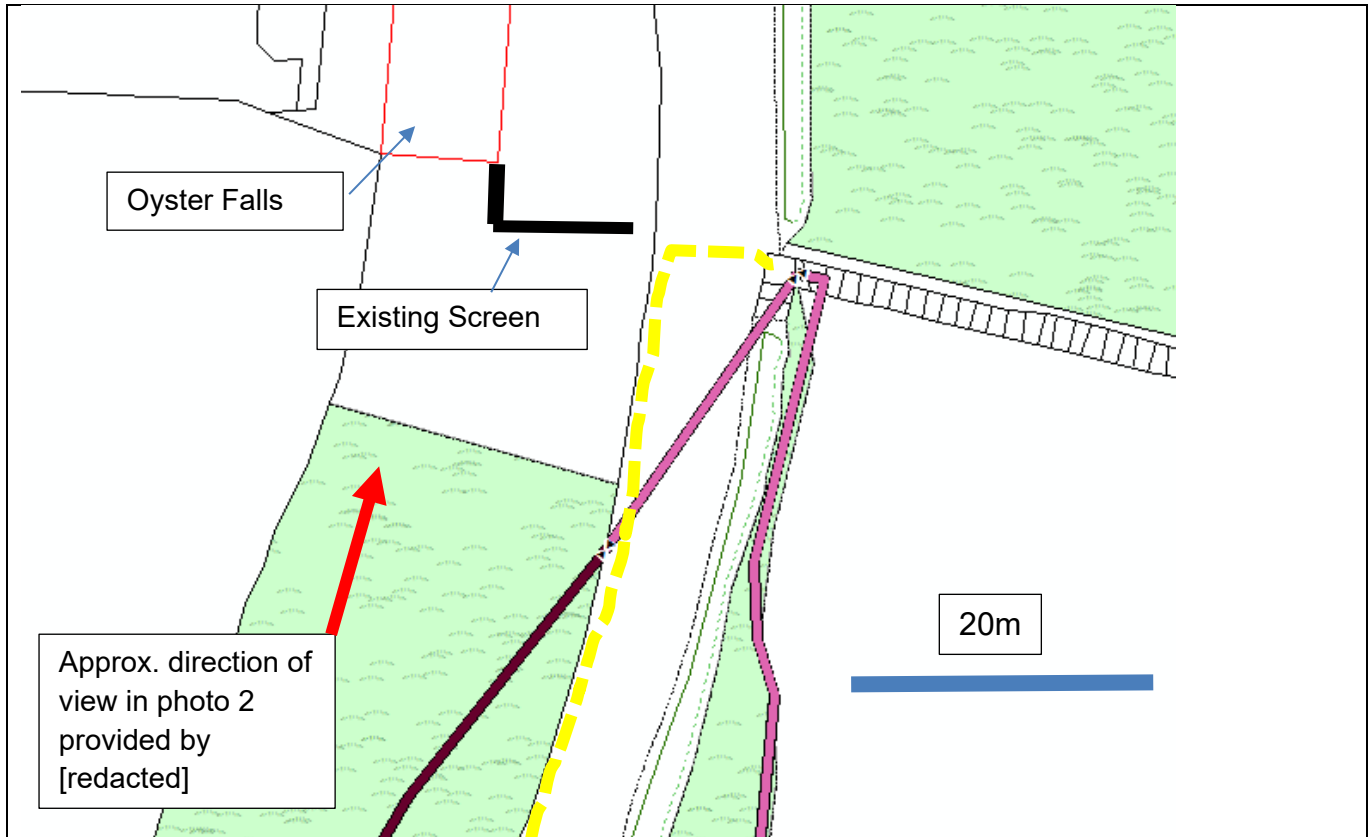


Figure 5. Larger scale annotated map and aerial photo showing existing SWCP and proposed ECP in relation to Oyster Falls. Yellow dashes – current SWCP. Dark red line – proposed ECP. Photo provided by [redacted] captioned ‘Shows open plan nature of Oyster Falls in full view in of the proposed route’.

Proposed coastal margin

Any land seaward of the proposed trail automatically falls into coastal margin .and would normally be subject to a new right of access unless it fell into one of the categories of excepted land or it is excluded by direction under Part 1 of the CROW Act. At this location the 'road section' loop is seaward of the proposed trail and therefore in coastal margin. Coastal access rights do not apply to existing public highways and public rights of way such as byways, bridleways and footpaths as they are a category of excepted land. However, the public will be able to continue to use them as normal using the existing highway rights.

The area shown in the purple wash shows the coastal margin that would result automatically as a consequence of the proposed position of the trail.

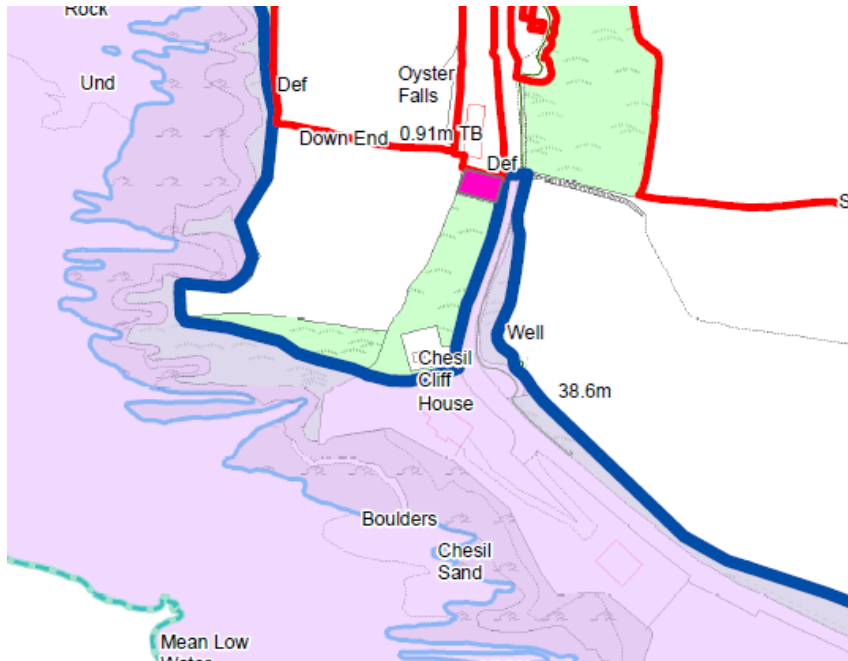


Figure 6. 'Snip' of map sent to [redacted] in January 2019. 'Indicative coastal access proposals for land owned by [redacted], Croyde CMM0584 and CMM0586 Jan 2019'. The map was subsequently amended to show the current proposed route of the ECP. The magenta rectangle is not on the Land Registry maps but was confirmed by [redacted] as belonging to the [redacted].

