

# Coastal Access – Cremyll to Kingswear



## Representations on CKW 5: Mothecombe Beach to Avon Estuary and Natural England's comments

June 2020

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### 1. Introduction

This document details representations we have received on the stated coastal access report. These fall into two categories:

- Representations received from persons or bodies that must be sent in full to the Secretary of State ('full' representations, reproduced below); and
- Those which have not come from those persons or bodies whose representations we are required to send in full to the Secretary of State ('other' representations, summarised below).

It also sets out any comments that Natural England choose to make in response to these representations.

### 2. Background

Natural England's compendium of reports setting out its proposals for improved access to the coast from Cremyll to Kingswear was submitted to the Secretary of State on 15 January 2020.

This began an eight week period during which representations and objections about each constituent report could be made.

In relation to the report for CKW 5: Mothecombe Beach to Avon Estuary, Natural England received 9 representations, of which 7 were made by organisations or individuals whose representations must be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These 'full' representations are reproduced in Section 3 of this document together with Natural England's comments where relevant.

As required by the legislation this document also summarises and, where relevant, comments on the 2 representations submitted by other individuals or organisations, referred to here as 'other' representations. Natural England's comments on 'other' representations are set out in Section 4 of this document.

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

A further representation was received from [redacted], disabled access representative for [redacted], after the period of eight weeks beginning with the date on which the report was first advertised on Natural England's website. In compliance with Regulation 4(4) of the Coastal Access Reports (Consideration and Modification Procedure) (England) Regulations 2010 this representation has not been considered or passed on/summarised.

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

<b>Representation number:</b>	MCA/CKW Stretch/R/1/CKW2633
<b>Organisation/ person making representation:</b>	[redacted]
<b>Route section(s) specific to this representation:</b>	CKW stretch
<b>Other reports within stretch to which this representation also relates:</b>	CKW2 to CKW4 and CKW6 to CKW9
<b>Representation in full</b>	
[redacted] expects, as part of the implementation process, that signage and waymarking 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.	
<b>Natural England's comments</b>	
We welcome the positive engagement from [redacted] during the development of our proposals. As part of the implementation process we, together with the relevant access authority, will ensure that signage is clear and appropriate, particularly at junctions.	

**Relevant appended documents (see section 6):**

N/A

<b>Representation number:</b>	MCA/CKW Stretch/R/2/CKW2633
<b>Organisation/ person making representation:</b>	[redacted]
<b>Route section(s) specific to this representation:</b>	CKW stretch
<b>Other reports within stretch to which this representation also relates:</b>	CKW2, CKW4, CKW7, CKW8, CKW9
<b>Representation in full</b>	
<p><b>Complex roll-back</b></p> <p>[redacted] 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. [redacted] agrees that simple roll-back should take place. [redacted] 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>[redacted] advises that it would be more appropriate to publish variation reports in these instances to formally allow landowners and others, such as [redacted], to make objections or representations.</p>	
<b>Natural England's comments</b>	
<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>	
<b>Relevant appended documents (see section 6):</b>	
N/A	

<b>Representation number:</b>	MCA/CKW Stretch/R/3/CKW2633
<b>Organisation/ person making representation:</b>	[redacted]
<b>Route section(s) specific to this representation:</b>	CKW stretch
<b>Other reports within stretch to which this representation also relates:</b>	CKW2 to CKW4 and CKW6 to CKW9

#### **Representation in full**

##### **Disability access**

[redacted] 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. [redacted] 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 [redacted] 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.

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.



##### **Natural England's comments**

After the publication of our proposals we had discussions with the Disabled Ramblers who raised issues at a number of locations in relation to steps, gates (either being too narrow or only opening in one direction) and other artificial obstructions that make access by buggy, *Tramper* and other similar vehicles difficult if not impossible. In some of our reports for the Cremyll to Kingswear stretch we have identified locations where we have agreed to replace or install new infrastructure to improve access.

Where the Disabled Ramblers have identified additional locations where they consider accessibility can be improved/modified, we will discuss their suggestions with the access authority and the landowners. Should these suggestions be workable/appropriate, we would agree who would fund such work (whether it is the access authority or Natural England). A separate central government contribution is made annually to the South West Coast Path

National Trail Partnership which is available to help with the costs of replacing infrastructure such as gates if the access authority agrees they are necessary.

**Relevant appended documents (see section 6):**

5A - MCA/CKW Stretch/R/3/CKW2633 - [redacted] Disability Access Position Statement 2017

<b>Representation number:</b>	MCA/CKW Stretch/R/4/CKW2633
<b>Organisation/ person making representation:</b>	[redacted]
<b>Route section(s) specific to this representation:</b>	CKW stretch
<b>Other reports within stretch to which this representation also relates:</b>	CKW2 to CKW4 and CKW6 to CKW9
<b>Representation in full</b>	
[redacted] advises that comprehensive information about ferries and alternative options should be available to assist people undertaking a long-distance walk.	
<b>Natural England's comments</b>	
As part of the implementation process we, together with the access authority and the South West Coast Path Association, will seek to ensure that information about ferries and alternative options will be available to assist people using the coast path and those undertaking long-distance walks. Our reports include an estimate of the capital costs for physical establishment of the new trail and one element of the overall cost for report CKW5 is for a number of new signs and information boards which would be needed on the trail at the Mothecombe and Wonwell slipways to improve the information available for walkers fording the River Erme on foot (such as on river conditions and water levels).	
<b>Relevant appended documents (see section 6):</b>	
N/A	

<b>Representation number:</b>	MCA/CKW5/R/1/CKW2660
<b>Organisation/ person making representation:</b>	[redacted]
<b>Route section(s) specific to this representation:</b>	Maps CKW 5a to CKW 5fb and Directions Map 5b
<b>Other reports within stretch to which this representation also relates:</b>	N/A
<b>Representation in full</b>	

### **Map CKW 5a and text at paragraph 5.2.10 The Erme Estuary crossing.**

I note that the “fording” of the River Erme is the connection between sections CKW-5-S005 and CKW-5-S006 of the trail. It is only possible to ford the river in a two hour window, one hour either side of low tide and that is dependent on the river not being in spate and sea conditions being favourable. I note that no “alternative” inland route is suggested and this is in contrast to your approach at the Yealm and Avon estuaries, addressed at Report Chapters 3 and 6. Yet the Erme estuary offers a simpler inland alternative than the Yealm or Avon estuary.

The “ferry” as indicated on Map CKW 5a does not exist. In your text at paragraph 5.3.3, we note your inability to negotiate a dedicated access near to Flete House. There is a footbridge at grid reference SX 629 501 and footpaths on both sides of the river which would have provided a suitable and convenient alternative route around this estuary. Once again the lack of appropriate compulsory powers in the Marine and Coastal Access legislation and the probable reluctance of landowners have made this solution unachievable.

### **Directions Map CKW 5b and text at Paragraph 5.1.18 (*sic*) Burgh Island**

The relevance and application of a direction to exclude public access to part of the island is not understood. The coastal trail itself does not go to Burgh Island. Is it the case that Burgh Island is “coastal margin” ? Part of the land within the area the subject of the proposed direction is “excepted” land anyway, that is, the hotel buildings, curtilage and gardens etc. In paragraph 5.1.19 it is public access to the island that keeps the “commercial operation” operating; public access is not incompatible with “commercial operation”.

### **Map CKW 5f and text at paragraph 5.2.24**

The increase in the operating hours of the ferry to an “*all the day throughout the year*” service is welcomed but this **MUST** be achieved and not be just an expression of hope that comes to nothing. The ferry service as hitherto, summer months but for only one hour in the morning and one hour in the afternoon is barely a service.

### **Maps CKW 5e and CKW 5f and routes CKW-5-S035 to CKW-5-S049.**

In the timeframe of approximately 2 hours either side of low tide it is possible to walk the foreshore and beach from the Burgh Island slipway to Cockleridge Ham. I have used it on numerous occasions; it is preferable to the “inland” route via Mount Folly Farm you have used. You may wish to consider this as an alternative ?

### **Natural England’s comments**

We welcome the positive engagement from [redacted] during the development of our proposals.

### **Map CKW 5a and text at paragraph 5.2.10 The Erme Estuary crossing.**

In developing our proposals we considered in detail a number of other options for the Erme Estuary, as set out in section 5h of the Overview document and in table 5.3.2 of report CKW5. Our proposal is to align the trail to follow the existing South West Coast Path across the mouth of the Erme, by fording on foot at low tide between the two slipways at Mothecombe

and Wonwell. As the crossing can only be made within approximately an hour either side of low tide and is not available all the time we considered whether it was feasible and appropriate to align the ordinary route of the trail around the estuary to a suitable crossing point such as the crossing point of the River Erme at Sequer's Bridge. We also looked at whether the footbridge at grid reference SX 629 501 as mentioned by [redacted] could be used as a crossing point, however this footbridge is in a state of disrepair and is no longer in use. In addition, a large area to the east of this old footbridge is now tidal mudflat and saltmarsh and to cross it would require construction of a long boardwalk which would not be feasible nor desirable to establish in this location particularly for conservation reasons. The 'footpath' on the east of the Erme proposed by [redacted] is within the boundary of the Registered Park and Garden (which in this case we are certain is excepted land) and as such this route would have to be dedicated by the estate, something they have been unwilling to agree to.

We concluded that it would be impossible to have a route following the shoreline of the estuary due to the following reasons: the excepted land alongside parts of the estuary particularly the historic parkland at Flete; the topography and land use of the estuary margins, the nature conservation interest of the estuarine habitats and the land management and operational interests of the estate owners.

We did not propose an alternative route as it would be mainly based on roads, including the A379, which is a relatively narrow and fast road and which would be unsafe for walkers to use. In addition, any such alternative route along existing roads/rights of way would have to go inland as far as Ermington, approx. 3.5km inland from where the river loses its estuarine character; we concluded that in this case that was an unacceptable distance and that the provision of a formal alternative route was not feasible.

We agree with the point made by [redacted] relating to map CKW5a that the word 'ferry' shown at the mouth of the estuary is incorrect. We will correct map CKW5a as appropriate.

#### **Directions Map CKW 5b and text at Paragraph 5.1.18 (*sic*) Burgh Island**

Under the 2009 Act, islands such as Burgh Island are included in the scope of the coastal access arrangements as it is possible to walk to them from the mainland or from another accessible island. Where the trail does not run along the seaward side of an accessible island such as Burgh Island, the whole island will qualify automatically as spreading room as a consequence of its position seaward of the trail, unless it is excepted land or subject to access exclusions.

The Burgh Island Hotel maintains the south eastern part of Burgh Island as a private area available exclusively to paying hotel guests and those hiring the hotel for private functions. Public access under the coastal rights is not compatible with the commercial operation of the site and therefore this area is to be excluded all-year round by direction under section s24 of the CRoW Act (2000) to prevent loss of income to Burgh Island Hotel. The exclusion does not affect the route itself and will have no legal effect on land where coastal access rights do not apply such as excepted land.

#### **Map CKW 5f and text at paragraph 5.2.24**

We note the point raised by [redacted] that the increase in operating hours must be achieved. The ferry is run as a commercial operation and its availability, particularly with the increased hours of operation was judged to be adequate to be designated as the ordinary route. Should the ferry service cease altogether or become less suitable for purpose, Natural England will

review its trail alignment and if appropriate, will prepare a separate variation report to the Secretary of State to ensure an uninterrupted journey along the trail.

**Maps CKW 5e and CKW 5f and routes CKW-5-S035 to CKW-5-S049**

We note the point raised by [redacted] about it being possible to cross the mouth of the Avon estuary by walking the foreshore at low tide via Burgh Island. We have not considered this as an alternative route as it is not available at all times when the ferry service is not in operation. However it falls within the coastal margin and as a consequence would be subject to coastal access rights and available for people to use if appropriate.

