

## Portsmouth to South Hayling

### Representations with Natural England's comments



October 2023

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Version 2

Updated November 2021

Section	Detail of changes
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Page 6	Edits to our comments to clarify the extent of proposed exclusions over certain shingle islands and ridges in Langstone Harbour for nature conservation reasons
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Appendix B	Map added showing the extent of proposed exclusions over certain shingle islands and ridges in Langstone Harbour for nature conservation reasons
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## 1. Introduction

This document records the representations Natural England has received on this report from persons or bodies whose representations must be sent in full to the Secretary of State. It also sets out any Natural England comments on these representations.

## 2. Background

Natural England's report setting out its proposals for improved access to the coast between Portsmouth to South Hayling was submitted to the Secretary of State on 19 July 2017. This began an eight week period during which formal representations and objections about the report could be made. A representation about the report could be made during this period by any person on any grounds and could include arguments either in support of or against Natural England's proposals.

In total Natural England received 32 representations, of which 15 were made by organisations or individuals whose representations must be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These 'full' representations are submitted in their entirety here together with Natural

England's comments where relevant. A summary of the 17 representations made by other individuals or organisations, referred to as 'other' representations, has been submitted separately.

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

### 3. Layout

The representations and Natural England's comments on them are separated below into the lengths against which they were submitted. Each length below contains the 'full' and 'other' representations submitted against it, together with Natural England's comments. Where representations refer to two or more lengths, they and Natural England's comments will appear in duplicate under each relevant length. Note that although a representation may appear within multiple lengths, Natural England's responses may include length-specific comments which are not duplicated across all lengths in which the representation appears.

### 4. Representations and Natural England's comments on them

#### Length PSH1

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

<b>Representation number</b>	<b>PSH/R/1</b>
<b>Organisation/ person making representation</b>	<b>Solent Recreation Mitigation Partnership</b>
<b>Report chapter</b>	<b>All</b>
<b>Route section(s)</b>	<b>All</b>
<b>Representation in full</b> <i>Record the representation here in full. Do not summarise.</i>	
<p>As representatives of the SRMP partnership, we welcome the concept of the England Coast Path as something of value to local people and residents, but we have some real concerns that we would like addressing.</p> <p>We recognise and thank you for your timely and inclusive approach to engaging with us during the development of a route for the ECP. As you are aware those parts of the Solent being identified as a potential route for the ECP are covered also by our mitigation programme, and we are concurrently moving towards the adoption of a Definitive Strategy by the end of 2017.</p> <p>We hope that the ECP team have benefitted from SRMP partners' local knowledge and ecological expertise. We understand that this input has formed part of the evidence to define a route which does not lead to additional impacts on the Solent's SPA birds and their habitats. We appreciate that the proposed ECP route will need to satisfy the Habitats Regulations and that avoidance and mitigation may be required for the chosen route. This is in the same way that SRMP is a response to allowing development to proceed in satisfaction of those same regulations.</p> <p>There are two specific areas of concern that have been expressed by partners that could potentially create conflict between the objectives of the two initiatives, outlined below.</p> <p><b>Increased Visitor Numbers</b></p>	

Partners have expressed concerns that the ECP will lead to a rise in the number of visitors to sensitive parts of the coast. This will cause increased disturbance to the overwintering birds that journey to our SPAs, many of which are red and amber listed.

Whilst the SRMP is employing a range of measures to mitigate against disturbance from increasing housing numbers, it does not have the resources to deal with any further elevation in visitor numbers as a result of the ECP. Therefore there is a real concern of a conflict between these two initiatives. Any rise in visitor numbers as a result of ECP use has the potential to diminish the effectiveness of the SRMP measures. ECP will need to ensure that it provides its own mitigation package to protect against the impact of increased visitor numbers it will create.

### Mapping of Spreading Zone

It is understood that in some areas of the ECP the spreading zone will be excepted for reasons of safety or nature conservation. Concern is raised about Ordnance Survey's plans for depicting the 'spreading zone' as a magenta wash and not making any exceptions for excepted areas.

As such, to an ECP user carrying an Ordnance Survey map it will appear that they are free/encouraged to walk on intertidal areas. In large parts of the SRMP area, these can be extremely large, support fragile habitats and be a huge food resource for birds and other species. Increased footfall through these areas would cause great damage to these fragile habitats and enormous disturbance to vulnerable wintering bird populations.

**Specialist input** *Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.*

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

With regard to the points raised within the subheading 'Increased Visitor Numbers',

Natural England maintains that over the course of developing our proposals for England Coast Path between Portsmouth and South Hayling we have thought carefully about possible impacts on the European sites and their associated designated features that could be affected. We have taken an iterative approach to developing and refining our access proposals, including through discussion with the SRMP and other organisations with relevant local knowledge, and are satisfied that sufficient measures are included to mitigate the risks. After careful consideration, we believe that the proposals we have made will not be likely to have a significant effect on a European sites that gives rise to the real risk of an adverse effect on its overall integrity. In reaching this conclusion, we have taken account of the relevant conservation objectives for the European sites involved and their ecological characteristics.

With regard to the points raised within the subheading 'Mapping of Spreading Zone',

Natural England maintains that the mapping of coastal margin on the OS maps does not form part of our proposals. The decision as to how to depict on OS 1:25,000 maps the England Coast Path and the 'coastal margin' created on approved stretches by the Access to the Countryside (Coastal Margin) (England) Order 2010 resulted from detailed discussions with the Coastal Access National Stakeholder Group. This group, representing a balance of interests including user, conservation and land manager representative organisations, considered it imperative that the route of the England Coast Path and the coastal margin should both be depicted. This decision reflected the importance afforded by the stakeholder group to acknowledge the statutory duty to establish both a 'long distance walking route' around the coast of England and to identify a margin of land within which the public will also have access, subject to what follows.