Alternative routes proposed by the Hare's

Option A. Improve the existing route

This option would involve creating a roadside verge or pavement from where the current route emerges from the steps between the coastguard lookout and Chesil Cliff House and then down the road to the steps opposite Oyster Falls. Creating such a route would involve traffic control during the construction. Devon County Council Highways also consider that there is insufficient room to create a suitable walkway without considerable expense. It would still bring walkers close to Oyster Falls and encourage people to walk down the busy road towards Down End car park. Photos at Fig. 3 show where the pavement/verge would be created.

Because of the likely expense, Natural England recommend that this option is not considered further.

Option B. Proposed new route

This is an option that was not considered prior to publication of the proposals.

This option involves creating a new route from Down End car park, passing between Heatherdown and Down End House and going over Saunton Down before rejoining the existing route c 100 m to the east of Chesil Cliff House.

At a site meeting in September 2020 (between NE, the Hares and their agent and a representative from Devon Council Rights of Way), an ‘exploratory’ route was cut through the dense gorse scrub as far as the boundary between [redacted] land and that belonging to [redacted]. This route is shown as the solid red line in Fig 7 below. The views from this route are spectacular (the highest point of the route is c.80 m above sea level) – over Croyde Bay and baggy Point to the north and Braunton Burrows and the Taw/Torridge estuary to the south.

[redacted] have been approached. They are still discussing some terms/conditions with the Hare’s agent, including reference to rights of way over his clients property. If that part can be confirmed they are in agreement with the points listed below.

1. The ECP is not a new PROW.
2. Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. The duty is in two parts: one relating to securing a long-distance walking route (“the trail”) around the whole coast: we call this the England Coast Path; the other relating to a margin of coastal land associated with the route which, in appropriate places, people will also be able to enjoy on foot.
3. The legislation DOES NOT give Natural England the power to make part of the ECP permissive – where the ECP is not relying on existing rights of access such as PROW or S15 land for its alignment, new access rights are automatically created over affected land by Part 1 of the Countryside and Rights of Way Act 2000.
4. ECP powers are more flexible than PROW rights. For instance the existence of ECP rights shouldn’t stop you managing the land as you wish. For instance the presence of the ECP shouldn’t prevent land from being developed, subject to the necessary planning permissions of course. There are also processes that NE can use to deal with other issues like conflicts with land management. For instance were the need is clear we can administer restrictions and exclusions to access rights on the coastal margin and in some cases even to the trail itself.
5. The National Parks and Access to the Countryside Act 1949 also provides NE with powers to propose variations to the ECP should over time that become necessary.

Contact has been made with the owners of Down End House as if the England Coast Path were to follow this proposed route, they would be in the coastal margin albeit as excepted land (dwelling and garden). They have not objected to the proposal provided that the route was well-signposted and it was made clear that their property and garden was private land

and that their house and adjacent holiday let was screened from the path by the dense gorse scrub (Document 5E).

This proposed route would be approximately £15,000 cheaper than the published proposed route and option a (Document 5F).

We consider that this path would be by no means inferior to the original proposed route. What it lacks in proximity to the sea it makes up for with amazing views.

If the terms/conditions being discussed between [redacted] agent and [redacted] can be resolved, Natural England would support [redacted] proposal.

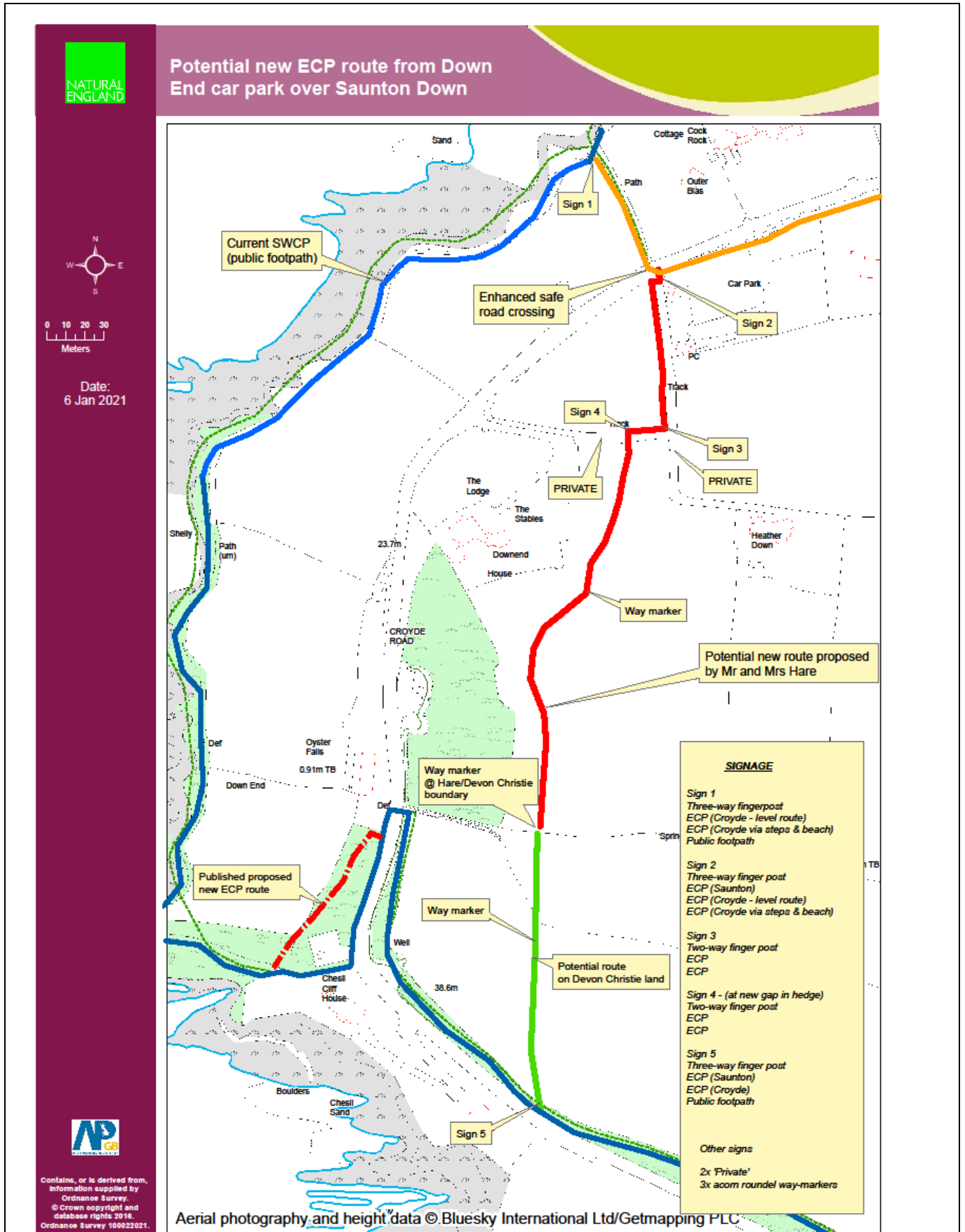


Figure 7. Potential location of the route suggested by [redacted] (solid red line). Potential route over [redacted] land (solid green line). Current South West Coast Path (solid blue line). Published proposed new England Coast Path (solid blue line and proposed new section to the south of Oyster Falls, red dot/dash line).