**Relevant appended documents (see section 6):**

N/A

<b>Representation number:</b>	MCA/CKW5/R/4/CKW2633
<b>Organisation/ person making representation:</b>	[redacted]
<b>Route section(s) specific to this representation:</b>	CKW-5-S001 and CKW-5-S002
<b>Other reports within stretch to which this representation also relates:</b>	
<b>Representation in full</b>	
<i>Mothecombe Beach and Meadowsfoot Beach</i>  [redacted] supports changes to the route as it would be available at all times and less susceptible to high tide.	
<b>Natural England's comments</b>	
We note [redacted]'s support of our proposals at this location.	
<b>Relevant appended documents (see section 6):</b>	
N/A	



<b>Representation number:</b>	MCA/CKW5/R/5/CKW2633
<b>Organisation/ person making representation:</b>	[redacted]
<b>Route section(s) specific to this representation:</b>	Erme Estuary
<b>Other reports within stretch to which this representation also relates:</b>	
<b>Representation in full</b>	
<p><i>Erme Estuary</i></p> <p>[redacted] recognises the difficulties involved in providing a continuous route across the Erme. However, [redacted] is disappointed that no alternative route is proposed for the estuary. It is only possible to wade across the river at low tide and for an hour either side. This limits not only the time available but also presents a barrier for those not confident enough or able to wade across. [redacted] would encourage a review of this decision to see whether an appropriate alternative route can be found. Concerns about safety using the A379 are appreciated but [redacted] would like this route, and the area immediately around it, to be reassessed in terms of potential improvements that would make it safer for access users. There is already a convenient bridleway link to Hollowcombe Cross on the A379 (Holberton Bridleway 5).</p>	
<b>Natural England's comments</b>	
<p>Crossing the Erme Estuary by fording on foot at low tide between the two slipways at Mothecombe and Wonwell can only be made within approximately an hour either side of low tide when the water is generally no more than knee deep - although this can differ depending on weather and floodwater conditions. We recognise that even at low tide some users may not feel confident or able to cross. As part of our proposals we have identified that new interpretation (information boards) are also needed at the Mothecombe and Wonwell slipways to improve the information available for walkers fording the River Erme on foot (such as on river conditions and water levels).</p> <p>In developing our proposals we considered in detail a number of other options for the Erme Estuary, as set out in section 5h of the Overview document and in table 5.3.2 of report CKW5. We concluded that it would be impossible to have a route following the shoreline of the estuary due to the following reasons: the excepted land alongside parts of the estuary particularly the historic parkland at Flete; the topography and land use of the estuary margins, the nature conservation interest of the estuarine habitats and the land management and operational interests of the estate owners.</p> <p>We did not propose an alternative route as it would be mainly based on roads, including the A379, which is a relatively narrow and fast road and which would be unsafe for walkers to use (although we do recognise that there are some public rights of way which lead to and from the estuary as noted by [redacted]). In addition, any such alternative route along existing roads/rights of way would have to go inland as far as Ermington, approx. 3.5km inland from where the river loses its estuarine character; we concluded that in this case that was an unacceptable distance and that the provision of a formal alternative route was not feasible.</p> <p>Our proposed alignment follows the alignment of the South West Coast Path as currently walked and managed.</p>	

**Relevant appended documents (see section 6):**

5B - MCA/CKW5/R/5/CKW2633 – Maps of the Erme Estuary

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

<b>Representation ID:</b>	MCA/CKW5/R/2/CKW2687
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	River Erme
<b>Report map reference:</b>	Map CKW 5a
<b>Route sections on or adjacent to the land:</b>	Between route sections CKW-5-S005 and CKW-5-S006
<b>Other reports within stretch to which this representation also relates</b>	
<b>Summary of representation:</b> <p>This proposal means that a continuous route is only possible for four hours in every twenty-four (two tidal windows of two hours each), severely limiting the opportunity to follow a coastal route along this part of the south coast of Devon. It is inconsistent with the approach taken at neighbouring estuaries (Yealm and Erme), where alternative routes around the estuaries are proposed for such times as it is not possible to cross them. The provision of such an alternative is the means by which the statutory principle of the continuity of the Trail, which includes continuity at all states of the tide (Approved Scheme para 4.4.2) is achieved. This principle is not followed here.</p> <p>It is accepted that there are unusual circumstances on the Erme in relation to issues such as historic parkland, but given the presence of existing paths and tracks parallel to both sides of the river, [redacted] is extremely disappointed that no solution has been found to providing a safe and acceptable route which does not impinge on genuine environmental concerns.</p>	
<b>Natural England’s comment:</b> <p>In terms of our approach taken to the Erme and at neighbouring estuaries, section 5 of the Overview explains in more detail how each of the specific estuary considerations affects our view of the options for estuary trail alignment and it describes and explains our approach and chosen proposal in each case. In developing our proposals we considered in detail a number of other options for the Erme Estuary, as set out in section 5h of the Overview document and in table 5.3.2 of report CKW5.</p> <p>We concluded that it would be impossible to have a route following the shoreline of the estuary due to the following reasons: the excepted land alongside parts of the estuary particularly the historic parkland at Flete; the topography and land use of the estuary margins,</p>	

the nature conservation interest of the estuarine habitats and the land management and operational interests of the estate owners.

We did not propose an alternative route as it would be mainly based on roads, including the A379, which is a relatively narrow and fast road and which would be unsafe for walkers to use. In addition, any such alternative route along existing roads/rights of way would have to go inland as far as Ermington, approx. 3.5km inland from where the river loses its estuarine character; we concluded that in this case that was an unacceptable distance and that the provision of a formal alternative route was not feasible.

Our proposed alignment follows the alignment of the South West Coast Path as currently walked and managed.

**Relevant appended documents (see Section 6):**

N/A

<b>Representation ID:</b>	MCA/CKW5/R/3/CKW0008
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	Report CKW 5: Mothecombe Beach to Avon Estuary
<b>Report map reference:</b>	<ul style="list-style-type: none"> <li>• Map CKW 5a Mothecombe Beach to Redcove Point</li> <li>• Map CKW 5b Redcove Point to Freshwater</li> <li>• Map CKW 5c Freshwater to Ayrmer Cove</li> <li>• Map CKW 5d Ayrmer Cove to Bigbury-on-Sea</li> <li>• Map CKW 5e Bigbury-on-Sea and Burgh Island</li> <li>• Map CKW 5f Bigbury-on-Sea to Avon Estuary</li> </ul>
<b>Route sections on or adjacent to the land:</b>	Report CKW 5: All route sections generally.
<b>Other reports within stretch to which this representation also relates</b>	N/A
<p><b>Summary of representation:</b></p> <p>[redacted] has concerns where access furniture along the trail is not of a suitable standard for those who use all-terrain mobility vehicles and pushchairs. Natural England should ensure that any existing or new infrastructure does not present a barrier to their ability to progress along the Coast Path.</p> <p>[redacted] 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 ensure that all existing and proposed new structures along the Coast Path are suitable</p>	

for those who use large mobility vehicles, changing infrastructure as needed, and complying with *British Standard BS5709: 2018 Gaps Gates and Stiles*.

**Natural England's comment:**

We welcome the positive engagement from [redacted]. After the publication of our proposals we had discussions with [redacted] who raised issues at a number of locations in relation to steps, gates (either being too narrow or only opening in one direction) and other artificial obstructions that make access by buggy, *Tramper* and other similar vehicles difficult if not impossible. In some of our reports for the Cremyll to Kingswear stretch we have identified locations where we have agreed to replace or install new infrastructure to improve access.

Where [redacted] have identified additional locations where they consider accessibility can be improved/modified, we will discuss their suggestions with the access authority and the landowners. Should these suggestions be workable/appropriate, we would agree who would fund such work (whether it is the access authority or Natural England). A separate central government contribution is made annually to the South West Coast Path National Trail Partnership which is available to help with the costs of replacing infrastructure such as gates if the access authority agrees they are necessary.

Any changes to and improvements of furniture included in our reports do not inhibit use by mobility vehicles where the surrounding nature of the route makes this feasible; all new furniture will meet the British Standard 5709:2018 Gaps, Gates and Stiles.

Because of current access restrictions (relating to lockdown restrictions and site visits), it may not be possible to agree specific new projects until the establishment phase of the process.

**Relevant appended documents (see Section 6):**

5C - MCA/CKW2/R/3/CKW008 - [redacted] Notes on Infrastructure

## 5. Supporting documents

### 5A - MCA/CKW Stretch/R/3/CKW2633 - [redacted] Disability Access Position Statement 2017



**Devon Countryside Access Forum**  
Lucombe House  
County Hall  
Topsham Road  
EXETER EX2 4QD

Tel: 07837 171000  
01392 382084

[devoncaf@devon.gov.uk](mailto:devoncaf@devon.gov.uk)  
[www.devon.gov.uk/dcaf](http://www.devon.gov.uk/dcaf)

#### **Devon Countryside Access Forum**

#### **Physical Disability Access Position Statement**

The Devon Countryside Access Forum recognises that everyone, whether residents or visitors, should be able to enjoy recreation in Devon's natural environment.

#### **The issue**

This Position Statement sets out recommendations for improving access to the countryside for people with limited mobility, including on Public Rights of Way and cycle/multi-use trails, and points readers to more detailed information.

Although this Statement focuses particularly on physical disabilities, it is worth noting that limited mobility affects a range of people, including parents with children in buggies; elderly or frail people, who might use an electric mobility scooter or wheelchair; and people with walking aids. Improving access for wheelchairs and large off road electric mobility scooters can improve access for all.

Research shows that people with limited mobility are less likely to say they can access 'green spaces' and are less likely to visit the countryside. This is because they experience barriers that can be impossible to navigate. Barriers can include:

- stiles;
- steps;
- narrow gates, entrances, paths and exits;
- difficult or high handles and latches on gates;
- logs or earth mounds;
- steep gradients and cross-gradients; and
- overgrown vegetation.

The DCAF recognises that there are some routes that cannot be made accessible because of flights of steps or unavoidably narrow sections. However, many barriers can be removed at relatively low cost, opening up significant areas of countryside to more disabled people. The aim should be to achieve the least restrictive option.

Disabled people are now benefiting from ongoing technological improvements in mobility aids. Now, electric and all terrain scooters/buggies, such as the off-road Trampler, can cope with more challenging gradients (25%) and cross gradients as well as having good ground clearance. All terrain type scooters are quite capable of going across grass fields and open moorland. Such off road scooters can even manage distances of 20 to 40 miles. A modest improvement to a gate may open up more extensive areas for access.

The Devon Countryside Access Forum is a local access forum. It is required, in accordance with Sections 94 and 95 of the Countryside and Rights of Way (CROW) Act 2000, to provide advice as to the improvement of public access to land for the purposes of open-air recreation and enjoyment.



Access managers often under-estimate the capability of this new generation of off-road mobility scooters and may think access cannot be improved if routes are not suitable for wheelchairs, whereas it is highly likely that a Trampler off road scooter could cope adequately.

### **Making improvements**

Major modifications to routes using very specific criteria are often inappropriate, especially in rural areas, or very expensive but relatively minor changes can often result in a much more accessible and enjoyable route, particularly for people with all-terrain scooters.

Improvements must be agreed with landowners and should consider how disabled people might be able to access the route while maintaining necessary measures to control farm animals and any vehicles. In some instances changes will not be possible. Historic or locally important structures should be respected.