Coastal margin will generally have, as a large component, land which is subject to coastal access rights but in some areas contains much land which is not subject to these rights. This may be because either it is excepted land, as set out in Schedule 1 of CROW, or because it is subject to statutory restriction. It follows that, in contrast to the position with CROW 'open access land', the depiction of coastal margin on OS maps is not a depiction of 'access land' per se, but a depiction of the status of the land, rather as national park boundaries are depicted on the maps. This distinction was central to the decision to depict coastal margin distinctively on OS maps.

It was felt that because the existing open access 'yellow wash' is well-known by users and often perceived to mean that all areas within it are accessible, a different coloured wash and boundary to depict the coastal margin should be used in order to clearly reflect the different nature of this new designation. In deciding this, the stakeholder group concluded that to show the coastal margin boundary only would not achieve the desired effect. Also, where coastal access rights have superseded existing open access rights on the coast, showing the boundary only would mean removing the existing yellow access land wash in order to avoid confusion – but this might create the undesirable impression of a loss of public access rights. Because of OS operational needs, the colour chosen for depicting the coastal margin was magenta, (a 10% magenta wash) bounded on its landward edge by distinctive magenta semi-circles.

It was decided that the England Coast Path itself would be depicted by a green diamond (lozenge) symbol placed along the route and named England Coast Path with the National Trail acorn symbol placed alongside the name. Alternative routes will be shown by hollow version of the green diamond (lozenge) symbol.

The depiction of coastal margin on OS digital and paper products with a magenta wash comes with a clear, concise explanation in the key: *"All land within the 'coastal margin' (where it already exists) is associated with the England Coast Path and is by default access land, but in some areas it contains land not subject to access rights - for example cropped land, buildings and their curtilage, gardens and land subject to local restrictions including many areas of saltmarsh and flat that are not suitable for public access. The coastal margin is often steep, unstable and not readily accessible. Please take careful note of conditions and local signage on the ground."*

The key also gives the link to the National Trails website <http://www.nationaltrail.co.uk/> which is the official source for information on the England Coast Path as it is developed.

The new coastal access arrangements bring greater clarity on the ground about the rights of public access to coastal land. It is in the interest of all parties that information regarding these new rights and about the new coastal margin designation is depicted accurately and consistently on OS maps, with appropriate explanation.

With regard to excepted land, the national stakeholder group acknowledged that it would not be feasible to remove the magenta wash from the myriad of excepted land parcels falling within the English coastal margin. This was because even if it were practicable in a mapping sense, it would be impossible to identify all excepted land for consistent removal. As a result, taking this approach would be misleading as people would assume because some parts of the margin were magenta-shaded and some not, the shaded areas must have access rights.

A similar unintended consequence would result if single large areas of excepted land only were removed from the margin shown on OS maps. In addition, land use changes and as a result individual land parcels would move in or out of being excepted, often over a short period. For example agricultural land in rotation may move from arable (excepted) to grass (not excepted) and vice versa.

This approach to depicting the England Coast Path and coastal margin on OS maps has been in use since 2014. Natural England is unaware of any issues that have resulted in practice from this approach. This is despite the inclusion of some very substantial areas of developed or other excepted land with the magenta wash – for example:

- On the Isle of Portland, because of the need for the approved route of the ECP to cut across the north east corner of the island, the mapped coastal margin includes Portland Port, the Verne prison, houses, other buildings and their curtilage.

- On the Tees estuary, the coastal margin comprises extensive areas of industry and business interspersed with brownfield sites and areas where access rights are excluded to protect wintering birds.

<b>Representation number</b>	<b>PSH/R/2</b>
<b>Organisation/ person making representation</b>	<b>Royal Society for the Protection of Birds</b>
<b>Report chapter</b>	<b>All</b>
<b>Route section(s)</b>	<b>All</b>
<b>Representation in full</b> <i>Record the representation here in full. Do not summarise.</i>	
<p>The RSPB is pleased to have been consulted throughout the different implementation stages of this stretch. We have reviewed the final report and we are content with the proposed path for the stretch from Portsmouth to South Hayling Island. We are particularly satisfied to read on page 30 of the Sensitive Features report that “<i>North Binness Island and Long Island do not form part of the coastal margin</i>” although we remain apprehensive as to how this will be represented on OS maps.</p> <p>We are also pleased to have been made aware that geographic representation of restrictions under Section 25 and 26 will be available on Magic.gov and we would expect the same to be true for the National trail website. We find important to have accurate map representation available online for those who either prefer to prepare in advance or exhibit a preference in using these communication channels. Given the technological advancements the RSPB also thinks it would be prudent that the ECP considered the development of a mobile application.</p> <p>Nevertheless, given the recreational pressure already present along this stretch the RSPB finds that interpretation panels and online information might not be sufficient to ensure the access restrictions are properly followed. Measures to ensure compliance with restrictions on the route should be proactive and the effectiveness of these measures need to be monitored. Perhaps the ECP could consider wardens as a maintenance expense and therefore contribute to the existing strategic mitigation scheme for recreation in place for the Solent.</p>	
<b>Specialist input</b> <i>Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.</i>	
<b>Natural England's comments</b> <i>Enter Natural England's comments here with as much detail as possible.</i>	
<p>With regard to the point:</p> <p>‘The RSPB is pleased to have been consulted throughout the different implementation stages of this stretch. We have reviewed the final report and we are content with the proposed path for the stretch from Portsmouth to South Hayling Island. We are particularly satisfied to read on page 30 of the Sensitive Features report that “<i>North Binness Island and Long Island do not form part of the coastal margin</i>” although we remain apprehensive as to how this will be represented on OS maps.’</p>	

We would like to bring attention to a related matter. During the development of our proposals we advised the RSPB that we did not think a direction to exclude access for conservation reasons on the islands within Langstone Harbour was necessary. This was because at the time of publishing our report we had formed the initial judgement that these islands would not form part of the coastal margin but having now reviewed the legal position, we consider that they will in fact be included in the coastal margin.