<p>Relevant appended documents (see Section 5):</p> <p>5D - MCA/CMM4/R/5/CMM0584 – Annotated photos appended to the [redacted] representation</p> <p>5E - MCA/CMM4/R/5/CMM0584 – Email from [redacted] , owners of [redacted], Croyde (6 Jan 2021)</p> <p>5F - MCA/CMM4/R/5/CMM0584 – Cost comparison (approximate) between proposed route and new route suggested by [redacted]</p>

Representation ID:	MCA/CMM4/R/9/CMM1527
Organisation/ person making representation:	[redacted] Disabled Ramblers
Name of site:	
Report map reference:	<ul style="list-style-type: none"> • Map CMM 4a Cock Rock, Croyde to Saunton Surf Lifesaving Station • Map CMM 4b Saunton Surf Lifesaving Station to Braunton Burrows (Nature Reserve) • Map CMM 4e Braunton Burrows (Nature Reserve) to Crow Beach House • Map CMM 4f Crow Beach House to Horsey Island • Map CMM 4g Horsey Island to Velator • Map CMM 4 Map showing extent of default landward coastal margin (dune) at Braunton Burrows
Route sections on or adjacent to the land:	<p>Specific comments on the following route sections:- Map CMM 4, landward coastal margin (dune) at Braunton Burrows Maps CMM 4f and CMM 4g Sea Wall alongside Horsey Island and on to Velator</p>
Other reports within stretch to which this representation also relates	
Summary of representation:	
<p>There is a steadily increasing number of people with reduced mobility who use all-terrain mobility scooters and other mobility vehicles to enjoy routes on rugged terrain in the countryside, including uneven grass, bare soil or rocky paths, foreshore areas and some sea walls and beaches. Slopes of 1:4, obstacles 6” high, water to a depth of 8” are all challenges that users of all-terrain mobility scooters are used to managing.</p>	

These people have the same legitimate right of access that walkers do, so Natural England should ensure that any existing or new infrastructure along the Coast Path does not present a barrier to their ability to progress along the Coast Path. Natural terrain will, in places, prevent access and this is unavoidable, however man-made infrastructure can be changed.

Unlike in other parts of England, the proposals for Devon and Cornwall, and therefore for Report CMM 4: Cock Rock, Croyde to Velator, do not indicate what existing structures Natural England proposes to retain, or where they are. This lack of information means that Disabled Ramblers can only able comment on these proposals in a very general way with regard to existing man-made structures. It is anticipated that there are instances of man-made barriers that bar legitimate access to users of mobility vehicles. In urban areas it is important that there are dropped kerbs along the route of Coast Path.

Disabled Ramblers requests that Natural England:-

- address with the necessary parties involved, the issue of existing man-made structures that are a barrier to those who use mobility vehicles, and enable changes to be made to allow people who use these vehicles to enjoy the England Coast Path in this area.
- ensure that all existing and proposed new structures along the Coast Path are suitable for those who use large mobility vehicles, changing infrastructure as needed, and complying with *British Standard BS5709: 2018 Gaps Gates and Stiles*.
- comply with the Equality Act 2010 (and the Public Sector Equality Duty within this act)
- comply with the Countryside Rights of Way Act 2000
- follow the advice in the attached document *Disabled Ramblers Notes on Infrastructure* which gives general notes with regard to access for users of mobility vehicles.

Between Cock Rock, Croyde and Velator the England Coast Path offers the potential for a superb section of about 10km of trail where the terrain is suitable for users of all-terrain mobility vehicles and all-terrain pushchairs, on the landward side of the dunes at Braunton Burrows, along the Taw estuary and up the river Caen. The proposed Coast Path route along Saunton Sands at the high-water mark is not considered suitable for mobility vehicles due to the soft sand which saps the batteries. These vehicles would need to use the landward route (the current SWCP) instead of the beach route. It is important that necessary adjustments are made to this part of the route to meet the needs of these groups of people.

Comments on specific sections

1). The beach route at Saunton Sands (between the junctions of route sections *CMM-4-S005* and *CMM-4-S006* at Saunton & *CMM-4-S017* and *CMM-4-S018* at Broad Sands).

In choosing the Saunton Sands route, and moving the SWCP onto the sands too, Disabled Ramblers considers that Natural England has not considered the needs of those with limited mobility who use all-terrain mobility vehicles, or those families who use all-terrain pushchairs, and has not made reasonable adjustments for these people. The proposed England Coast Path route along the Saunton Sands is not considered suitable for mobility vehicles due to the soft sand which saps the batteries, so these vehicles must use the landward coastal margin at Braunton Burrows instead of the sands, following the route of the existing South West Coast Path. The logical reasonable adjustment is for Natural England to adopt the existing route of the SWCP as an England Coast Path alternative route for people who cannot, or do not wish to, use Saunton Sands.

Disabled Ramblers requests that:-

- Natural England adopts, as part of the England Coast Path, an alternative, beach-free route, being the route of the existing SWCP from Saunton Sands car park (route section *CMM-4-S012*) , over Braunton Burrows via the American Road car park to

Broad Sands car park (route section CMM-4-S018) . This alternative route should be signed along its length.

- the surface of the alternative route between Saunton Sands car park and the American Road car park should be improved: the path/bridleway is heavily eroded due to foot and hoof traffic, narrowing at times to 30cms and filling with water to a depth of 40cm. However remedial work is fairly basic levelling and filling. (The onward surface, south from the American Road car park at Broad Sands, route section CMM-4-S018, is good.)
- the gap to exit the south-east corner of the American Road car park should be signed as part of the alternative route. This is the only place to exit the car park heading south because there are two 'field' gates across the adjacent road. Negotiating the gap is difficult on a mobility scooter, and some ground work should be carried out: the bank needs removing, ditch filling and tree lopping (felling) to allow all-terrain mobility vehicles through the gap.

2). Sea Wall alongside Horsey Island and on to Velator (CMM-4-S022 to CMM-4-S032)

History of Horsey Island

The route along the sea wall beside Horsey Island is an attractive and interesting part of the route which obviously has a story to tell (breaching of the first defence, return of agricultural land to tidal pool, wild life sanctuary etc) and would benefit from an information board.