Some possible improvements include:

- Replacing stiles and kissing gates with 1.5 m wide gates with good latches and trombone handles. Where self-closing gates are required a two-way gate is preferable. Kissing gates that can be operated by radar keys may be an option in some locations. (e.g. National Trust Parke estate and Fremington Quay nature reserve). Latches are often over-looked but can ensure gates can be easily opened and closed. They should be positioned where they can be reached and in good condition. Long handles which can be reached at different heights are useful to open gates.
- Ensuring the path width and surface are suitable for wheelchairs, buggies and trampers helps many people. This does not mean that a route requires a road surface – minimising puddles, roots and ruts may be all that is needed. Many disabled people still want a countryside experience.
- Ramps rather than steps on approaches to bridges would greatly assist those with disabilities. Where steps are unavoidable, rest or landing areas should be included or there should be signposting to an alternative reasonable route.
- DCAF advises site managers to explore options for facilitating access for Trampler all terrain mobility scooters or making these available for hire, as has been successfully developed by Countryside Mobility South West.
- Routes for cyclists should take into account reclining bikes, trikes and modified bikes as well as Trampler type mobility scooters. These can be longer, lower or wider than a standard bike when navigating a gate or turning space.

### **Planning for better access**

The Forum advises that improvements to Public Rights of Way should incorporate the highest possible access standards from the outset, and that managers should regularly consider potential enhancements. For example, Parish Councils may be planning improvements to Public Rights of Way through Neighbourhood Plans and should consult disabled people on changes. This will ensure costly mistakes that inhibit access are avoided and that people are informed where it is not possible to make an adjustment and improvement. In planning or designing *new* routes the above recommendations should be



considered from the beginning to achieve the highest standards possible. A number of organisations have good practice guides to ensure disability access standards can be implemented.

It is also worth noting that improving access to the countryside isn't necessarily limited to improving paths and gateways. People with limited mobility may have other needs too. There are additional aspects to consider and these include:

- Connectivity (access to the site via accessible public transport, disabled parking bays or safe paths).
- Rest (stopping off points such as picnic tables, pubs, cafes and wheelchair (or mobility scooter) accessible toilets).
- Information (providing clear, easy to read information about the route or site so that people can plan their visit with confidence and consider making information usable by visually sighted and/or Deaf persons)
- Sensory enhancements such as scented plants for visually impaired people. Also, suitable lighting and clear edges to paths in urban areas.

## Legislation

Under the Equality Act 2010, Public Authorities (including County, District, Town and Parish Councils) have a pro-active legal duty to advance equality for disabled people. This includes meeting disabled people's needs. The Act also places a requirement on providers of services to the public to ensure people are not unlawfully discriminated against and that reasonable adjustments are anticipated and made for disabled people. Landowners who have public access or public rights of way across their land are not providers of public services, and therefore cannot be obliged under the Act to make reasonable adjustments, for example by changing a stile to a gate. Landowners who provide permissive access must comply with the Equality Act by considering what reasonable adjustments can be made for disabled people. However, this does not oblige them to put in place anything that would be an unreasonable cost, ineffective or impractical. More information:

<https://www.equalityhumanrights.com/en>

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

<https://new.devon.gov.uk/equality/policy-and-legislation/equality-legislation>

The Department of Transport legislation states that Class 3 mobility scooters must have a maximum speed of 4 mph on pavements and 8 mph on roads, a width of 85 cm and an unladen weight of 150 kg. This class includes Trumper mobility scooters and the TGA 3 wheel Supersport.

<https://www.gov.uk/mobility-scooters-and-powered-wheelchairs-rules/rules-for-class-3-invalid-carriages>

## Best Practice

For photos showing good practice and details of wheelchair and mobility scooter specifications see the DCAF website [www.devon.gov.uk/dcaf](http://www.devon.gov.uk/dcaf)

For more comprehensive information on standards, particularly when establishing a new route, see:

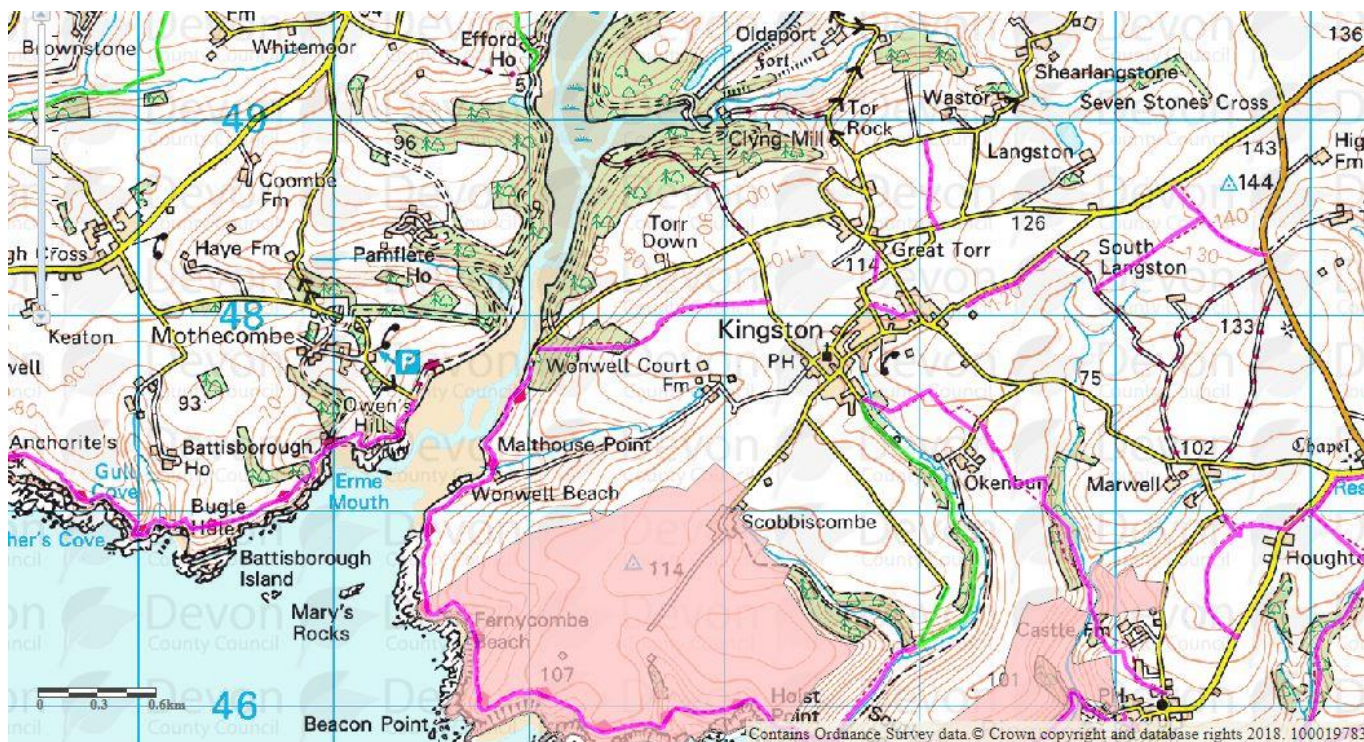
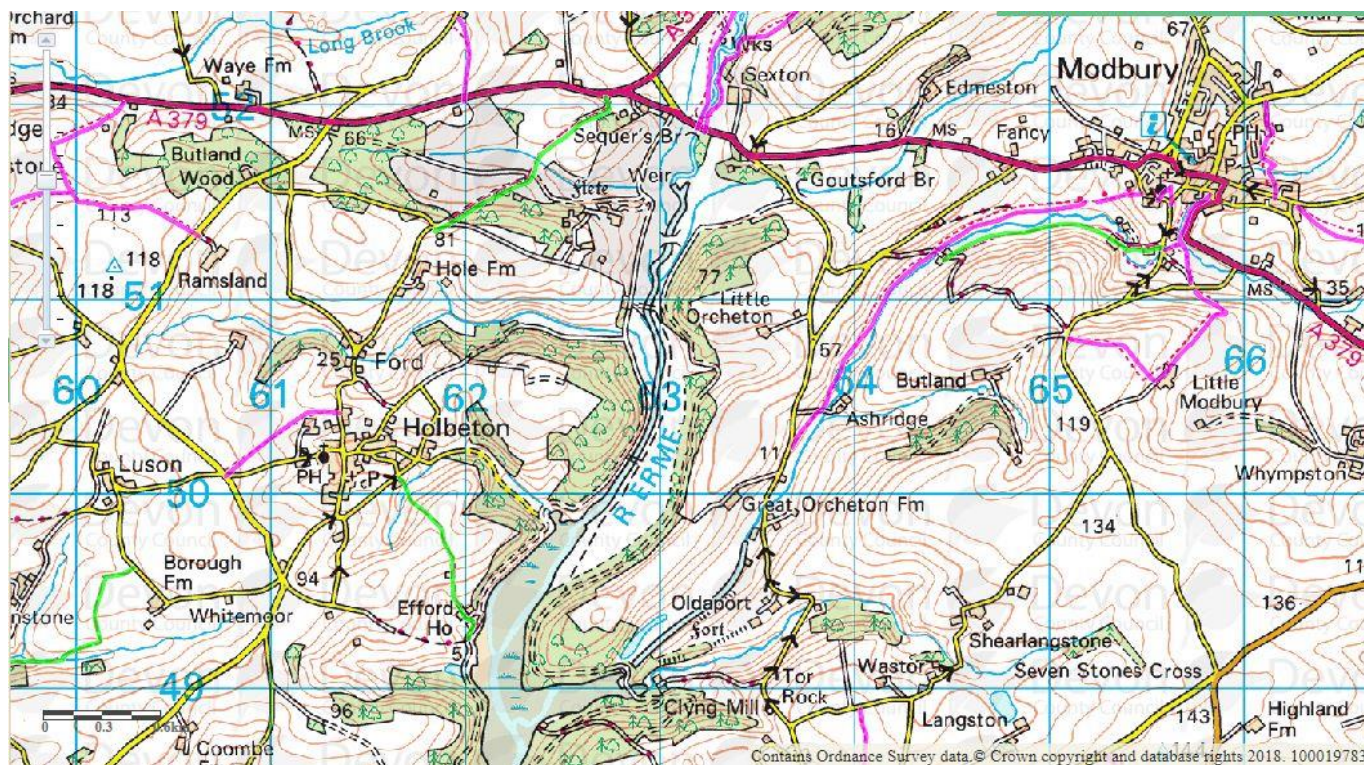
- The Fieldfare Trust – [www.fieldfare.org.uk](http://www.fieldfare.org.uk)  
<http://www.fieldfare.org.uk/countryside-for-all/countryside-for-all-good-practice-guide/>  
This site includes information on the BT Countryside for All project.
- Disabled Ramblers UK - <http://disabledramblers.co.uk/>  
The Disabled Ramblers helps mobility-challenged people get back out into the countryside. Disabled ramblers have several categories of footpath from level 1 for manual wheelchairs to level 3 for off road scooters. Full details are on the website.
- Natural England's Trial of self-closing bridlegates  
<http://publications.naturalengland.org.uk/publication/4580441024102400>  
The summary and conclusions make recommendations for disability access following a trial involving walkers, horse-riders, cyclists, disabled users and landowners.
- Sensory Trust information fact sheets -  
<http://www.sensorytrust.org.uk/information/factsheets/>

For more general information on current initiatives in Devon which benefit disability access see:

- Countryside Mobility SW (tramper buggy hire project)  
<http://www.countrysidemobility.org/>
- Living Options Devon Heritage Ability project - [www.heritageability.org](http://www.heritageability.org)

The Devon Countryside Access Forum is a statutory local access forum set up under the Countryside and Rights of Way Act 2000. Its members are volunteers, appointed by Devon County Council, to provide independent advice on "the improvement of public access to land for the purposes of open-air recreation and enjoyment". The members represent the interests of landowners/land managers, access users and other interests such as tourism and conservation.