Section 300 of the Marine and Coastal Access Act 2009 is about whether we have a duty to take the trail around an island and tells us that an island becomes part of the 'English coast' and is therefore eligible for us to align a trail around it if it is 'accessible'. By this it means that it must be possible to walk to the island from the mainland of England, or from another accessible island, across the foreshore or by means of a bridge, tunnel or causeway. We construe "possible" in this context as meaning it is practicable for people to walk over it without taking their life in their hands. Where the island is accessible for this purpose, we should normally align the ECP around it so far as the circumstances allow, but the Scheme provides some caveats on this at section 7.16.

Shingle islands and ridges in Langstone Harbour, including North Binnes Island, Long Island and at West Hayling Nature Reserve, that are not part of the 'English Coast' as defined by section 300 (and therefore not eligible for trail alignment) might still be part of the coastal margin, and as such would be subject to the coastal access rights even though it might prove impracticable to exercise them. These shingle features are the ones that fall between the trail and mean low water, and are brought into the coastal margin by the Access to the Countryside (Coastal Margin)(England) Order 2010. By contrast, islands always surrounded by sea or estuarial waters neither fall into the margin nor are eligible for ECP alignment.

This means that the coastal access rights would by default apply to these shingle islands and ridges. We consider it necessary to exclude these rights for the revised and updated Habitats Regulations Assessment. A map of the affected areas is appended at Appendix B of this document. We therefore intend to give a S26 direction to give effect to this exclusion from the date of commencement of coastal access rights on this stretch. We ask the Secretary of State to note and endorse our intention to exclude the rights in this way if the relevant part of our proposals is approved.

Because we consider that the islands fall within the margin, they would be included in the 'magenta wash' on the Ordnance Survey mapping but no new rights to access them would be created because of the s26 direction to exclude access from the outset.

We regret the timing of this change in interpretation, as we recognise it differs from that discussed previously with the RSPB, in relation to what land will be margin - but in legal and practical terms, we consider that the effect will be the same.

With regard to the point:

'Nevertheless, given the recreational pressure already present along this stretch the RSPB finds that interpretation panels and online information might not be sufficient to ensure the access restrictions are properly followed.'

We have proposed new signage, fencing and improvements to existing signage at key locations to make the exclusions to ECP users clear. Experience on National Trails and other footpaths has shown that careful positioning of waymarker arrows at key locations greatly helps walkers to stay on the path<sup>1</sup>.

- We believe good access management can be an effective tool in managing users of the ECP. We are not trying to change the behaviour of existing users but effectively manage the choices of those coming to walk the ECP as part of a National Trail. We strive to use best practice and think carefully about both the placement and wording of signs, including by making sure that messages are clear and relevant.
- Being a physical barrier, fencing – where used appropriately and combined with other measures - is a highly effective way of guiding visitors away from sensitive areas.

With regard to the point:

‘Perhaps the ECP could consider wardens as a maintenance expense and therefore contribute to the existing strategic mitigation scheme for recreation in place for the Solent.’

Wardening, as arranged by Bird Aware Solent is a strategic initiative, funded by contributions from house builders, to increase awareness amongst recreational users of the needs of wildlife and to deliver on site visitor management. Whilst developing our proposals, we have worked closely with Bird Aware Solent and other partners involved in managing access around the Solent. We recognise the importance of the work carried out by Bird Aware Solent and will continue to work with them and other partners, including the local authorities that will be responsible for establishing and managing the Coast Path, thereby contributing to efforts to manage visitors to the Solent coast alongside of protecting wintering birds and other nature conservation interests.

<b>Representation number</b>	<b>PSH/R/17 (Also submitted as objection PSH/O/13)</b>
<b>Organisation/ person making representation</b>	<b>Langstone Harbour Board</b>
<b>Report chapter</b>	<b>2 to 3</b>
<b>Route section(s)</b>	<b>PSH-2-S010 to PSH-3-S020</b>

**Representation in full** *Record the representation here in full. Do not summarise.*

Whilst the report and the information on Map E make it clear that the intertidal area of Langstone Harbour is proposed to be excluded as spreading room / part of the coastal margin under S25A of the CROW Act, the Langstone Harbour Board understands from Natural England that the intertidal area will be depicted on Ordnance Survey maps coloured with a “magenta wash”. This will make it appear exactly the same as land which is not excluded (i.e. land where access is encouraged) to users of Ordnance Survey maps. Whilst the Langstone Harbour Board understands that other trail maps will not have excluded land depicted in this way, and that some signage is to be erected on the ground communicating the exclusion, it is our belief that the colouration of this environmentally sensitive and unsafe area in the same format as areas where the public are encouraged to walk - in (arguably) the most famous

<sup>1</sup> See for example the best practice guide: Waymarking Public Rights of Way – NE68  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/414626/waymarking-rights-of-way.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414626/waymarking-rights-of-way.pdf)

mapping publication on Earth - is unacceptable. Based on the ubiquity of the “magenta wash” and the lack of discrimination between areas safe to walk and those not safe to walk on Ordnance Survey maps, the Langstone Harbour Board OBJECT to the proposals for the Coastal Path between Eastney and South Hayling.	
<b>Specialist input</b> <i>Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.</i>	
<b>Natural England’s comments</b> <i>Enter Natural England’s comments here with as much detail as possible.</i>	
We refer you to our response to representation PSH/R/1 made by the Solent Recreation Mitigation Partnership.	