The sea wall and the historic stone stiles

- The existing stone path on the top of the wall is very narrow (currently 85cm), with no turning points or passing places. The stone path should be levelled and widened to a minimum width of 1.2 m.
- Places where the surface is still grass, could be stoned to add grip.
- Disabled Ramblers recognises that the 3 stiles at junctions of CMM-4-S023/24, CMM-4-S024/25 and CMM-4-S 25/26 are of historic importance and cannot be altered. Non-cambered and gently ramped access is needed for those using mobility vehicles to descend and ascend the sea wall to by-pass each of the 3 stone stiles. As well as by-passing stiles, and where-ever else it is necessary, non-cambered and gently ramped access to ascend or descend the sea wall is needed. Additional places could be created to drop down from the wall to act as passing places.

Cattle grid at junction of CMM-4-S022/23

Users of mobility vehicles, especially with small wheels, or where the jolting of the cattle grid would cause discomfort to the rider, cannot use cattle grids. Nor can users of pushchairs. The cattle grid here has a field gate beside it, which is unsuitable for users of mobility vehicles or those with upper body strength issues. A two-way self-closing pedestrian gate should replace the field gate.

Stone stiles at route section CMM-4-S028

Replacing existing stone stiles

- Two-way, self-closing pedestrian gates with easy latches are the only solution that would be suitable here for those using mobility vehicles as there is no space for them to manoeuvre.
- The path on the top of the sea wall along this route section has a significant camber left to right as you look NE and requires levelling. The grassed section would benefit from stoning.

Steps at weir at Velator Between route sections CMM-4-S031 and CMM-4-32

Signage is needed to show a step free diversion for mobility vehicles leading between the sea wall, via the road to the bridge beside the sluice at Velator. There is a possibility of crossing the grassy area along an existing track at CMM-4-S031, or alternatively the diversion must leave the sea wall at the car park at CMM-4-S030

Natural England’s comment:

We welcome the positive engagement from the Disabled Ramblers during the development of our proposals.

The Disabled Ramblers suggest that we make the existing South West Coast Path (SWCP) between Saunton Sands Car Park and Broadsands Car Park an official alternative route for use by those with all-terrain mobility vehicles. They also make a number of suggestions for improving access along this section of the existing SWCP.

Unfortunately the legislation doesn’t allow us to employ a formal Alternative Route in such situations. An Alternative Route can only be used when the trail is closed (by direction or during a specified period) – Section 55C(3) of the 1949 Act.

The existing South West Coast Path between Saunton Sands Car Park and Broadsands Car Park using the footpaths, bridleways and track landward of the golf course and sand dunes will no longer be promoted as such. However the Public Rights of Way remain there for use. We will speak to the local access authority about the potential to sign post and improve access along this route as an informal option for less mobile people. We are unable to fund these improvements but we have passed on the comments to the local authority.

We will work with the access authority to ensure that, where possible, existing man-made structures on the proposed route are replaced or upgraded so that they are accessible by those using all-terrain mobility vehicles and that where appropriate, diversions to avoid/bypass ‘obstructions’ are suitably sign-posted.

In response to the specific points raise by the Disabled Ramblers, we make the following comments:-

Comment 1). Saunton Sands to Crow Beach House (Report Maps CMM 4b to CMM 4e)

The beach route at Saunton Sands

We agree with the Disabled Ramblers that there should be signage to indicate an ‘off beach’ route for all-terrain mobility vehicle users between Saunton Sands car park and Broadsands car park. At the junctions of route sections CMM-4-S005 and CMM-4-S006 at Saunton & CMM-4-S017 and CMM-4-S018 at Broad Sands, there will be signs advising that there is a different option, following public rights of way, for those not wishing to use the beach route.

Comment 2). Crow Beach House to Velator (Report Maps CMM 4f and CMM 4g)

a) History of Horsey Island (Report Map CMM 4f Crow Beach House to Horsey Island)

We agree with the Disabled Ramblers that an information board would be beneficial in this location. We will explore with the access authority and the Devon Wildlife Trust.

b) The sea wall between route sections CMM-4-S023 and CMM-4-S029

The need to ‘stone’ the rest of the bank top is under discussion with the local access authority.

c) Cattle Grid at junction of route sections CMM-4-S022 and S023

We agree with the Disabled Ramblers that replacing the current field gate with a combined field/pedestrian gate would enable the cattle grid to be by-passed by all-terrain mobility vehicle users. We will explore options with the local access authority and land owner.

d) The historic stone stiles between route sections CMM-4-S023 and CMM-4-S026

We agree with the Disabled Ramblers that gently ramped slopes are needed to by-pass the historic stone stiles. As part of the proposals for bypassing the historic stone stiles, gently ramped access slopes from the bank top to the road below have been included in the costed proposals but are not included on Report Map CMM 4f Crow Beach House to Horsey Island.

e) Stone stiles at the junctions of route sections CMM-4-S027/S028 and CMM-4-S028/S029

We agree with the Disabled Ramblers that the existing stone stiles should be replaced with pedestrian gates. As part of the published proposals, two new gates will be installed at this location to replace the existing stone stiles (see Report Map CMM 4g Horsey island to Velator).

f) The steps at the weir at Velator (at route sections CMM-4-S031/S032).

We agree with the Disabled Ramblers that there should be a signed route to by-pass the weir at Velator Bridge. Locations for signage for a step-free route to by-pass the steps at the weir at Velator bridge will be discussed with the local access authority

Any new infrastructure at these locations will comply with *British Standard BS5709: 2018 Gaps Gates and Stiles*.

Relevant appended documents (see Section 5):

- 5G – MCA/CMM4/R/9/CMM1527 - Disabled Ramblers – Notes on Infrastructure
- 5H - MCA/CMM4/R/9/CMM1527 - Disabled Ramblers – specific comments on various route sections