## DISABLED RAMBLERS NOTES ON INFRASTRUCTURE

### Useful figures

- **Mobility Vehicles**
  - **Legal Maximum Width of Category 3 mobility vehicles: 85cm** Same width is needed all the way up to pass through any kind of barrier to allow for handlebars, armrests and other bodywork.
  - **Length:** Mobility vehicles vary in length, but **173cm is a guide minimum length.**
- **Gaps** should be 1.1 minimum width on a footpath (BS5709:2018)
- **Pedestrian gates** The minimum clear width should be 1.1m (BS5709:2018)
- **Manoeuvring space** One-way opening gates need more manoeuvring space than two-way opening ones and some mobility vehicles may need a three metre diameter space.
- **The ground** before, through and after any gap or barrier must be flat otherwise the resulting tilt effectively reduces the width

### Infrastructure

Infrastructure on the route of the England Coast Path should be assessed by Natural England for suitability for those with limited mobility, and particularly for those riding large or all-terrain mobility vehicles. The assumption should always be that these individuals will be alone, and will need to stay sitting on their mobility vehicle, ie they will not be accompanied by someone who could open a gate and hold it open for them. The principle of the least restrictive option should always be applied.

- **New infrastructure**

New infrastructure should comply with Bristol Standard with BS 5709: 2018 Gaps, Gates and Stiles.
- **Existing infrastructure**

The creation of the England Coast Path provides a perfect opportunity to improve the trail to make it as accessible as possible. Unsuitable existing infrastructure could be removed now and, where necessary, replaced with new, appropriate infrastructure in line with BS 5709: 2018 Gaps, Gates and Stiles.

### Gaps

A Gap is always the preferred solution for access, and the least restrictive option (BS 5709:2018). The minimum clear width of gaps on footpaths should be 1.1metres (BS 5709:2018).

### Bollards

On a footpath, these should be placed to allow a minimum gap of 1.1metres through which large mobility vehicles can pass.

**Pedestrian gates** A two-way, self-closing gate closing gate with trombone handle and Centrewire EASY LATCH is the easiest to use – if well maintained, and if a simple gap is unacceptable. Yellow handles and EASY LATCH allow greater visibility and assist those with impaired sight too. <https://centrewire.com/products/easy-latch-for-2-way-gate/> One-way opening gates need more manoeuvring space than two-way and some mobility vehicles may need a three metre diameter space to manoeuvre around a one-way gate. The minimum clear width of pedestrian gates should be 1.1metres (BS 5709:2018).

### Field gates

Field gates (sometimes used across roads) are too large and heavy for those with limited mobility to use, so should always be paired with an alternative such as a gap, or pedestrian gate. However if this is not possible, a York 2 in 1 Gate <https://centrewire.com/products/york-2-in-1/> could be an alternative, with a self-closing, two-way opening and yellow handles and EASY LATCH.

## Bristol gates

(Step-over metal gate within a larger gate.) These are a barrier to mobility vehicles, as well as to pushchairs, so should be replaced with an appropriate structure. If space is limited, and a pedestrian gate not possible, a York 2 in 1 Gate <https://centrewire.com/products/york-2-in-1/> could be an alternative, with a self-closing, two way opening, and yellow handle and EASY LATCH for the public access part of the gate.

## Kissing gates

A two-way, self-closing gate is hugely preferable to a kissing gate, but in certain situations a kissing gate might be needed. Many kissing gates can be used by smaller pushchairs and small wheelchairs, but are impassable by mobility scooters and other mobility vehicles. Unless an existing kissing gate has been specifically designed for access by large mobility vehicles, it should be replaced, if possible with a suitable gate (see above). If a kissing gate really must be used, Disabled Ramblers recommend the [Centrewire Woodstock Large Mobility](#) kissing gate, fitted with a RADAR lock, which can be used by those riding mobility vehicles. NB this is the only type kissing gate that is large enough to be used by all-terrain and large mobility vehicles.

### Note about RADAR locks on Kissing gates

Often mobility vehicle riders find RADAR locks difficult to use, so they should only be used if there is not a suitable alternative arrangement. Here are some of the reasons why:

- Rider cannot get off mobility vehicle to reach the lock
- Rider cannot reach lock from mobility vehicle (poor balance, lack of core strength etc)
- Position of lock is in a corner so mobility vehicle cannot come alongside lock to reach it, even at an angle
- RADAR lock has not been well maintained and no longer works properly.
- Not all disabled people realise that a RADAR key will open the lock, and don't know how these kissing gates work. There must be an appropriate, informative, label beside the lock.

## Board walks, Footbridges, Quad bike bridges

All of these structures should be designed to be appropriate for use by large mobility vehicles, be sufficiently wide and strong, and have toe boards (a deck level edge rail) as edge protection. On longer board walks there may also be a need to provide periodic passing places.

## Sleeper bridges

Sleeper bridges are very often 3 sleepers wide, but they need to be at least 4 sleepers wide to allow for use by mobility vehicles.

## Steps

Whenever possible, step free routes should be available to users of mobility vehicles. Existing steps could be replaced, or supplemented at the side, by a slope or ramp. Where this is not possible, an alternative route should be provided. Sometimes this might necessitate a short diversion, regaining the main route a little further on, and this diversion should be signed.

## Cycle chicanes and staggered barriers

Cycle chicanes are, in most instances, impassable by mobility vehicles, in which case they should be replaced with an appropriate structure. Other forms of staggered barriers, such as those used to slow people down before a road, are very often equally impassable, especially for large mobility vehicles.

## Undefined barriers, Motorcycle barriers, A frames, K barriers etc.

Motorcycle barriers are to be avoided. Often they form an intimidating, narrow gap. Frequently put in place to restrict the illegal access of motorcycle users, they should only ever be used after very careful consideration of the measured extent of the motorcycle problem, and after all other solutions have been considered. In some areas existing motorcycle barriers are no longer necessary as there is no longer a motorcycle problem: in these cases the barriers should be removed.

If no alternative is possible, the gap in the barrier should be adjusted to allow riders of large mobility vehicles to pass through. Mobility vehicles can legally be up to 85 cm wide so the gap should be at least this; and the same width should be allowed all the way up from the ground to enable room for handle bars, arm rests and other bodywork. The ground beneath should be level otherwise a greater width is needed. K barriers are often less intimidating and allow for various options to be chosen, such as a shallow squeeze plate which is positioned higher off the ground. <http://www.kbarriers.co.uk/>

## **Stepping stones**

Stepping stones are a barrier to users of mobility vehicles, walkers who are less agile, and families with pushchairs. They should be replaced with a suitable alternative such as a footbridge (which, if not flush with the ground should have appropriate slopes at either end, not steps). If there are good reasons to retain the stepping stones, such as historic reasons, a suitable alternative should be provided nearby, in addition to the stepping stones.

## **Stiles**

Stiles are a barrier to mobility vehicles, walkers who are less agile, and families with pushchairs. They should be replaced with suitable alternative infrastructure. If there are good reasons to retain the stile, such as historic reasons, an alternative to the stile, such as a pedestrian gate, should be provided nearby in addition to the stile.

## **Urban areas and Kerbs**

In urban areas people with reduced mobility may well be using pavement scooters which have low ground clearance. Where the trail follows a footway (eg pavement) it should be sufficiently wide for large mobility vehicles, and free of obstructions. The provision and correct positioning of dropped kerbs at suitable places along the footway is essential. Every time the trail passes over a kerb, a dropped kerb should be provided.

Disabled Ramblers March 2020

# Coastal Access – Cremyll to Kingswear



## Representations on CKW 9: Torcross to Kingswear and Natural England's comments

June 2020

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### 1. Introduction

This document details representations we have received on the stated coastal access report. These fall into two categories:

- Representations received from persons or bodies that must be sent in full to the Secretary of State ('full' representations, reproduced below); and
- Those which have not come from those persons or bodies whose representations we are required to send in full to the Secretary of State ('other' representations, summarised below).

It also sets out any comments that Natural England choose to make in response to these representations.



## 2. Background

Natural England's compendium of reports setting out its proposals for improved access to the coast from Cremyll to Kingswear was submitted to the Secretary of State on 15 January 2020. This began an eight week period during which representations and objections about each constituent report could be made.

In relation to the report for CKW 9: Torcross to Kingswear, Natural England received 23 representations, of which 6 were made by organisations or individuals whose representations must be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These 'full' representations are reproduced in Section 3 of this document together with Natural England's comments where relevant.

As required by the legislation this document also summarises and, where relevant, comments on the 17 representations submitted by other individuals or organisations, referred to here as 'other' representations. Natural England's comments on 'other' representations are set out in Section 4 of this document.

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

A further representation was received from [redacted], disabled access representative for [redacted], after the period of eight weeks beginning with the date on which the report was first advertised on Natural England's website. In compliance with Regulation 4(4) of the Coastal Access Reports (Consideration and Modification Procedure) (England) Regulations 2010 this representation has not been considered or passed on/summarised.

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

<b>Representation number:</b>	MCA/CKW Stretch/R/1/CKW2633
<b>Organisation/ person making representation:</b>	[redacted]
<b>Route section(s) specific to this representation:</b>	CKW stretch
<b>Other reports within stretch to which this representation also relates:</b>	CKW2 to CKW8
<b>Representation in full</b>	
[redacted] expects, as part of the implementation process, that signage and waymarking 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.	
<b>Natural England's comments</b>	

We welcome the positive engagement from [redacted] during the development of our proposals. As part of the implementation process we, together with the relevant access authority, will ensure that signage is clear and appropriate, particularly at junctions.


**Relevant appended documents (see section 5):**

N/A

<b>Representation number:</b>	MCA/CKW Stretch/R/2/CKW2633
<b>Organisation/ person making representation:</b>	[redacted]
<b>Route section(s) specific to this representation:</b>	CKW stretch
<b>Other reports within stretch to which this representation also relates:</b>	CKW2, CKW4, CKW5, CKW7 and CKW8
<b>Representation in full</b>	
<p><b>Complex roll-back</b></p> <p>[redacted] 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. [redacted] agrees that simple roll-back should take place. [redacted] 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>[redacted] advises that it would be more appropriate to publish variation reports in these instances to formally allow landowners and others, such as [redacted], to make objection or representation.</p>	
<b>Natural England's comments</b>	
<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

<b>Representation number:</b>	MCA/CKW Stretch/R/3/CKW2633
<b>Organisation/ person making representation:</b>	[redacted]
<b>Route section(s) specific to this representation:</b>	CKW stretch
<b>Other reports within stretch to which this representation also relates:</b>	CKW2 to CKW8
<b>Representation in full</b>	
<p><b>Disability access</b></p> <p>[redacted] 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. [redacted] 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 [redacted] 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> 	
<b>Natural England's comments</b>	



After the publication of our proposals we had discussions with the Disabled Ramblers who raised issues at a number of locations in relation to steps, gates (either being too narrow or only opening in one direction) and other artificial obstructions that make access by buggy, *Tramper* and other similar vehicles difficult if not impossible. In some of our reports for the Cremyll to Kingswear stretch we have identified locations where we have agreed to replace or install new infrastructure to improve access.

Where the Disabled Ramblers have identified additional locations where they consider accessibility can be improved/modified, we will discuss their suggestions with the access authority and the landowners. Should these suggestions be workable/appropriate, we would agree who would fund such work (whether it is the access authority or Natural England). A separate central government contribution is made annually to the South West Coast Path National Trail Partnership which is available to help with the costs of replacing infrastructure such as gates if the access authority agrees they are necessary.