<b>Representation number</b>	<b>PSH/R/20</b>
<b>Organisation/ person making representation</b>	<b>The Hampshire Ramblers</b>
<b>Report chapter</b>	<b>3</b>
<b>Route section(s)</b>	<b>PSH-3-S006 to S009</b>
<b>Representation in full</b> <i>Record the representation here in <u>full</u>. Do not summarise.</i>	
<p>These sections of the Path, from just south of Langstone Road Bridge to Newtown are subject to erosion and have been shored up/repared in a number of places over recent years.</p> <p>The Ramblers believe that in the absence of any committed programme to maintain the Hayling Billy Trail in the face of further erosion the ECP proposals must contain provisions for roll-back. This becomes more and more critical the further north one goes along the route.</p>	
<b>Specialist input</b> <i>Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.</i>	
<b>Natural England’s comments</b> <i>Enter Natural England’s comments here with as much detail as possible.</i>	
To date action has been taken to shore up the Hayling Billy Line when erosion has occurred. This is a major multi user access route and discussions with the relevant parties indicate a desire to keep it open. Natural England are confident that the route will continue to be available for access on foot for the foreseeable future. Simple roll back of the route was not possible due to environmental sensitivities landward of the trail and excepted land. Natural England is aware that further discussions over the long term future	



of the trail are ongoing and will continue to be involved as required. Should any change to the current route be required, Natural England will submit a variation report.

<b>Representation number</b>	<b>PSH/R/21</b>
<b>Organisation/ person making representation</b>	<b>The Hampshire Ramblers</b>
<b>Report chapter</b>	<b>2</b>
<b>Route section(s)</b>	<b>PSH-2-S056 to S058</b>
<b>Representation in full</b> <i>Record the representation here in <u>full</u>. Do not summarise.</i>	
<p>The report Table 2.2.3 considers the use of the existing Solent Way route along the partially breached seawall at South Moor but concludes that the proposed route is less liable to flooding and future degradation. The Ramblers disagree with this statement and believe that if the sea wall gives way at this location the proposed route is likely to be flooded anyway as it is at or below the level of the seawall.</p> <p>The North Solent Shoreline Management Plan proposes that the policy should be to 'hold the line' at this location, although with further studies necessary in the long-term.</p> <p>However, the route proposed is not suitable for a national trail and is already very wet and very muddy in places. See photos below [Appendix A]. It would be better to remain with the seawall at this time.</p>	
<b>Specialist input</b> <i>Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.</i>	
<b>Natural England's comments</b> <i>Enter Natural England's comments here with as much detail as possible.</i>	
<p>Natural England has determined the route described in consultation with the Environment Agency and the Hampshire and Isle of Wight Wildlife Trust who are leading on the Southmoor managed realignment. Natural England acknowledges that the existing public right of way adopted as the England Coast Path is on occasion muddy, but maintains that it conforms to the published standards of National Trails (section 4.3.7).</p>	

<b>Representation number</b>	<b>PSH/R/22</b>
<b>Organisation/ person making representation</b>	<b>The Hampshire Ramblers</b>
<b>Report chapter</b>	<b>2</b>
<b>Route section(s)</b>	<b>PSH-2-S013 to S014 and PSH-2-S027 to S028</b>

<b>Representation in full</b> <i>Record the representation here in <u>full</u>. Do not summarise.</i>	
At both these locations new steps are needed, access is currently very difficult.	
<b>Specialist input</b> <i>Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.</i>	
Natural England has consulted the local access authority, and together determined that the burden of maintenance of infrastructure which would be subject to damaging wave action was inappropriate. Natural England, and the Access Authority are of the opinion that the proposed route is safe and accessible.	
<b>Natural England's comments</b> <i>Enter Natural England's comments here with as much detail as possible.</i>	
Natural England has consulted with Hampshire County Council, who provided a highways report confirming the low risk status of this section. Natural England feels that as part of the existing Solent Way, most visitors will be familiar with the road. Visitors should take primary responsibility for their own safety (section 4.2.1), therefore our approach to risk management on the trail is light-touch (section 4.2.3). Additionally Natural England has already proposed waymarking along this section.	

<b>Representation number</b>	<b>PSH/R/23</b>
<b>Organisation/ person making representation</b>	<b>The Hampshire Ramblers</b>
<b>Report chapter</b>	<b>2</b>
<b>Route section(s)</b>	<b>PSH-2-S010</b>
<b>Representation in full</b> <i>Record the representation here in <u>full</u>. Do not summarise.</i>	
The route of the path for this section is aligned along a public road, part of which is quite narrow, raising safety concerns. The path would benefit from signage and some minor works to ensure that walkers take the safest options when walking this stretch and that they utilise the available verge where one is present.	
<b>Specialist input</b> <i>Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.</i>	
<b>Natural England's comments</b> <i>Enter Natural England's comments here with as much detail as possible.</i>	

Natural England has consulted with Hampshire County Council, who provided a highways report confirming the low risk status of this section. Natural England feels that as part of the existing Solent Way, most visitors will be familiar with the road. Visitors should take primary responsibility for their own safety (section 4.2.1), therefore our approach to risk management on the trail is light-touch (section 4.2.3). Additionally Natural England has already proposed waymarking along this section.