Length Report 8

Record of ‘full’ representations and Natural England’s comments on them

Representation number:	MCA/CMM Stretch/R/1/CMM1324
Organisation/ person making representation:	[redacted] Devon Countryside Access Forum (DCAF)
Route section(s) specific to this representation:	Whole length
Other reports within stretch to which this representation also relates:	N/A
Representation in full	
<p>Complex roll-back</p> <p>The Devon Countryside Access Forum (DCAF) notes the significant number of more complex roll-back locations which have been identified in the reports. There is concern that there is no limit to how far inland roll-back might apply, given excepted land and environmental obligations. The Forum agrees that simple roll-back should take place. DCAF advises that it does not seem appropriate for roll-back to take place in the complex situations cited in the reports. Roll-back does not provide any statutory process for consultation, and could impact on landowners hitherto unaware that their land could be affected.</p> <p>DCAF advises that it would be more appropriate to publish variation reports in these instances to formally allow landowners and others, such as the DCAF, to make objection or representation.</p>	
Natural England’s comments	
<p>In our published Overview document we explain that ordinarily, where roll-back has been proposed and becomes necessary, we would expect the trail to be adjusted to follow the current feature (for example, the cliff edge or top of foreshore). Where we foresee that local circumstances will require more detailed consideration, we provided further information about the situation in the relevant report. We call this ‘complex rollback’; such situations may include where the trail can’t roll back in the normal way because of an obstruction, excepted land or because of environmental considerations.</p> <p>We have taken and <u>will continue</u> to take all reasonable steps to discuss implications and options with all parties likely to be affected by such changes, both during the initial planning work that preceded the writing of the reports for each length, and during any future work to plan and implement a ‘rolled back’ route.</p>	

<p>Relevant appended documents (see section 5): N/A</p>
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Representation number:	MCA/CMM Stretch/R/2/CMM1324
Organisation/ person making representation:	[redacted] Devon Countryside Access Forum (DCAF)
Route section(s) specific to this representation:	Whole length
Other reports within stretch to which this representation also relates:	N/A
Representation in full	
Signage and way-marking	
<p>The Devon Countryside Access Forum expects, as part of the implementation process, that signage and way-marking will be clear, especially at points of decision where paths may go in different directions. Signage should reflect the nature of the path and be appropriate to the landscape to avoid sign clutter or urbanisation. Users should be encouraged to have maps available, especially away from residential areas.</p>	
Natural England's comments	
<p>As part of the implementation process Natural England, together with the access authority, will ensure that signage is clear and appropriate, particularly at junctions.</p>	
<p>Relevant appended documents (see section 5): N/A</p>	

Representation number:	MCA/CMM Stretch/R/3/CMM1324
Organisation/ person making representation:	[redacted] Devon Countryside Access Forum (DCAF)
Route section(s) specific to this representation:	Whole length

Other reports within stretch to which this representation also relates:	N/A
Representation in full	
<p>Disability access</p> <p>The Devon Countryside Access Forum is aware that many sections of the coast path include man-made obstacles such as path furniture (stiles, steps and gate design), narrow chicanes or lack of drop kerbs which make access difficult for people with limited mobility. There are other instances where upgrades to path surface, width or drainage could make access easier. The Forum advises that Natural England considers this in implementing the England Coast Path in Devon and works with land managers and other partners to secure improvements. It may be possible to identify particular stretches of path where the gains to access would be most beneficial. While the Forum recognises that issues of topography might make accessing some areas challenging, there are often many simple actions which can be taken to improve access for disabled people.</p> <p>To give an example, the kerb in this photo* (on the existing South West Coast Path) makes access through the gate difficult but could be replaced at modest cost with a ramp.</p> <p>*See relevant appended document referred to below.</p>	
Natural England’s comments	
<p>During the consultation process we had discussions with the Disabled Ramblers who raised a number of specific issues and problems at a number of locations specifically in relation to steps, gates (either being too narrow or only opening in one direction) and other artificial obstructions that make access by buggy, <i>Tramper</i> and other similar vehicles/mobility scooters very difficult if not impossible. We will discuss their suggested improvements with the access authority and the landowners with a view to improving surfaces, replacing gates, stiles, steps etc with more use-friendly structures.</p>	
Relevant appended documents (see section 5):	
<p>*5A - MCA/CMM Stretch/R/3/CMM1324 - Photo accompanying Devon Countryside Access Forum (DCAF) representation</p> <p>5B – MCA/CMM Stretch/R/3/CMM1324 - DCAF Disability Access Position Statement</p>	

Other representations

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

Representation ID:	MCA/CMM8/R/1/CMM 1524
Organisation/ person making representation:	[redacted] North Devon Coast AONB

Name of site:	Giffard's Jump to Keivill's Wood
Report map reference:	CMM 8e Giffard's Jump to Ram's Nest CMM 8f Rams Nest to Keivill's Wood
Route sections on or adjacent to the land:	Farmland to the landward of the coast path between the coast path/woods and the County Road that runs between Northway to Higher Worthygate identified as coastal margin land to the landward side of the Trail
Other reports within stretch to which this representation also relates	N/A
Summary of representation:	
<p>This farmland has been identified as potential coastal margin landward of the trail. This land is essentially enclosed farmland and is used primarily for stock.</p> <p>The section that runs as far as the public footpath at Gauter Pool, near Higher Worthygate, may be considered unsuitable for public open access. However, we consider that the single run of fields between the current coast path and PROW that runs down the Green Lane (original coast path) which continue westward to the Iron Age Hillfort above Bucks Mills (Map CMM 8f) as suitable for public open access.</p>	
Natural England's comment:	
<p>The extent of the landward coastal margin has been agreed by the landowners – the National Trust. Access and livestock often co-exist. Any land within landward coastal margin that is ploughed/cultivated for the purpose of planting or sowing crops would be excepted from coastal access rights. Access and livestock often co-exist.</p>	
Relevant appended documents (see Section 5):	
N/A	

Representation ID:	MCA/CMM8/R/2/CMM0141
Organisation/ person making representation:	The Woodland Trust
Name of site:	Barton Wood
Report map reference:	CMM 8g Keivill's Wood to Barton Wood
Route sections on or adjacent to the land:	CMM-8-S044 to CMM-8-S046

Other reports within stretch to which this representation also relates	N/A
<p>Summary of representation:</p> <p>The Woodland Trust understand Barton Wood will be in coastal margin. What landowner liabilities will be associated with Coastal Margin designation?</p>	
<p>Natural England’s comment:</p> <p>The landowner liabilities for being within coastal margin were outlined in Natural England’s ‘no change to the route’ standard letter sent to the Woodland Trust on 3 January 2019 and confirmed by email on 22 January 2019.</p> <p>The Woodland Trust might also like to refer to the CLA’s excellent paper on liabilities in the coastal margin https://www.cla.org.uk/advice/coastal-liabilities</p>	
<p>Relevant appended documents (see Section 5):</p> <p>5C - MCA/CMM8/R/2/CMM0141 - Email correspondence between [redacted] (Natural England) and [redacted] (Woodland Trust)</p>	