Because of current access restrictions (relating to lockdown restrictions and site visits), it may not be possible to agree specific new projects until the establishment phase of the process.

**Relevant appended documents (see section 5):**

9A - MCA/CKW Stretch/R/3/CKW2633 - [redacted] Disability Access Position Statement 2017

<b>Representation number:</b>	MCA/CKW Stretch/R/4/CKW2633
<b>Organisation/ person making representation:</b>	[redacted]
<b>Route section(s) specific to this representation:</b>	CKW stretch
<b>Other reports within stretch to which this representation also relates:</b>	CKW2 to CKW8
<b>Representation in full</b>	
[redacted] advises that comprehensive information about ferries and alternative options should be available to assist people undertaking a long-distance walk.	
<b>Natural England's comments</b>	
As part of the implementation process we, together with the access authority and the South West Coast Path Association, will ensure that information about ferries and alternative options will be available to assist people using the coast path and those undertaking long-distance walks.	
<b>Relevant appended documents (see section 5):</b>	
N/A	

<b>Representation number:</b>	MCA/CKW9/R/2/CKW2660
<b>Organisation/ person making representation:</b>	[redacted]
<b>Route section(s) specific to this representation:</b>	CKW-9-S027 to CKW-9-S032
<b>Other reports within stretch to which this representation also relates:</b>	N/A
<b>Representation in full</b>	
<p><b>Map CKW 9d, Sections CKW-9-S027 to CKW-9-S032 and text in paragraph 9.3.3 Other options</b></p> <p>[redacted] would have preferred to have seen a more seaward route at Matthew's Point (and then to Blackpool Sands) if such was physically possible and achievable, but in the absence of landowner willingness to dedicate etc. such is evidently not achievable. A more seaward route here would be a significant improvement on the route of the proposed trail landward of the A379 road.</p> <p><b>Maps CKW 9e and CKW 9f Sections CKW-9-S039 to CKW-9-S045 and various text in paragraph 9.3.3</b></p> <p>[redacted] welcome the routing of the trail along the cul-de-sac public footpath "Shady Lane" and then inland to join the existing route of the South West Coast Path in Redlap Lane. However we had hoped to see a route seaward of Redlap House and nearer to the seaward extremity of its garden. This could be achieved without any supposed intrusion on the privacy of the house. The route of the South West Coast Path at Redlap House has been the subject of much consideration by the relevant authorities (Devon County Council, [redacted], South West Coast Path Association etc) over many years but without any satisfactory conclusion.</p> <p>We note with regret the unwillingness of the landowner to "<i>voluntarily dedicate a suitable permanent route through the excepted area</i>". [Natural England text in paragraph 9.3.3 in relation to sections CKW-9-S042 to CKW-9-S045]</p>	
<b>Natural England's comments</b>	
<p><b>Map CKW 9d, Sections CKW-9-S027 to CKW-9-S032</b></p> <p>We note the preference of [redacted] to have a route to the seaward side of the A379 road. We considered aligning the trail further seaward at Matthew's Point as set out in table 9.3.2, but decided on the proposed route as it was not possible to establish a route adjacent to the coastline in this location due to building and gardens that are classed as excepted land. In addition our chosen position provides a better walking experience than other possible routes between the road and our proposed trail because it provides better views of the sea. Land seaward of the route (where not excepted land) would become available for people to use as part of the spreading room.</p> <p><b>Maps CKW 9e and CKW 9f Sections CKW-9-S039 to CKW-9-S045</b></p> <p>We note the preference of [redacted] for a route seaward of Redlap House. However, as noted in table 9.3.3 it was not possible to establish a route adjacent to the coastline in this</p>	

location due to areas of excepted land (buildings, gardens, curtilage etc) which extend as far as the cliff. The owners do not wish to voluntarily dedicate a suitable permanent route through the excepted land in question.

**Relevant appended documents (see section 5):**

N/A

<b>Representation number:</b>	MCA/CKW9/R/18/CKW2633
<b>Organisation/ person making representation:</b>	[redacted]
<b>Route section(s) specific to this representation:</b>	CKW-9-S043 to CKW-9-S045
<b>Other reports within stretch to which this representation also relates:</b>	N/A
<b>Representation in full</b>	
<p><i>Stoke Fleming</i></p> <p>[redacted] welcomes the improvements that have been made to achieve a more seaward route. If there are opportunities in the future to move section CKW-9-S043, S044 and S045 seaward through dedication by the landowner, [redacted] hopes that Natural England will explore this.</p> <p>.</p>	
<b>Natural England's comments</b>	
<p>We note the comments from [redacted]. If opportunities to move sections CKW-9-S043 to CKW-9-S045 further seaward through dedication by the landowner present themselves then we will of course explore this further.</p>	
<b>Relevant appended documents (see section 5):</b>	
N/A	

**4. Summary of any similar or identical points within 'other' representations, and Natural England's comments on them**

Representations containing similar or identical points	
Representation ID	Organisation/ person making representation:
MCA/CKW9/R/1/CKW2435	[redacted]
MCA/CKW9/R/3/CKW0842	[redacted]
MCA/CKW9/R/4/CKW2798	[redacted]
MCA/CKW9/R/5/CKW2881	[redacted]
MCA/CKW9/R/6/CKW2882	[redacted]
MCA/CKW9/R/7/CKW2883	[redacted]
MCA/CKW9/R/8/CKW2884	[redacted]
MCA/CKW9/R/9/CKW2885	[redacted]
MCA/CKW9/R/10/CKW0152	[redacted]
MCA/CKW9/R/13/CKW2887	[redacted]
MCA/CKW9/R/14/CKW2888	[redacted]
MCA/CKW9/R/15/CKW2889	[redacted]
MCA/CKW9/R/16/CKW2890	[redacted]
<b>Name of site:</b>	Shady Lane, Stoke Fleming
<b>Report map reference:</b>	CKW 9e
<b>Route sections on or adjacent to the land:</b>	CKW-9-S040 to CKW-9-S041
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of point</b>  We received 13 representations from people associated with Shady Lane, Stoke Fleming, none of which were in support of our proposals. The common concerns relating to the proposed alignment of the coast path along Shady Lane were: <ul style="list-style-type: none"> <li>• Shady Lane has 36 dwellings and several side vehicular access points at its junction with the A379 and it is busy with vehicles which use the lane daily, particularly in summer when occupancy is highest and walkers most numerous;</li> <li>• the lane near the junction with the A379 at section CKW-9-S040 is very narrow and steep and bounded by stone walls. This is difficult for vehicles to negotiate and could be dangerous for walkers – drivers meeting walkers will have to reverse down a steep angle and around a blind bend;</li> <li>• Shady Lane is a narrow lane with blind corners and limited passing places for pedestrians and would be dangerous for walkers and dogs;</li> </ul>	

- emergency vehicles wanting to access the properties along Shady Lane would be hampered from reaching an emergency quickly; and
- Shady Lane has almost no sea views.

One person suggested directing walkers along Chapel Lane instead of the section of Shady Lane near the junction with the A379, as they felt it was a safer route and one that is used by some residents. Also that representation states that if the path has to follow Shady Lane then routes should be found on the far side of the walls and hedges that bound the lane.

Six people raised concerns about the crossing of the A379 in the centre of the village due to it being dangerous with limited visibility. One person suggested that the existing coast path is perfectly satisfactory – keeping the coast path where it is would require no new signposts, steps, pathways etc. Another suggested that if the route were to remain on Redlap Lane the views of the sea would be better, particularly if a path could be created on the seaward side of the hedge.

Additional concerns were raised specific to the alignment of the coast path near Mill Meadow, including from the landowner and holiday visitors to the property. These concerns related to the following:

- peace, tranquillity, privacy and security of visitors and residents will be significantly affected, with an impact on the holiday letting business;
- enjoyment and privacy of the property will be compromised by walkers overlooking the grounds (and the right to peaceful enjoyment of property within the Human Rights Act);
- the proposal for steps opposite the entrance gate at Mill Meadow is inconvenient as this is where rubbish bins are put out for weekly collection and walkers will be put in danger due to it being a tight access point;
- the banks opposite Mill Meadow where the steps are proposed will need to be protected if used by walkers and dogs; and
- walkers will be tempted to trespass over the garden to access the coast.

Additional concerns were raised by the owners of Penhill Park on Shady Lane relating to the following:

- users of the path may want to explore the site further compromising security of the properties;
- there will be an increase in maintenance costs if there is more traffic, both pedestrian and vehicular, looking to find parking to access the coast path – Natural England should consider a budget to contribute to the upkeep of private roads such as Shady Lane; and
- no consideration has been given to where walkers will park elsewhere in the village.

#### **Natural England's comment:**

Our comments on these representations relate to the issues raised about the proposed alignment of the coast path along Shady Lane, Stoke Fleming and also to issues relating to individual properties along the seaward side of Shady Lane, notably Mill Meadow.

#### **Representations about Shady Lane**

In Stoke Fleming we have proposed a new alignment for the coast path (route sections CKW-9-S038 to CKW-9-S042). This new route follows a more seaward walked line between Church Road in the centre of Stoke Fleming and Redlap Lane west of Warren Point, via the

public footpath (Stoke Fleming Footpath 6) that runs along Shady Lane (see map CKW9e and table 9.3.2).

We note the issues that have been raised in the representations regarding our proposed alignment of the coast path along Shady Lane, including the following: crossing of the A379, danger to pedestrians from vehicles and the lack of passing places, difficult driving conditions particularly at the top end of Shady Lane, increase in people trying to park their vehicles to access the coast path, increased maintenance costs and lack of sea views.

We carefully considered these issues as part of our discussions with landowners and stakeholders and considered a number of alternative options for the coast path in this area (as set out in table 9.3.3).

We considered aligning the trail on the existing South West Coast Path (SWCP) along Bird Walk and Redlap Lane instead of using the public footpath along Shady Lane but opted for the proposed route because:

- it provides a more coastal feel and provides a better walking experience because it is closer to the sea, with better coastal views and coastal sounds. The improved views are particularly from the fields between Shady Lane and Redlap Lane;
- it reduces the potential impact on the farmland that would have been included in the coastal margin – if the route of the ECP were to follow the existing inland route of the SWCP along Redlap Lane, a significantly larger area (approx. 24ha) of farmland would fall within the coastal margin;
- the inland route currently followed by the existing SWCP along Bird Walk and Redlap Lane is over 600m from the coast in places. This inland route is on either a public footpath or public highway and could still be used by anyone not wishing to follow the more seaward route; and
- it takes walkers off part of Redlap Lane which is narrow with limited passing places.