<b>Representation number</b>	<b>PSH/R/24</b>
<b>Organisation/ person making representation</b>	<b>The Hampshire Ramblers</b>
<b>Report chapter</b>	<b>3</b>
<b>Route section(s)</b>	<b>PSH-3-S019 to S020</b>
<b>Representation in full</b> <i>Record the representation here in <u>full</u>. Do not summarise.</i>	
<p>The route of the path for these sections is aligned along a public road, creating some safety concerns. The route is depicted as crossing the road at the junction of the two sections. The path would benefit from signage and some minor works to ensure that walkers take the safest options when walking this stretch and that they utilise the available verge where one is present. For much of S020 in particular the safest verge is NOT the one depicted by the line of the route.</p>	
<b>Specialist input</b> <i>Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.</i>	
<b>Natural England's comments</b> <i>Enter Natural England's comments here with as much detail as possible.</i>	
<p>Natural England has consulted with Hampshire County Council, who provided a highways report confirming the low risk status of this section. Natural England feels that as part of the existing Langstone Harbour Waterside Walk, most visitors will be familiar with the road. With regard to the mapping of the safest verge, visitors should take primary responsibility for their own safety (section 4.2.1), therefore our approach to risk management on the trail is light-touch (section 4.2.3). Additionally, this level of detail will not be visible on O/S maps.</p>	

<b>Representation number</b>	<b>PSH/R/25</b>
<b>Organisation/ person making representation</b>	<b>Hampshire Countryside Access Forum</b>
<b>Report chapter</b>	<b>3</b>
<b>Route section(s)</b>	<b>PSH-3-S006 to S009</b>
<b>Representation in full</b> <i>Record the representation here in <u>full</u>. Do not summarise.</i>	

These sections of the Path, from just south of Langstone Road Bridge to Newtown are subject to erosion and have been shored up/repared in a number of places over recent years.

The Ramblers believe that in the absence of any committed programme to maintain the Hayling Billy Trail in the face of further erosion the ECP proposals must contain provisions for roll-back. This becomes more and more critical the further north one goes along the route.

**Specialist input** *Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.*

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

We refer you to our response to representation PSH/R/20 made by the Hampshire Ramblers.

<b>Representation number</b>	<b>PSH/R/26</b>
<b>Organisation/ person making representation</b>	<b>Hampshire Countryside Access Forum</b>
<b>Report chapter</b>	<b>2</b>
<b>Route section(s)</b>	<b>PSH-2-S056 to S058</b>
<b>Representation in full</b> <i>Record the representation here in <u>full</u>. Do not summarise.</i>	
<p>The report Table 2.2.3 considers the use of the existing Solent Way route along the partially breached seawall at South Moor but concludes that the proposed route is less liable to flooding and future degradation. The Ramblers disagree with this statement and believe that if the sea wall gives way at this location the proposed route is likely to be flooded anyway as it is at or below the level of the seawall.</p> <p>The North Solent Shoreline Management Plan proposes that the policy should be to 'hold the line' at this location, although with further studies necessary in the long-term.</p> <p>However, the route proposed is not suitable for a national trail and is already very wet and very muddy in places. See photos below [Appendix A]. It would be better to remain with the seawall at this time.</p>	
<b>Specialist input</b> <i>Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.</i>	
<b>Natural England's comments</b> <i>Enter Natural England's comments here with as much detail as possible.</i>	

We refer you to our response to representation PSH/R/21 made by the Hampshire Ramblers.

<b>Representation number</b>	<b>PSH/R/27</b>
<b>Organisation/ person making representation</b>	<b>Hampshire Countryside Access Forum</b>
<b>Report chapter</b>	<b>2 to 3</b>
<b>Route section(s)</b>	<b>PSH-2-S010 to PSH-3-S020</b>
<b>Representation in full</b> <i>Record the representation here in <u>full</u>. Do not summarise.</i>	
<p>HCAF believe the spreading room displayed on the OS maps in the pink colour will encourage members of the public to utilise any space depicted and that any excepted land or statutory exceptions will not be considered. This is particularly relevant to Langstone harbour because:</p> <p>(i) the sensitive wildlife nature of the spreading room  (ii) safety concerns about people walking onto the mud flats</p> <p>HCAF believe the signage proposed in the report will not be sufficient in deterring the public from walking on excepted land</p>	
<b>Specialist input</b> <i>Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.</i>	
<b>Natural England's comments</b> <i>Enter Natural England's comments here with as much detail as possible.</i>	
<p>We refer you to our response to representation PSH/R/1 made by the Solent Recreation Mitigation Partnership.</p>	

<b>Representation number</b>	<b>PSH/R/30</b>
<b>Organisation/ person making representation</b>	<b>The Hampshire Ramblers</b>
<b>Report chapter</b>	<b>All</b>
<b>Route section(s)</b>	<b>All</b>
<b>Representation in full</b> <i>Record the representation here in <u>full</u>. Do not summarise.</i>	

The Ramblers in Hampshire welcome the advent of the England Coast Path and have been pleased to work with NE on the definition of the route between Old Portsmouth and South Hayling.

This section of the path broadly follows the existing routes taken by the Solent Way and the Hayling Billy Trails, but has taken the opportunity to improve on these in a number of locations by creating formal access to some new locations.

Whilst overall this is generally one of the less controversial sections of the ECP the Hampshire Ramblers appreciate the detailed attention that has been given to gaining improvements to the existing routes. We look forward to the formal opening of this section of the path.

**Specialist input** *Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.*

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

Natural England thanks the Hampshire Ramblers for its comments.