Representation ID:	MCA/CMM8/R/3/CMM1527
Organisation/ person making representation:	[redacted] – Disabled Ramblers
Name of site:	Westward Ho! to Cornborough Cliff
Report map reference:	Map CMM 8a Kipling Tors, Westward Ho! to Cornborough Cliff
Route sections on or adjacent to the land:	CMM-8-S001 to CMM-8-S006
Other reports within stretch to which this representation also relates	N/A
<p>Summary of representation:</p> <p>There is a steadily increasing number of people with reduced mobility who use all-terrain mobility scooters and other mobility vehicles to enjoy routes on rugged terrain in the countryside, including uneven grass, bare soil or rocky paths, foreshore areas and some sea walls and beaches. Slopes of 1:4, obstacles 6” high, water to a depth of 8” are all challenges that users of all-terrain mobility scooters are used to managing.</p> <p>These people have the same legitimate right of access that walkers do, so Natural England should ensure that any existing or new infrastructure along the Coast Path does not present a</p>	

barrier to their ability to progress along the Coast Path. Natural terrain will, in places, prevent access and this is unavoidable, however man-made infrastructure can be changed. Unlike in other parts of England, the proposals for Devon and Cornwall, and therefore for Report CMM 8: Westward Ho! to Barton Wood, do not indicate what existing structures Natural England proposes to retain, or where they are. This lack of information means that Disabled Ramblers can only able comment on these proposals in a very general way with regard to existing man-made structures. It is anticipated that there are instances of man-made barriers that bar legitimate access to users of mobility vehicles. In urban areas it is important that there are dropped kerbs along the route of Coast Path.

Disabled Ramblers requests that Natural England:-

- address with the necessary parties involved, the issue of existing man-made structures that are a barrier to those who use mobility vehicles, and enable changes to be made to allow people who use these vehicles to enjoy the England Coast Path in this area.
- ensure that all existing and proposed new structures along the Coast Path are suitable for those who use large mobility vehicles, changing infrastructure as needed, and complying with *British Standard BS5709: 2018 Gaps Gates and Stiles*.
- comply with the Equality Act 2010 (and the Public Sector Equality Duty within this act)
- comply with the Countryside Rights of Way Act 2000
- follow the advice in the attached document *Disabled Ramblers Notes on Infrastructure* which gives general notes with regard to access for users of mobility vehicles.

Comments on specific route sections:-

Route sections CMM-8-S001 to CMM-8-S006, Kipling Tors, Westward Ho! to Cornborough Cliff.

Disabled Ramblers welcome the provision that will be made for more urban types of mobility scooters along *route sections CMM-8-S002 to CMM-8-S003*.

Natural England’s comment:

We welcome the positive engagement from the Disabled Ramblers during the development of our proposals and the supportive comments expressed in their representation.

Relevant appended documents (see Section 5):

5D – **MCA/CMM8/R/3/CMM1527** - Disabled Ramblers – Notes on infrastructure

Variation Report 11

Full representations and comment record

Representation number	MCA/CMM/VR11/R/1/CMM1249
Organisation/ person making representation	[redacted] (Access Officer) Ramblers Association (Devon)
Route section(s)	CMM- VR11- S003, CMM- VR11- S004, CMM- VR11- S005, CMM- VR11- S006
Representation in full	
<p>Ramblers is generally welcoming of the proposals in this Variation report but makes the following observations:</p> <p>The sections of the new route as detailed in Section 2 above which are “<i>not existing walked routes</i>” must become public rights of way or have equivalent permanency of status. These routes must NOT be permissive routes where “permission” for public usage may be withdrawn by the landowner at a future time.</p> <p>We note the significant expenditure (£25,000) identified for a “safer” road crossing and we will look to see that this is provided as part of the implementation stage. It must become a reality and not just a pipe dream. Ramblers commented in our original representation regarding the proposals in this locality on the need for a safer road crossing in this locality.</p> <p>We note and welcome that the original more coastal route as proposed by Natural England, using existing public rights of way, will remain as an alternative route for those who choose to do so. We suggest that appropriate signage of this “alternative route” should be provided.</p> <p>We note that the new route as proposed will provide better high level distant views of the Devon coast and that there will be a greater area of coastal margin.</p> <p>Paragraph 2.1.4 of the Variation Report refers to “adjacent accepted land”, Do you mean “excepted” land? “Accepted” land is a new nomenclature to us.</p>	
Natural England’s comments	
<p>We are grateful for the Rambler’s representation in support of the Variation. We note their concerns that the ‘safer’ crossing must be implemented as part of the proposals.</p> <p>The existing South West Coast Path walked line will no longer be promoted as a national trail. It will not become a formal England Coast Path ‘Alternative Route’ nor be promoted as such but will remain available for public use as a PRoW.</p>	

New sections of the ECP do not automatically take on PRoW status; instead rights to be on that land are provided by Part 1 of the CROW Act 2000. These rights are different to PRoW rights and in some ways are more flexible. Like PRoW, sections of trail underpinned by CROW rights cannot be formally closed without relevant permissions.

We note the point about ‘accepted’ land. This should have said ‘excepted’ land.

Representation number	MCA/CMM/VR11/R/4/CMM1251
Organisation/ person making representation	[redacted], Public Rights of Way and Country Parks Manager, Devon County Council
Route section(s)	CMM-VR11-S001 FP to CMM-VR11-S006

Representation in full

As stated in the report, the proposed route will provide excellent views and has the benefit of an improved road crossing point for the National Trail(s).

The reason for this representation is to outline some recommendations if implementing this route.

CMM-VR11-S003: The access point into the field should ideally be located marginally to the south of the road to provide additional space and visibility.

CMM-VR11-S004: The route should preferably use the existing entrance point into the field to the south of the track. This will only involve minor capital work (e.g., a pedestrian gate and field gate) and negate the requirement to carry out more complex engineering works to create a new entrance from the track to the west.

CMM-VR11-S005: This section of the route may require some additional definition works over and above cutting of vegetation – for example, a limited number of steps and some digging to improve path surface and levels.

CMM-4-S006: The gradient on this stretch is steep and so the route would benefit from a zig zag alignment between the hedge and CMM-4-S005 FP.

Natural England’s comments

We are grateful for Devon County Council’s representation in support of our proposals to vary the route at Down End, Croyde/Saunton Down.

We note their comments about the access point at S003 and work with the landowner to achieve this, the comment about using the field gate at S004, the use of steps at the steepest part of S005 and the potential need to ‘zig zag’ the steep slope at S006.

The point about using the existing entrance into the field at S004 rather than creating a gap in the earth bank has also been raised in representations **MCA/CMMVR11/R/6/CMM0585 & MCA/CMMVR11/R/3/CMM1111**. We agree that this would be beneficial and further discussion with the landowner indicates that they would be willing to allow the existing entrance at S004 to be used, by way of a pedestrian gate being installed alongside the existing vehicular gate (**MCA/CMMVR11/R/3/CMM1111**). We will pursue this modification and update the Secretary of State accordingly. We agree that there may need to be steps at the steepest part of S005, but until the establishment phase begins it is difficult to be explicit in the number and location.