One of the representations suggests aligning the trail along a route parallel to the western part of Redlap Lane, along the seaward side of the roadside hedge – to allow walkers to use an off-road, traffic free path. However, we opted for the proposed route along Shady Lane because:

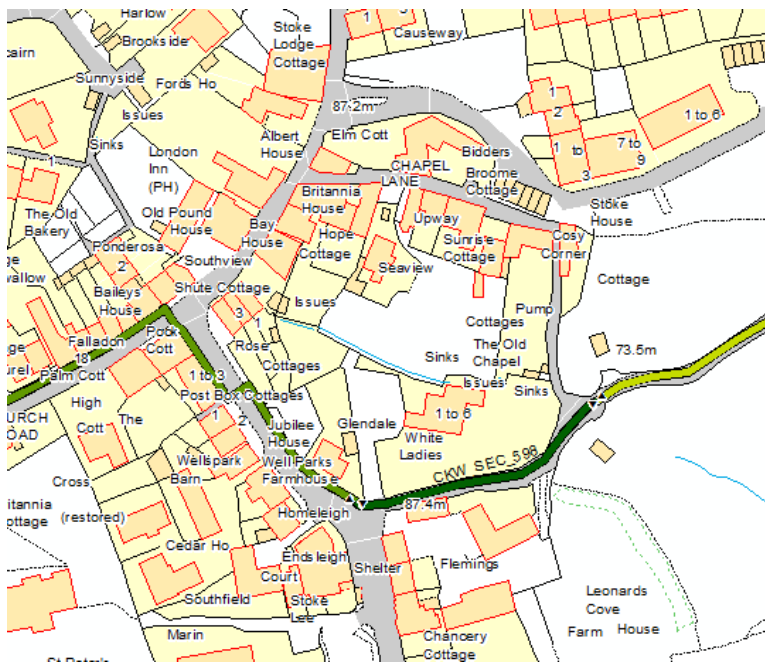
- it provides a better walking experience because it is closer to the sea with more coastal views and coastal sounds, particularly from the fields between Shady Lane and Redlap Lane;
- it reduces the potential impact on the farmland in the coastal margin – if the route of the ECP were to follow a parallel route adjacent to Redlap Lane, a significantly larger area of farmland would fall within the coastal margin; and
- it addresses the land use and land management requirements of the owners of the farmland through which the trail passes.

Another of the representations suggests aligning the route parallel to Shady Lane through the fields on the landward side of the hedgerow or only using part of Shady Lane and then routing the trail through the fields. We considered various options, as shown in Table 9.3.3 of the report, for aligning the trail through the fields between Shady Lane and Redlap Lane (and hence not using the full length of Shady Lane). However, we opted for the proposed route along Shady Lane as far as Mill Meadow and then through the fields, as Shady Lane is already a public footpath which would remain in place even if we installed the ECP nearby. In addition our proposed route:

- takes a more seaward line and provides good views of the coast for most of its length through the fields;

- addresses the land use requirements of the owners of the farmland through which the trail passes; and
- is made with the support of the landowner.

It is stated in some of the representations that our proposed crossing of the A379 is difficult and dangerous, with poor visibility for walkers and one representation suggests using Chapel Lane instead. In discussions with Devon County Council we agreed that the safest place for walkers to cross the main A379 road through the centre of the village would be at a location equidistant between the junction with School Road and the junction with Shady Lane, as shown on the map below. We have not proposed that the crossing should be directly opposite the entrance to Shady Lane. Our proposal means that walkers can use a pavement on both sides of the road and visibility is good at this point. Clear signage will be put in place to encourage users to cross there.



Many of the representations raise concerns over the use of Shady Lane and the potential danger to pedestrians from vehicles. Shady Lane is narrow, but it is a quiet lane with slow moving traffic and some refuge points for pedestrians. It is a 'cul de sac' with existing pedestrian access (a PRoW) and whilst we do expect there to be an increase in use of this path, we do not believe that it will have a significant impact on the residents' ability to use this lane as they do now. Our proposals have been prepared in discussion with Devon County Council and we have looked at other similar or comparable situations such as where the route of the SWCP leaves Kingswear (FPs 21a/11/21). Here, the coast path follows a narrow, enclosed private road that is coincident with a public footpath, along which there are multiple properties. It is a popular section of the coast path, given its proximity to Kingswear and Dartmouth. Devon County Council is not aware of any incidents resulting from issues between pedestrian and vehicular users.

We note the comment that near the top of Shady Lane there is steep narrow section that can be difficult for vehicles to negotiate at times and therefore potentially dangerous for walkers. We looked at options for walkers to avoid using this section near the top of Shady Lane and, as one of the representations suggests, we considered aligning the trail between the village centre and Shady Lane along a short stretch of the A379 and Chapel Lane (Chapel Lane is shown on the map above). However we opted for the proposed route using the full length of Shady Lane as it avoids users having to walk along a narrow and busy section of the A379 (to

access Chapel Lane) where there is no pavement alongside the road. This was discussed and agreed with the access authority Devon County Council.

One of the representations raises concerns about the potential for an increase in the number of vehicles using Shady Lane to try and gain access to the coast path and also parking in private parking spaces. We do not expect there to be an increase in people wanting to park along Shady Lane as there is already an established coast path in the area (SWCP) and people normally park in the village or in the car park at Little Dartmouth. However additional signage could be put in place by the residents at the entrance to Shady Lane to discourage people from driving down the lane to look for parking.

The same representation raises the issue of an increase in maintenance costs if there is more traffic, both pedestrian and vehicles that are searching for parking in order to access the coast path. Coastal access rights are a right of access on foot and do not apply to vehicles, and as noted above, we do not expect there to be an increase in people wanting to drive and park along Shady Lane to access the coast path. The responsibility for the maintenance of the existing public right of way along Shady Lane rests with the highway authority, Devon County Council, as will future maintenance of the ECP along this stretch should our proposals be approved.

### **Representations about individual properties - Mill Meadow, Penhill Park**

We note the issues that have been raised in the representations relating to individual properties, such as Penhill Park and Mill Meadow which are situated to the seaward side of Shady Lane. These include concerns regarding privacy, a right to peaceful enjoyment of property (Human Rights Act), security, trespass and disturbance. Additional concerns were raised relating to Mill Meadow and the proposed location of steps between Shady Lane and the fields to the landward side. The issues relating to Mill Meadow and Natural England's comments on them are also covered under objection MCA/CKW9/O/3 and MCA/CKW9/O/5.

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. 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 it is reasonable for human rights purposes. An objection, 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, taking into account also any representations that have been received.

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.

We believe that the residents of Shady Lane are already accustomed to public use of the lane and consider that the issues that they cite will not be exacerbated as a result of the creation of the ECP along it. A public footpath already runs along Shady Lane, and whilst we do expect the numbers of users of that right of way to increase following the installation of the ECP



along its route, we do not believe that many or perhaps any users will be inclined to display the inappropriate behaviours listed by representations, or indeed attempt to access coastal margin in this area in practice. Indeed their ability to do so is limited in legal terms by:

- a. the automatic exception of the most unsuitable categories of land from the application of the access rights (Schedule 1 to CROW); and
- 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).

Several of the representations note our proposal to install a short set of steps opposite the entrance to Mill Meadow to allow walkers to access the trail through the fields between Shady Lane and Redlap Lane. It is considered that this location will be inconvenient for walkers and the residents as it is where bins are left for the weekly refuse collection. We agreed this location with Devon County Council as it seemed an appropriate location with the shortest rise into the field requiring the least number of steps for walkers to negotiate. However, we are confident that the location of these steps could be adjusted by a few metres to avoid impinging on the bin storage area. This necessary adjustment would not show up on the scale of mapping provided with our reports, therefore we do not believe that a modification of our proposals is required. However we ask the Secretary of State to note that the route will avoid the bin area.

**Relevant appended documents (see Section 6):**

9D - MCA/CKW9/R/ - 3, 4, 5, 6, 7, 8, 9 & 16 – Map of land to which the representation relates

9E – MCA/CKW9/R/3/CKW0842 – Attachments to support representation from [redacted]

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

<b>Representation ID:</b>	MCA/CKW9/R/11/CKW2687
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	Stoke Fleming
<b>Report map reference:</b>	Map CKW 9e
<b>Route sections on or adjacent to the land:</b>	CKW-9-S039 to CKW-9-S042
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of representation:</b>  The current SWCP route is some way inland, meandering through a series of lanes and paths through Stoke Fleming, with no sea views or coastal character. Part is on a lane which, while not extremely busy, is used as a short-cut for local inhabitants. The proposal, while still providing relatively limited sea views, does have a partly coastal character and is a better and less busy walking environment. This proposal is strongly supported.	
<b>Natural England’s comment:</b>  We welcome the positive engagement from [redacted] and its support for our proposals at Stoke Fleming (route sections CKW-9-S039 to CKW-9-S042).	
<b>Relevant appended documents (see Section 5):</b>  N/A	

<b>Representation ID:</b>	MCA/CKW9/R/12/CKW2687
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	Stoke Fleming
<b>Report map reference:</b>	Map CKW 9e
<b>Route sections on or adjacent to the land:</b>	CKW-9-S042 to CKW-9-S045

<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of representation:</b>  <p>The proposed route deviates some way inland from the coast to use Redlap Lane, a lane which, although not extremely busy, is used as a short-cut by local residents. The lane is not very coastal in character. The Report indicates that Excepted Land extends as far as the cliff seaward of Redlap House. [redacted] feels that, despite the relatively recent extension to the semi-formalised garden area here, it would be possible to provide a route seaward of the Excepted Land. This would appropriately link with open land at Warren Point and provide a truly coastal route which is absent from the current proposals.</p>	
<b>Natural England's comment:</b>  <p>We note the preference of [redacted] to see a route seaward of Redlap House. However, as noted in table 9.3.3 it was not possible to establish a route adjacent to the coastline in this location due to areas of excepted land (buildings, gardens, curtilage etc) which extend as far as the cliff. The owners do not wish to voluntarily dedicate a suitable permanent route through the excepted land in question.</p>	
<b>Relevant appended documents (see Section 5):</b>  <p>N/A</p>	

<b>Representation ID:</b>	MCA/CKW9/R/17/CKW0008
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	N/A
<b>Report map reference:</b>	CKW9a to CKW9h
<b>Route sections on or adjacent to the land:</b>	Report CKW9: All route sections generally
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of representation:</b>  <p>[redacted] has concerns where access furniture along the trail is not of a suitable standard for those who use all-terrain mobility vehicles and pushchairs. Natural England should ensure that any existing or new infrastructure does not present a barrier to their ability to progress along the Coast Path.</p> <p>[redacted] 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 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 <i>British Standard BS5709: 2018 Gaps Gates and Stiles</i>.</p>	

**Natural England's comment:**

We welcome the positive engagement from [redacted]. After the publication of our proposals we had discussions with [redacted] who raised issues at a number of locations in relation to steps, gates (either being too narrow or only opening in one direction) and other artificial obstructions that make access by buggy, *Tramper* and other similar vehicles difficult if not impossible. In some of our reports for the Cremyll to Kingswear stretch we have identified locations where we have agreed to replace or install new infrastructure to improve access.

Where [redacted] have identified additional locations where they consider accessibility can be improved/modified, we will discuss their suggestions with the access authority and the landowners. Should these suggestions be workable/appropriate, we would agree who would fund such work (whether it is the access authority or Natural England). A separate central government contribution is made annually to the South West Coast Path National Trail Partnership which is available to help with the costs of replacing infrastructure such as gates if the access authority agrees they are necessary.

Any changes to and improvements of furniture included in our reports do not inhibit use by mobility vehicles where the surrounding nature of the route makes this feasible; all new furniture will meet the British Standard 5709:2018 Gaps, Gates and Stiles.

Because of current access restrictions (relating to lockdown restrictions and site visits), it may not be possible to agree specific new projects until the establishment phase of the process.

**Relevant appended documents (see Section 5):**

9B - MCA/CKW8/R/3/CKW0008 - [redacted] on Infrastructure

<b>Representation ID:</b>	MCA/CKW9/R/19/CKW2892
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	Land between Strete and Landcombe Cover
<b>Report map reference:</b>	CKW9d
<b>Route sections on or adjacent to the land:</b>	CKW-9-S025
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of representation:</b>	
The access authority, Devon County Council raised an issue with [redacted] on 6 February 2020 (after publication of the proposals) relating to section CKW-9-S025 of our proposed alignment. We have included proposals for route section CKW-9-S025 to follow the existing	

line of the South West Coast Path as currently walked and managed. However the alignment shown for this section on map CKW9d is incorrect as it is different to that which is actually walked and managed on the ground.