<b>Representation number</b>	<b>PSH/R/31</b>
<b>Organisation/ person making representation</b>	<b>Countryside Landowners Business Association</b>
<b>Report chapter</b>	<b>All</b>
<b>Route section(s)</b>	<b>All</b>
<b>Representation in full</b> <i>Record the representation here in <u>full</u>. Do not summarise.</i>	
<p>The report considers access around the estuary of Langstone Harbour.</p> <p>Inspection of the detailed maps for the route sections reveals that the entirety of the route around the estuary is located either on existing public rights of way/highway, or on "other existing walked routes". There is one very short section of new route at Eastney which appears to be on the section of coast outside the estuary.</p> <p>The overview also indicates that access to the vast majority of the coastal margin will be excluded under s.25A CROW direction.</p> <p>The Coastal Access Scheme states that Natural England will "take fully into account whether the cost of extending the trail....would be proportionate to the extra public enjoyment of the coast that would result".</p> <p>The report overview contains no analysis of the total cost of extending the trail specifically around the estuary. The report also contains no analysis of the cost to those affected by extending the trail, although surely such analysis must have been done to be able to assert that the proposals represent a fair balance?</p>	

The report also contains no analysis of the extra benefit that the public will derive from extending coastal access up the estuary. The public already has existing access along this stretch of estuary. The extra benefit that will be derived from designating that existing access as a coastal trail has not been identified or quantified within the report. In addition, there has been no analysis of the balance between that extra benefit and the increased burden which will be borne by owners and occupiers along this section of estuary, and whether that will result in the necessary fair balance.

The overview considers only two options for Langstone harbour: aligning the trail around the harbour (as is proposed), or stopping at the mouth of the harbour. The option of extending access as far as the ferry crossing is not mentioned. The ferry service is discussed earlier and the report acknowledges that there is a regular service across the mouth of the harbour.

We believe that the report fails in its duty – as set out in the coastal access scheme – to properly consider the option of utilising the ferry service. There is no assessment as to the recreational benefits and cost of extending access around the estuary, despite the presence of a ferry.

Furthermore, we note that the coastal access scheme states that in considering whether the cost of extending the trail would be proportionate to the extra public benefit that would result:

“This might not be the case for example:

- Where the first bridge or tunnel is very far from the sea;
- Where a ferry downstream from the bridge or tunnel provides a convenient means for trail users to cross the estuary on foot”.

There should have been a full assessment of the scope for utilising the ferry crossing, especially as the access that is being provided around the estuary itself is entirely based on existing routes, and there will be no new public access to large areas of the margin, for reasons of safety.

The cost benefit and fair balance should have been considered in this context.

**Specialist input** *Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.*

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

Natural England feels appropriate discussion of the public benefit against impact to private interest, and cost to the project is given within Part 5 of the Overview.

The proposed stretch contains sections that fall upstream of the seaward limit of Langstone Harbour estuarial waters. The neighbouring South Hayling to East Head stretch then includes the adjoining Chichester Harbour, which has many similar characteristics. For the purposes of developing and considering these report proposals, we suggested that it seems best to view the two harbours as a single estuary system interrupted by Hayling Island and the road bridge onto it.

We refer you to Part 5 of the Overview which provides our commentary on our decision to propose use of our discretion around Langstone Harbour to treat the estuarial waters as if they were open coast.

This representation questions why Natural England did not consider limiting the use of our discretion and align the trail only as far as the ferry terminal. We refer you to Part 5(e)(i) and also page 21 of the Overview. In addition we had concerns about the long-term provision of the ferry service given its recent period of closure and the impact any future closure would have for walkers following the England Coast Path. A further problem is that the ferry service only delivers passengers to the south west of Hayling Island; it does not take passengers from one side of the estuary system to the other. Therefore adopting the ferry as the route of the trail would have

significant consequences for continuity of access across this stretch and the neighbouring South Hayling to East Head stretch.

Option 2 considers stopping the trail at the seaward limit of the estuarial waters. The ferry service is a short distance inland of the seaward limit, so the rationale for not choosing option 2 apply equally to the alignment suggestion made in this representation. As alluded to above, adopting this option would leave a significant gap in the England Coast Path on the mainland (around the west side of Langstone Harbour), inconveniencing coast path walkers who do not wish to walk around the island.

The representation also makes several points about weighing the public benefit against impact to private interests, and cost to the project. The existence of the Langstone Harbour Waterside Walk means route establishment costs are minimal. The estimated costs and further discussion on recreational benefit can be found in the Overview.

The representation suggests that a reason for not proposing an estuary route is the presence of exiting access. We do not believe that this is a good reason to avoid trail alignment in this area. Indeed, aligning the trail over sections of the trail referred to as 'other existing walked routes' would often have the benefit of formalising access by introducing a legal right for people to access this land.

<b>Representation number</b>	<b>PSH/R/32</b>
<b>Organisation/ person making representation</b>	<b>Hampshire Countryside Access Forum</b>
<b>Report chapter</b>	<b>All</b>
<b>Route section(s)</b>	<b>All</b>
<b>Representation in full</b> <i>Record the representation here in full. Do not summarise.</i>	
<p>As the Local Access Forum for Hampshire (excluding the New Forest and South Downs National Parks), Portsmouth and Southampton, the Hampshire Countryside Access Forum has welcomed the opportunity to advise Natural England over the last 2 years in its work to identify the England Coast Path (ECP) route between Old Portsmouth and South Hayling.</p> <p>This section of the ECP broadly follows the line the Solent Way and the Hayling Billy Trails, but improves on these at a number of points by providing access to new locations.</p> <p>This is overall one of the less controversial sections of the England Coast path, but the Forum appreciates the detailed attention that has been given to gaining improvements to the existing routes. The Forum looks forward to the formal opening of this section of the path.</p>	
<b>Specialist input</b> <i>Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.</i>	
<b>Natural England's comments</b> <i>Enter Natural England's comments here with as much detail as possible.</i>	



Natural England thanks the Hampshire Countryside Access Forum for its comments.

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

This section summarises and, where relevant, comments on the 17 representations submitted by other individuals or organisations, referred to here as ‘other’ representations.