As regards S006, a 'zig zag' route, or the installation of steps, on the steepest part of the slope will be required to establish the route. The exact nature of these works will be finalised at the establishment stage when scrub clearance is possible and the detailed topography assessed with the advice of the access authority, Devon County Council.

Representation number	MCA/CMM/VR11/R/5/CMM1324
Organisation/ person making representation	[redacted] Devon Countryside Access Forum
Route section(s)	CMM-VR11-S001 FP to CMM-VR11-S006

Representation in full

The Devon Countryside Access Forum generally supports the proposed variation. It will provide good views of the sea, although away from the coast, and will include a safer road crossing than the route originally proposed. The improved access to facilities is welcome. However, it is a finely balanced decision for the following reasons.

1. The southern part of the route may need reconsideration to overcome steepness issues and ensure it is easy to negotiate.
2. Cutting a path through gorse/bramble scrub could result in the path becoming muddy and therefore the gradient and surfacing of the path is important.
3. The proposed route is some distance from the sea, and therefore roll-back is not applicable. Georgeham Footpaths 18, 62 and 75, which do adhere to the coast, would still be available and could provide the requisite proximity to the coast. However, under these proposals they will no longer form part of the England Coast Path. Potentially this means that Georgeham Footpaths 18, 62 and 75, largely used as part of the original England Coast Path route, could be lost to the sea through erosion and there would be no mechanism to roll-back and reinstate them.
4. The Forum recognises the benefits of having both the footpath route near the coast and the proposed inland route but is aware there will be increased maintenance costs overall as a result.
5. It is noted that all land seaward of the trail would become part of the coastal margin, other than excepted land, and would include the fields below Croyde Road (Down End) and the slopes above Oyster Falls. Even if parts are not readily accessible, this may be a concern for landowners.

The Devon Countryside Access Forum would encourage the use of accessible path furniture in assessing the capital costs to ensure that as much as possible of this scenic route is open to all users. Signage to indicate both routes would be welcome.

Natural England's comments

We are grateful for the DCAF representation in support of our proposals to vary the route at Down End, Croyde/Saunton Down.

1. We note their comments about the steepness of trail section S006 (also raised in representation **MCA/CMM/VR11/R/4/CMM1251**). To date it hasn't been possible to access the site, but we will be working with Devon County Council to ensure works are included to enable an acceptable path gradient is achieved. The exact nature of these works will be finalised at the establishment stage when scrub clearance is possible and the detailed topography assessed with the advice of the access authority, Devon County Council.

2. We note their comments about the gradient and surfacing of the path through the gorse. We are aware of the need to evaluate the surface once the path has been opened up and this will be completed with the advice of the access authority, Devon County Council.
3. We note their comments about the potential loss of the PRowWs that may be lost due to coastal erosion. The ECP and PRowWs are separate legal entities. The roll back provision only applies to the ECP and does not apply to PRowWs. The moving of a PRowW would have to be achieved through a PRowW modification order.
4. We note the comment about the benefits of having both paths – the proposed trail over Saunton Down and the retained public footpath nearer the coast.
5. The landowners are all aware of the fact that land seaward of the trail will become coastal margin.

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

Representation ID:	MCA/CMMVR11/R/2/CMM1256
Organisation/ person making representation:	[redacted] South West Coast Path Association
Route sections on or adjacent to the land:	Route sections CMM-VR11-S001 to CMM-VR11-S006 inclusive.
<p>Summary of representation:</p> <p>The South West Coast Path Association state that the proposed route addresses its key concern regarding the viability and safety of the ECP crossing of the B3231 road. The lack of steps in this proposal is also welcomed. However, it says that the proposal takes the route further from the sea, contrary to one of the key objectives of the ECP project.</p> <p>It accepts that the views from the proposed route are good. However, it says that they are not dissimilar in nature to those from the adjacent length of the ECP along Saunton Down, whereas the originally proposed route offered a contrasting coastal experience of proximity to the sea on low cliffs.</p> <p>The Association also says that the surface of the new path, should be of high quality, possibly including some stoning, and not merely cut through gorse and bramble scrub. The gradient of the proposed route also needs to be closely assessed to ensure the path is not too steep because if the new route were to prove difficult or unpleasant to walk, even if only seasonally, it is unlikely to be well used as walkers would revert to the previous route.</p>	
<p>Natural England’s comment:</p> <p>We are grateful for the South West Coast Path Association’s representation in support of our proposals to vary the route at Down End, Croyde/Saunton Down.</p> <p>We welcome its comments about the safer road crossing at Down End Car Park and the good views from the proposed route over Saunton Down.</p>	

We note the Association’s concerns about the need for quality surfacing of the trail cut through the scrub and the gradient. There will be a need for some ‘zig zag’ or steps on the steepest part of the slope but until access to the site is available and the detailed topography assessed it isn’t possible to be specific. Once agreement is reached on the infrastructure to enable walkers to traverse the site an updated map will be produced to update the Secretary of State accordingly.

The Association laments the lack of variety of walker experience in this area, given similar views on adjacent sections of the ECP. We have a duty to strike a ‘fair balance’ and our new proposals provide this by taking the path away from a residential property and avoiding a dangerous road crossing. This overrides any consideration we might have about providing a varied walking experience, particularly when the views from the top of Saunton Down are breath taking. There are many places along this stretch of coast where the ECP is close to the shore; from Baggy Point to the outskirts of Croyde, crossing Croyde Beach and the length of Saunton Beach seaward of the dunes.

Representation ID:	MCA/CMMVR11/R/3/CMM1111
Organisation/ person making representation:	[redacted] – agent on behalf of [redacted]
Route sections on or adjacent to the land:	CMM VR11 S002 RD CMM VR11 S003

Summary of representation:

[redacted] own [redacted] and are part owners of additional land affected. They support the Variation which [redacted] says is a benefit to users and avoids the issues raised as originally proposed by Natural England. The Variation is a route that gives wonderful sea views in both directions both to Saunton and to Croyde Bay.

The original proposed route involved a dangerous crossing at Oyster Falls but the Variation utilises an existing crossing at Down End (CMM VR11 S002 RD) which is in need of improvement. It requires:

- Earlier implementation of the existing speed limit for vehicles descending into Croyde.
- A safer ‘zebra type’ crossing from Down End car park to the beach.
- Trail section CMM VR S003 will need to be fenced on the field side to enable the field to be utilised by farm animals. Mr and Mrs Hare request that both this field and the field below (overflow car park field) be excluded from Coastal Margin.

[redacted] says that it has been suggested that instead of creating a gap in the wall/earth bank in the track leading to Down End House that use is made of the existing field gates. Kissing gates could be used to avoid the risk of stock escaping. Consultation is requested with Natural England on any detailed changes.