[redacted] proposals show the walked line of the SWCP following the landward edge of the field, whereas in fact it follows the public right of way through the centre of the field. [redacted] have corrected map CKW 9d (see below) and ask that the Secretary of State approves it in its amended form.

### Natural England's comment:

As above.

Revised map CKW9d:



### Relevant appended documents (see Section 5):

9C - MCA/CKW9/R/19/CKW2892 – Extracts from emails from [redacted] to [redacted] 06-02-2020

## 6. Supporting documents

### 9A - MCA/CKW Stretch/R/3/CKW2633 - [redacted] Disability Access Position Statement 2017



**Devon Countryside Access Forum**  
Lucombe House  
County Hall  
Topsham Road  
EXETER EX2 4QD

Tel: 07837 171000  
01392 382084

[devoncaf@devon.gov.uk](mailto:devoncaf@devon.gov.uk)  
[www.devon.gov.uk/dcaf](http://www.devon.gov.uk/dcaf)

#### **Devon Countryside Access Forum**

#### **Physical Disability Access Position Statement**

The Devon Countryside Access Forum recognises that everyone, whether residents or visitors, should be able to enjoy recreation in Devon's natural environment.

#### **The issue**

This Position Statement sets out recommendations for improving access to the countryside for people with limited mobility, including on Public Rights of Way and cycle/multi-use trails, and points readers to more detailed information.

Although this Statement focuses particularly on physical disabilities, it is worth noting that limited mobility affects a range of people, including parents with children in buggies; elderly or frail people, who might use an electric mobility scooter or wheelchair; and people with walking aids. Improving access for wheelchairs and large off road electric mobility scooters can improve access for all.

Research shows that people with limited mobility are less likely to say they can access 'green spaces' and are less likely to visit the countryside. This is because they experience barriers that can be impossible to navigate. Barriers can include:

- stiles;
- steps;
- narrow gates, entrances, paths and exits;
- difficult or high handles and latches on gates;
- logs or earth mounds;
- steep gradients and cross-gradients; and
- overgrown vegetation.

The DCAF recognises that there are some routes that cannot be made accessible because of flights of steps or unavoidably narrow sections. However, many barriers can be removed at relatively low cost, opening up significant areas of countryside to more disabled people. The aim should be to achieve the least restrictive option.

Disabled people are now benefiting from ongoing technological improvements in mobility aids. Now, electric and all terrain scooters/buggies, such as the off-road Trampler, can cope with more challenging gradients (25%) and cross gradients as well as having good ground clearance. All terrain type scooters are quite capable of going across grass fields and open moorland. Such off road scooters can even manage distances of 20 to 40 miles. A modest improvement to a gate may open up more extensive areas for access.

The Devon Countryside Access Forum is a local access forum. It is required, in accordance with Sections 94 and 95 of the Countryside and Rights of Way (CROW) Act 2000, to provide advice as to the improvement of public access to land for the purposes of open-air recreation and enjoyment.



Access managers often under-estimate the capability of this new generation of off-road mobility scooters and may think access cannot be improved if routes are not suitable for wheelchairs, whereas it is highly likely that a Trampler off road scooter could cope adequately.

### **Making improvements**

Major modifications to routes using very specific criteria are often inappropriate, especially in rural areas, or very expensive but relatively minor changes can often result in a much more accessible and enjoyable route, particularly for people with all-terrain scooters.

Improvements must be agreed with landowners and should consider how disabled people might be able to access the route while maintaining necessary measures to control farm animals and any vehicles. In some instances changes will not be possible. Historic or locally important structures should be respected.

Some possible improvements include:

- Replacing stiles and kissing gates with 1.5 m wide gates with good latches and trombone handles. Where self-closing gates are required a two-way gate is preferable. Kissing gates that can be operated by radar keys may be an option in some locations. (e.g. National Trust Parke estate and Fremington Quay nature reserve). Latches are often over-looked but can ensure gates can be easily opened and closed. They should be positioned where they can be reached and in good condition. Long handles which can be reached at different heights are useful to open gates.
- Ensuring the path width and surface are suitable for wheelchairs, buggies and trampers helps many people. This does not mean that a route requires a road surface – minimising puddles, roots and ruts may be all that is needed. Many disabled people still want a countryside experience.
- Ramps rather than steps on approaches to bridges would greatly assist those with disabilities. Where steps are unavoidable, rest or landing areas should be included or there should be signposting to an alternative reasonable route.
- DCAF advises site managers to explore options for facilitating access for Trampler all terrain mobility scooters or making these available for hire, as has been successfully developed by Countryside Mobility South West.
- Routes for cyclists should take into account reclining bikes, trikes and modified bikes as well as Trampler type mobility scooters. These can be longer, lower or wider than a standard bike when navigating a gate or turning space.

### **Planning for better access**

The Forum advises that improvements to Public Rights of Way should incorporate the highest possible access standards from the outset, and that managers should regularly consider potential enhancements. For example, Parish Councils may be planning improvements to Public Rights of Way through Neighbourhood Plans and should consult disabled people on changes. This will ensure costly mistakes that inhibit access are avoided and that people are informed where it is not possible to make an adjustment and improvement. In planning or designing *new* routes the above recommendations should be



considered from the beginning to achieve the highest standards possible. A number of organisations have good practice guides to ensure disability access standards can be implemented.

It is also worth noting that improving access to the countryside isn't necessarily limited to improving paths and gateways. People with limited mobility may have other needs too. There are additional aspects to consider and these include:

- Connectivity (access to the site via accessible public transport, disabled parking bays or safe paths).
- Rest (stopping off points such as picnic tables, pubs, cafes and wheelchair (or mobility scooter) accessible toilets).
- Information (providing clear, easy to read information about the route or site so that people can plan their visit with confidence and consider making information usable by visually sighted and/or Deaf persons)
- Sensory enhancements such as scented plants for visually impaired people. Also, suitable lighting and clear edges to paths in urban areas.

## Legislation

Under the Equality Act 2010, Public Authorities (including County, District, Town and Parish Councils) have a pro-active legal duty to advance equality for disabled people. This includes meeting disabled people's needs. The Act also places a requirement on providers of services to the public to ensure people are not unlawfully discriminated against and that reasonable adjustments are anticipated and made for disabled people. Landowners who have public access or public rights of way across their land are not providers of public services, and therefore cannot be obliged under the Act to make reasonable adjustments, for example by changing a stile to a gate. Landowners who provide permissive access must comply with the Equality Act by considering what reasonable adjustments can be made for disabled people. However, this does not oblige them to put in place anything that would be an unreasonable cost, ineffective or impractical. More information:

<https://www.equalityhumanrights.com/en>

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

<https://new.devon.gov.uk/equality/policy-and-legislation/equality-legislation>

The Department of Transport legislation states that Class 3 mobility scooters must have a maximum speed of 4 mph on pavements and 8 mph on roads, a width of 85 cm and an unladen weight of 150 kg. This class includes Tramper mobility scooters and the TGA 3 wheel Supersport.

<https://www.gov.uk/mobility-scooters-and-powered-wheelchairs-rules/rules-for-class-3-invalid-carriages>



## Best Practice

For photos showing good practice and details of wheelchair and mobility scooter specifications see the DCAF website [www.devon.gov.uk/dcaf](http://www.devon.gov.uk/dcaf)

For more comprehensive information on standards, particularly when establishing a new route, see:

- The Fieldfare Trust – [www.fieldfare.org.uk](http://www.fieldfare.org.uk)  
<http://www.fieldfare.org.uk/countryside-for-all/countryside-for-all-good-practice-guide/>  
This site includes information on the BT Countryside for All project.
- Disabled Ramblers UK - <http://disabledramblers.co.uk/>  
The Disabled Ramblers helps mobility-challenged people get back out into the countryside. Disabled ramblers have several categories of footpath from level 1 for manual wheelchairs to level 3 for off road scooters. Full details are on the website.
- Natural England's Trial of self-closing bridlegates  
<http://publications.naturalengland.org.uk/publication/4580441024102400>  
The summary and conclusions make recommendations for disability access following a trial involving walkers, horse-riders, cyclists, disabled users and landowners.
- Sensory Trust information fact sheets -  
<http://www.sensorytrust.org.uk/information/factsheets/>

For more general information on current initiatives in Devon which benefit disability access see:

- Countryside Mobility SW (tramper buggy hire project)  
<http://www.countrysidemobility.org/>
- Living Options Devon Heritage Ability project - [www.heritageability.org](http://www.heritageability.org)

The Devon Countryside Access Forum is a statutory local access forum set up under the Countryside and Rights of Way Act 2000. Its members are volunteers, appointed by Devon County Council, to provide independent advice on "the improvement of public access to land for the purposes of open-air recreation and enjoyment". The members represent the interests of landowners/land managers, access users and other interests such as tourism and conservation.

## DISABLED RAMBLERS NOTES ON INFRASTRUCTURE

### Useful figures

- **Mobility Vehicles**
  - **Legal Maximum Width of Category 3 mobility vehicles: 85cm** Same width is needed all the way up to pass through any kind of barrier to allow for handlebars, armrests and other bodywork.
  - **Length:** Mobility vehicles vary in length, but **173cm is a guide minimum length.**
- **Gaps** should be 1.1 minimum width on a footpath (BS5709:2018)
- **Pedestrian gates** The minimum clear width should be 1.1m (BS5709:2018)
- **Manoeuvring space** One-way opening gates need more manoeuvring space than two-way opening ones and some mobility vehicles may need a three metre diameter space.
- **The ground** before, through and after any gap or barrier must be flat otherwise the resulting tilt effectively reduces the width

### Infrastructure

Infrastructure on the route of the England Coast Path should be assessed by Natural England for suitability for those with limited mobility, and particularly for those riding large or all-terrain mobility vehicles. The assumption should always be that these individuals will be alone, and will need to stay sitting on their mobility vehicle, ie they will not be accompanied by someone who could open a gate and hold it open for them. The principle of the least restrictive option should always be applied.

- **New infrastructure**

New infrastructure should comply with Bristol Standard with BS 5709: 2018 Gaps, Gates and Stiles.
- **Existing infrastructure**

The creation of the England Coast Path provides a perfect opportunity to improve the trail to make it as accessible as possible. Unsuitable existing infrastructure could be removed now and, where necessary, replaced with new, appropriate infrastructure in line with BS 5709: 2018 Gaps, Gates and Stiles.

### Gaps

A Gap is always the preferred solution for access, and the least restrictive option (BS 5709:2018). The minimum clear width of gaps on footpaths should be 1.1metres (BS 5709:2018).

### Bollards

On a footpath, these should be placed to allow a minimum gap of 1.1metres through which large mobility vehicles can pass.

**Pedestrian gates** A two-way, self-closing gate closing gate with trombone handle and Centrewire EASY LATCH is the easiest to use – if well maintained, and if a simple gap is unacceptable. Yellow handles and EASY LATCH allow greater visibility and assist those with impaired sight too. <https://centrewire.com/products/easy-latch-for-2-way-gate/> One-way opening gates need more manoeuvring space than two-way and some mobility vehicles may need a three metre diameter space to manoeuvre around a one-way gate. The minimum clear width of pedestrian gates should be 1.1metres (BS 5709:2018).

### Field gates

Field gates (sometimes used across roads) are too large and heavy for those with limited mobility to use, so should always be paired with an alternative such as a gap, or pedestrian gate. However if this is not possible, a York 2 in 1 Gate <https://centrewire.com/products/york-2-in-1/> could be an alternative, with a self-closing, two-way opening and yellow handles and EASY LATCH.