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

A further 3 representations were received from [redacted], [redacted], and [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 these representations have not been considered.

## **1. Categorising representations**

The following tables categorise the ‘other’ representations by several themes:

<b>REPORT CHAPTER</b>	<b>Number of representations</b>	<b>Unique identifiers for reps</b>
Chapter 1		
Chapter 2		
Chapter 3	17	PSH/R/3 – 16, 18, 19, 28
<b><i>Total representations</i></b>	<b>17</b>	

<b>OVERALL REPORT (Themes)</b>	<b>Number of representations</b>	<b>Unique identifiers for reps</b>
a) loss of privacy	17	PSH/R/3 – 16, 18, 19, 28
b) restrictions	17	PSH/R/3 – 16, 18, 19, 28
c) excepted land	17	PSH/R/3 – 16, 18, 19, 28
<b><i>Total representations</i></b>	<b>17</b>	

OVERALL REPORT (Who made the representation)	Number of representations	Unique identifiers for reps
Individuals	17	PSH/R/3 – 16, 18, 19, 28
Public bodies		
Land owners/occupiers	17	PSH/R/3 – 16, 18, 19, 28
Voluntary and membership groups		
<b>Total representations</b>	<b>17</b>	

## 2. Summary of ‘other’ representations

### Chapter 3:

<b>Representation number:</b>	PSH/R/3
<b>Organisation/ person making representation:</b>	[redacted] and [redacted]
<b>Route section(s):</b>	PSH-3-S015
<p><b>Summary of representation:</b></p> <p>(I) We are the owners of Title No. HP564116 ([redacted]) and joint occupiers of the Trust Garden for which we pay one nineteenth part of the maintenance costs. Our objections are: (i) the major loss of privacy from the public having free access on the Trust Garden allowing them to look into our private back garden that abuts the Trust garden; (ii) the loss of security for equipment kept in the Trust Garden and the potential for damage: iii) the access of the public to the young children and infants of Warren Close playing in the Trust garden, currently a safe haven; (iv) the disruption to the communal way residents of the Close use the Trust garden for storing and launching dinghies, RIBs, boat engines and canoes, having BBQs and impromptu gatherings for drinks on the seats by the water; and communal swimming; and (v) the seats near the water’s edge are all in memory of departed loved ones, some tragically young. Two of our residents sit on their benches in silence, contemplating and reminiscing. Other members of The Close respect their grief and need for quiet. The intrusion of strangers, even well-meaning and oblivious, would be a very sad end to this respect for our passed ones: vi) we wish to avoid any danger to the public. The Trust land is prone to severe flooding which submerges the footbridges over deep drainage ditches. Even at a 5.1m Spring tide, the area is flooded so local knowledge is key to keeping safe and to avoid encroaching on [redacted] Land to the West which is not spreading room. Photos 1 and 2: vii) Other related concerns include: the Trust permits residents to launch canoes, dinghies, ribs; to swim, from the Trust gardens; to light fires, have BBQs, and play organised games. However, the legislation restricts members of the public from doing the same this will inevitably lead to conflict. It is unreasonable to expect The Trustees to physically challenge any infringement of the Marine and Coastal Access Act 2009 and enforce it without risking their personal safety. Similarly, we do not believe that it would be proportionate to request the police to enforce the Act should the need arise, or a good use of their time.</p>	

- (II) We refer to paragraph 6e) in Natural England's report to the Secretary of State page 24 which states the aim "to strike a fair balance between the interests of the public ....and the interests of the owners and occupiers". A major consideration in our purchase of the property in January 2015 was the private outlook and secure access to the sea (for which we paid a significant premium). Any changes to this will undoubtedly affect the value and our enjoyment of the property which is manifestly unfair to us as owners and occupiers.
- (III) Separate from the above objections, we also believe that the Trust Land is a Garden under the definition in Chapter 8, section 8.18.9 of the document "Coastal Access, Natural England's Approved Scheme" 2013. This states that land used as a garden is "excepted land". The DEFRA guidance given in Figure 22 states: "A garden is usually enclosed land near a building. It typically includes areas of lawn, flower borders and other cultivated plants".

Warren Close Trust land meets the DEFRA Guidance: - "usually enclosed land near a building" (yes – the Trust land is bounded by walls, hedges, fences, sea); "areas of lawn" (yes); "flower borders" (yes); "other cultivated plants" (yes).

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

Section 297 of the 2009 Act requires us in discharging the coastal access duty to aim to strike a fair balance between the occupier's interests and the public's interest in having access rights over land. In our view, an appropriate balance between these two considerations is struck by our proposals.

Natural England maintains that:

Ultimately the landowners would like the land to be defined as excepted. In previous correspondence we have advised that although we agree that the land may be considered excepted land on the basis that:

- *Buildings and the area surrounding buildings (known as curtilage), and land used as a garden or park, are excepted from coastal access rights (section 5.4.1),*

we cannot define any land as excepted, nor remove it from the coastal margin, on the following grounds:

- *The Order provides for any land seaward of the route to qualify automatically as coastal margin as a consequence of the route being put in that position (section 4.8.5)*

The land in question is somewhat from the proposed route and not in the line of sight of any walkers using the proposed trail. Access to the land is via an alley between two houses at the end of a cul de sac. Additionally, the road sign includes the notice 'No access to foreshore'. The access route to the land is roped off with a notice advising 'No public access'. We believe the existing management is sufficient to discourage access, however, we have advised that as landowners they are entitled to increase security if they deem necessary.

With reference to the specific points raised in the objection:

'(i) the major loss of privacy from the public having free access on the Trust Garden allowing them to look into our private back garden that abuts the Trust garden; (ii) the loss of security for equipment kept in the Trust Garden and the potential for damage (iv) the disruption to the communal way residents of the Close use the Trust garden (v) the seats near the water's edge are all in memory of departed loved ones, some tragically young.'