Natural England’s comment:

1. We welcome the representation from [redacted] in support of our proposals to vary the route at Down End, Croyde/Saunton Down.
2. We note the comments about the road crossing at Down End Car Park and the need to fence the field side of the path to enable livestock to use the field. The Highways department of Devon County Council has been advising their access authority colleagues on the development of the road crossing. We agree that the route along the side of the field will need gates and fencing and the exact type of infrastructure and its positioning will be developed at establishment stage.

3. We note the comment that the field adjacent to the car park and the field below the car park should be excluded from Coastal Margin. (There are no specific reasons given to allow these fields to be excluded from Coastal Access. Informal management is likely to be the simplest solution – fencing the fields off from the path and locking gates. We understand that occasionally, events are held in the fields and that they are sometimes used as overflow car parks. In these instances, the land owners may be able to apply for a direction to restrict or exclude access.)

We note the point about using the existing entrance into the field at S004 rather than creating a gap in the earth bank has also been raised in representations **MCA/CMMVR11/R/6/CMM0585 & MCA/CMMVR11/R/3/CMM1111**. We agree that this would be beneficial and further discussion with the landowner indicates that they would be willing that the existing entrance at S004 be used, by way of a pedestrian gate being installed alongside the existing vehicular gate (**MCA/CMMVR11/R/3/CMM1111**). We will pursue this modification and update the Secretary of State accordingly.

Relevant appended documents (see Section 5):

Representation ID:	MCA/CMMVR11/R/6/CMM0585
Organisation/ person making representation:	[redacted]
Route sections on or adjacent to the land:	CMM-VR11-S001FP – Foot path from road to top of steps to beach access CMM-VR11-S002RD – Road crossing CMM-VR11-S003 – proposed field track adjacent to track to Heatherdown CMM-VR11-S004 – Existing field gate onto historic track with stone walls

Summary of representation:

CMM-VR11-S001FP – Footpath from road to top of steps to beach access:
There is no current maintenance schedule for this section and due to the path being concrete the surrounding softer earth ground becomes eroded very quickly. There is a surface water gully that should be cleared by Devon Highways but it's never done. The landowners end up having to carry out this work and have done so for the past 10 years. They are no longer prepared to do this work. The existing wooden square post and rail fence is rotten, this will need to be replaced within the ECP scheme along with a scheduled maintenance plan by Devon Highways to maintain this path properly. It is used by thousands of beach goers every year and needs to be kept in good condition for them all to pass without injury.

CMM-VR11-S002RD – Road crossing:
The proposal indicates a new crossing but gives no details. As neighbouring landowner, [redacted] says he would require to be consulted on this detail. He owns the very busy car park and facilities to the south of the main Croyde Road and works to attract visitors to the area to enjoy the beach and the Area of Outstanding Natural Beauty.

CMM-VR11-S003 – proposed field track adjacent to track to Heatherdown:

The proposals indicate that the trail will be on 'compacted soil or mown grass along its length'. The narrative does not indicate who and when and how often the trail will be maintained? The trail is to run across the main road on the track to Heatherdown but does not mention any gate access into the triangled shaped field or any signposts indicating the route direction. The proposal does not mention that the field would require a post and rail fence with stock proof fencing to keep the trail users away from stock in the field. The proposal does not mention that a further gate halfway up the proposed trail in this field, should be naturally included to allow access into the public conveniences to the trail users rather than them walking down the extremely busy and narrow track to Heatherdown where there is no room to pass a pedestrian. Due to access requirements by tractor and farm vehicles from the triangle field up and into the gorse covered field, there is no mention of a field gate and pedestrian gate requirement as the trail approaches the existing access gateway. This will potentially cause a problem between farm machinery and pedestrians.

CMM-VR11-S004 – Existing field gate onto historic track with stone walls:

The proposals indicate that there would be 'NO steps' but [redacted] says the proposed 'newly created gap in the hedge bank and onto the gorse/scrub slopes' would require steps as there is a large historic stone wall and bank about two metres tall. This section has not been reasonably considered or the concerns from the landowners heard on the Appointed Person's site visit last year. The proposal is to disturb the old route into Croyde by creating a new access in the stone wall when there is a natural access through the gateway opposite the field gate from the triangle field. This access could be created with the use of a pedestrian gate alongside the field gate but at 90 degrees to the gate, the trail could then be created adjacent to the old historic track below.

The old track to Downend House should have a gate erected and a sign indicating no entrance as walkers will be tempted to walk along this old track as the view at the end is beautiful. The end of the track would require a further gate to stop the trail users from walking down the Heatherdown vehicular track as it is so narrow.

The proposed trail should be permissive and in consultation with the landowners and NE be able to be redirected if required at any time. The reason for this is that the existing track to Heatherdown is extremely tight and narrow and the landowners are considering altering the route of access for Heatherdown so as to limit the vehicle and pedestrian interaction.

The landowners would require that the triangle field and the field to the north of the Croyde Road be omitted from the Coastal Margin. The field to the north is in fact an SSSI registered parcel of land.

Natural England's comment:

We thank [redacted] for his detailed representation on the Variation proposals at Down End/Croyde.

1. We note the comments on trail section S001. The current maintenance schedule is an ongoing issue unrelated to the use of the section as the England Coast Path. We will pass on his concerns to the access authority.
2. We agree that there is a need for additional access furniture on trial sections S002, S003 and S004 and the types and positioning of this will be developed with the landowner's agreement in the establishment stage of the programme. We also note that there may be proposals to alter the track to Heatherdown at some point and confirm that if required it would be open to us to vary the approved line of the ECP to accommodate this. Any approved trail would have coastal access rights on it, where it is not aligned on a PRoW and so could not be a permissive route.
3. We note the point about using the existing entrance into the field at S004 rather than creating a gap in the earth bank has also been raised in representations **MCA/CMMVR11/R/6/CMM0585 & MCA/CMMVR11/R/3/CMM1111**. We agree that this would be beneficial and further discussion with the landowner indicates that they would be willing that the existing entrance at S004 be used, by way of a pedestrian gate being installed alongside the existing vehicular gate

(MCA/CMMVR11/R/3/CMM1111). We will pursue this modification and update the Secretary of State accordingly.

4. We note the comment about excluding the field adjacent to the car park and the field below the car park should be excluded from Coastal Margin.

There are no specific reasons given to allow these fields to be excluded from Coastal Access. Informal management is likely to be the simplest solution – fencing the fields off from the path and locking gates. We understand that occasionally, events are held in the fields and that they are sometimes used as overflow car parks. In these instances, the landowners may be able to apply for a direction to restrict or exclude access.

Relevant appended documents (see Section 5):

5. Supporting documents