## Bristol gates

(Step-over metal gate within a larger gate.) These are a barrier to mobility vehicles, as well as to pushchairs, so should be replaced with an appropriate structure. If space is limited, and a pedestrian gate not possible, a York 2 in 1 Gate <https://centrewire.com/products/york-2-in-1/> could be an alternative, with a self-closing, two way opening, and yellow handle and EASY LATCH for the public access part of the gate.

## Kissing gates

A two-way, self-closing gate is hugely preferable to a kissing gate, but in certain situations a kissing gate might be needed. Many kissing gates can be used by smaller pushchairs and small wheelchairs, but are impassable by mobility scooters and other mobility vehicles. Unless an existing kissing gate has been specifically designed for access by large mobility vehicles, it should be replaced, if possible with a suitable gate (see above). If a kissing gate really must be used, Disabled Ramblers recommend the [Centrewire Woodstock Large Mobility](#) kissing gate, fitted with a RADAR lock, which can be used by those riding mobility vehicles. NB this is the only type kissing gate that is large enough to be used by all-terrain and large mobility vehicles.

### Note about RADAR locks on Kissing gates

Often mobility vehicle riders find RADAR locks difficult to use, so they should only be used if there is not a suitable alternative arrangement. Here are some of the reasons why:

- Rider cannot get off mobility vehicle to reach the lock
- Rider cannot reach lock from mobility vehicle (poor balance, lack of core strength etc)
- Position of lock is in a corner so mobility vehicle cannot come alongside lock to reach it, even at an angle
- RADAR lock has not been well maintained and no longer works properly.
- Not all disabled people realise that a RADAR key will open the lock, and don't know how these kissing gates work. There must be an appropriate, informative, label beside the lock.

## Board walks, Footbridges, Quad bike bridges

All of these structures should be designed to be appropriate for use by large mobility vehicles, be sufficiently wide and strong, and have toe boards (a deck level edge rail) as edge protection. On longer board walks there may also be a need to provide periodic passing places.

## Sleeper bridges

Sleeper bridges are very often 3 sleepers wide, but they need to be at least 4 sleepers wide to allow for use by mobility vehicles.

## Steps

Whenever possible, step free routes should be available to users of mobility vehicles. Existing steps could be replaced, or supplemented at the side, by a slope or ramp. Where this is not possible, an alternative route should be provided. Sometimes this might necessitate a short diversion, regaining the main route a little further on, and this diversion should be signed.

## Cycle chicanes and staggered barriers

Cycle chicanes are, in most instances, impassable by mobility vehicles, in which case they should be replaced with an appropriate structure. Other forms of staggered barriers, such as those used to slow people down before a road, are very often equally impassable, especially for large mobility vehicles.

## Undefined barriers, Motorcycle barriers, A frames, K barriers etc.

Motorcycle barriers are to be avoided. Often they form an intimidating, narrow gap. Frequently put in place to restrict the illegal access of motorcycle users, they should only ever be used after very careful consideration of the measured extent of the motorcycle problem, and after all other solutions have been considered. In some areas existing motorcycle barriers are no longer necessary as there is no longer a motorcycle problem: in these cases the barriers should be removed.



If no alternative is possible, the gap in the barrier should be adjusted to allow riders of large mobility vehicles to pass through. Mobility vehicles can legally be up to 85 cm wide so the gap should be at least this; and the same width should be allowed all the way up from the ground to enable room for handle bars, arm rests and other bodywork. The ground beneath should be level otherwise a greater width is needed. K barriers are often less intimidating and allow for various options to be chosen, such as a shallow squeeze plate which is positioned higher off the ground. <http://www.kbarriers.co.uk/>

## **Stepping stones**

Stepping stones are a barrier to users of mobility vehicles, walkers who are less agile, and families with pushchairs. They should be replaced with a suitable alternative such as a footbridge (which, if not flush with the ground should have appropriate slopes at either end, not steps). If there are good reasons to retain the stepping stones, such as historic reasons, a suitable alternative should be provided nearby, in addition to the stepping stones.

## **Stiles**

Stiles are a barrier to mobility vehicles, walkers who are less agile, and families with pushchairs. They should be replaced with suitable alternative infrastructure. If there are good reasons to retain the stile, such as historic reasons, an alternative to the stile, such as a pedestrian gate, should be provided nearby in addition to the stile.

## **Urban areas and Kerbs**

In urban areas people with reduced mobility may well be using pavement scooters which have low ground clearance. Where the trail follows a footway (eg pavement) it should be sufficiently wide for large mobility vehicles, and free of obstructions. The provision and correct positioning of dropped kerbs at suitable places along the footway is essential. Every time the trail passes over a kerb, a dropped kerb should be provided.

Disabled Ramblers March 2020

Aerial photo from Natural England's mapping, showing route proposed (in orange) and the actual walked line of the SWCP (blue dotted line)



Map from Devon County Council. The broken pink line represents the legal line of the Public Footpath, and the dark blue broken line is the data that Mark Owen held, from his own GPSed walks

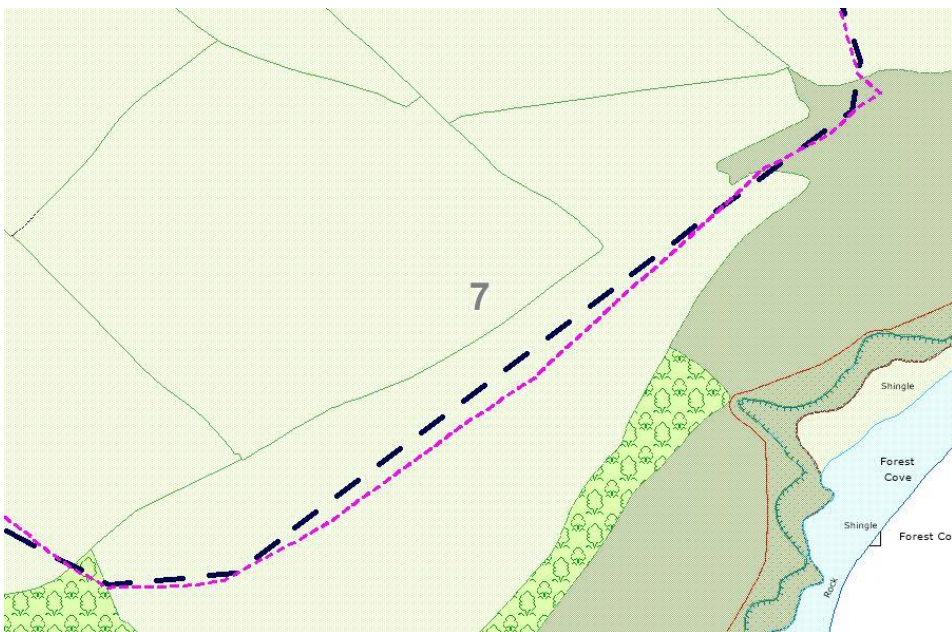




Photo 1 – FP7



Photo 2 – FP7



Photo 3 – FP7





Photo 4 – FP7





9D - MCA/CKW9/R/ - 3, 4, 5, 6, 7, 8, 9 & 16 – Map of land to which the representation relates





**Document 2: Shady Lane approaching up steep hill towards A379, Stoke Fleming.**

This photograph demonstrates the danger posed to walkers and drivers from the proposed path, routed on this lane. The lane is only just wide enough for a car, and with walkers and dogs in the way becomes impossible. This picture shows a normal family car, but the road is also regularly used by the sewage treatment vans, the rubbish van and many other tradesmen using wider vans.

As drivers approach this hill, they have to turn right on a blind corner, with barely room on each side, but because of the gradient drivers are forced to get into first gear, put their foot down and keep climbing. To stop for walkers is almost impossible, and very dangerous for everyone. Drivers facing any blockage (such as walkers) have to reverse back down the steep lane and around a right angle bend. Walkers have nowhere to escape except into the steep walls on either side.

Where Shady Lane meets the A379 it is accessed on the right by a block of flats, and a house, and on the left by a busy caravan park with a shop and launderette, and by Radius 7 restaurant and the bus stop. This is an extremely dangerous junction, which the driver approaching up Shady Lane is forced to confront. To have crowds of walkers and dogs in the way will only increase the danger.

Redlap Lane, where the South West Coast Path currently goes, has no such dangers.





### **Document 3: Shady Lane opposite Penhill Chalets**

This photograph demonstrates the width of Shady Lane - here one of its wider parts - where the proposed route will go. The lane is used by 36 properties, with planning permission for 2 more. All property owners and tenants have cars, and the lane is accessed continuously by other vehicles of all sorts and sizes. This is a normal estate car, but many vehicles using the lane are much wider.

As shown here, there are a few places for walkers to get out of the way, but it is extremely tight, and they and their dogs are forced into hedges and walls.

There are several blind bends along the lane, already dangerous for drivers, and far more so when they are occupied by walkers and dogs. Drivers will be forced to hoot their horns at each bend as warnings, which will be irritating for residents.



Document 4: Mill Meadow entrance showing route of proposed path in front of gate, with proposed steps to right of tree.

This photograph demonstrates the narrowness of Shady Lane, along which cars can only just pass, particularly at this point where vehicles turn into the gateway. This involves driving right up against the bank (left of trees) and the wall and bank (left of left gate). This is particularly difficult for delivery vans and larger cars, and where vehicles frequently get stuck, blocking the lane, especially in muddy conditions.

Walkers (and dogs) will cluster at the base of the proposed steps, blocking the entrance/exit.

From the top of the proposed steps walkers will look over the gate straight into my private property, ascertaining whether or not anyone is in residence, threatening the security of this isolated property where women often stay alone, and inviting trespass.





**Document 5: Shady Lane at Mill Meadow entrance showing delivery vehicle blocking lane (and access to proposed path and steps).**

This is the proposed path, and immediately behind the van are the proposed steps leading up to the bank on the edge of the field. As shown here, vehicles often find it impossible to enter Mill Meadow's gate owing to the narrowness of the lane and entrance. Because it is a dead end, vehicles therefore stop outside the gates, and then reverse out. Walkers will find it difficult to pass, and the presence of walkers will make it even more difficult for vehicles to access Mill Meadow.

This photograph demonstrates the danger to walkers and the inconvenience for everyone of having walkers and dogs blocking the lane.

Delivery and rubbish collection vehicles regularly access Mill Meadow, and other properties along Shady Lane, along with tree surgeons, builders, maintenance vehicles etc.





**Document 6 showing Mill Meadow entrance on right, and proposed steps on left.**

The proposed route and steps will block Mill Meadow's entrance just where the access is extremely narrow and tricky, making entrances and exits very difficult for vehicles.

The proposed location of the steps is where Mill Meadow's rubbish is left for collection every week. It has to be there so that it is visible to the rubbish collection vehicle which will not come this far down the lane unless rubbish is clearly visible for fear of getting stuck.





### **Document 7: View of Mill Meadow car park from proposed path.**

This is the view from the top of the proposed steps directly opposite Mill Meadow's gate, showing a parked van. This provides many thousands of walkers with a view straight into my property, destroying privacy and threatening security. As can be seen from this and accompanying photographs, Mill Meadow is an isolated property at the end of the appropriately-named Shady Lane. Walkers will see whether or not anyone is in residence, and find it very easy to trespass, threatening the privacy and seclusion which is Mill Meadow's *raison d'être*, and the reason why many people rent it throughout the year.

Many women stay alone at Mill Meadow, renting it for the purposes of creative work or simply to escape and find peace and quiet. They will feel threatened by the risk of people looking in on the property, and breaking in. This will damage Mill Meadow's letting business.

I will be forced to erect a close-boarded fence the whole way along my boundary, which will block walkers's sea views. This will be ugly, make Shady Lane even more shady, and will be a huge expense inflicted by Natural England.