And

‘vii) Other related concerns include: the Trust permits residents to launch canoes, dinghies, ribs; to swim, from the Trust gardens; to light fires, have BBQs, and play organised games. However, the legislation restricts members of the public from doing the same this will inevitably lead to conflict. It is unreasonable to expect The Trustees to physically challenge any infringement of the Marine and Coastal Access Act 2009 and enforce it without risking their personal safety’

the above points about excepted land apply.

With reference to the further point:

‘vi) we wish to avoid any danger to the public.’

This could not be subject to direction on the basis that:

- *Directions cannot be used to avoid danger to the public from natural features of the landscape or natural processes (section 6.6.20)*
- *Directions have no legal effect on land where coastal access rights do not apply including excepted land (section 6.6.5)*

With reference to the point:

‘We refer to paragraph 6e) in Natural England’s report to the Secretary of State page 24 which states the aim “to strike a fair balance between the interests of the public ....and the interests of the owners and occupiers. A major consideration in our purchase of the property in January 2015 was the private outlook and secure access to the sea (for which we paid a significant premium). Any changes to this will undoubtedly affect the value and our enjoyment of the property which is manifestly unfair to us as owners and occupiers.”

And

‘Separate from the above objections, we also believe that the Trust Land is a Garden under the definition in Chapter 8, section 8.18.9 of the document “Coastal Access, Natural England’s Approved Scheme” 2013’

the above points about excepted land apply.

<b>Representation number:</b>	PSH/R/4 – 16, 18, 19, 28
<b>Organisation/ person making representation:</b>	[redacted] [redacted] and [redacted] [redacted] and [redacted] [redacted] [redacted] [redacted] [redacted] and [redacted] [redacted] [redacted] [redacted] and [redacted]

	Trustees of Warren Close ([redacted]) [redacted] [redacted] [redacted] and [redacted] [redacted] [redacted]
<b>Route section(s):</b>	PSH-3-S015
<b>Summary of representation:</b> <p>Trustees feel a direction should be placed to restrict access and that some parts should be excepted land. There are also concerns over loss of privacy from the public having free access into unfenced gardens. These representations were also submitted as full objections and deemed admissible by the inspector.</p>	
<b>Natural England's comment:</b> <p>Section 297 of the 2009 Act requires us in discharging the coastal access duty to aim to strike a fair balance between the occupier's interests and the public's interest in having access rights over land. In our view, an appropriate balance between these two considerations is struck by our proposals.</p> <p>Natural England maintains that:</p> <p>With regard to points (i), (ii), (iii), and (v), please see above comments relating to the representation from [redacted] and [redacted] (PSH/R/3).</p> <p>With to regard to the point (iv), Natural England has conducted an Access and Sensitive Features assessment following the principle of protecting sensitive features (section 4.9). Natural England does not believe there is a significant risk to the features described on the basis that current signage advises that there is no public access. Finally, the landowners consider the land to be excepted. Directions have no legal effect on land where coastal access rights do not apply (section 6.6.5).</p>	

## Length PSH2

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

<b>Representation number:</b>	PSH/R/21
<b>Organisation/ person making representation:</b>	The Hampshire Ramblers

<b>Route section(s) specific to this representation:</b>	PSH-2-S056 to S058
<b>Other reports within stretch to which this representation also relates:</b>	N/A
<b>Representation in full</b>	
<p>The report Table 2.2.3 considers the use of the existing Solent Way route along the partially breached seawall at South Moor but concludes that the proposed route is less liable to flooding and future degradation. The Ramblers disagree with this statement and believe that if the sea wall gives way at this location the proposed route is likely to be flooded anyway as it is at or below the level of the seawall.</p> <p>The North Solent Shoreline Management Plan proposes that the policy should be to 'hold the line' at this location, although with further studies necessary in the long-term.</p> <p>However, the route proposed is not suitable for a national trail and is already very wet and very muddy in places. See photos below [Supporting Document 4.1]. It would be better to remain with the seawall at this time.</p>	
<b>Natural England's comments</b>	
<p>Since publishing our report, new information has come to light that has prompted us to look again at the proposals at Southmoor.</p> <p>At the time of publication, the Environment Agency planned a managed realignment under the Regional Habitat Creation Scheme for Southmoor, which would have involved building a new seawall along the line of our original proposed route in Southmoor marsh, allowing the marsh seaward of this route to flood with the tides. Since publication, the Environment Agency has confirmed that it no longer plans to carry out the managed realignment or build the new seawall along the line of our route.</p> <p>In addition to this, the existing seawall has now breached and the affected section of public footpath on top of it has been temporarily closed on safety grounds. An alternative route has not been provided. Please see Supporting Document 3.2 with regards to the closure notice displayed on site, and also Supporting Documents 3.3 and 3.4 showing photographic evidence of the breach at high and low tide.</p>	
<b>Alternative modification proposed by Natural England:</b>	
<p>With this new information in mind, we are proposing an amendment to our original report. There is a well-used path that runs perpendicular to the seawall to the north of the site which we could align PSH-2-S056 to. This connects with a well-used public right of way which runs eastwards across Southmoor, to which we could align PSH-2-S057 and PSH-2-S058 before joining up with the footpath at Mill Stream (PSH-2-S059), which would remain unchanged from our original report. Please see Supporting Document 3.5a for a map of the area and our proposed amendment to the route.</p> <p>Natural England acknowledges the comments that the existing footpaths to which we propose alignment for the England Coast Path are on occasion muddy, but maintain that it conforms to the published standards of National Trails (section 4.3.7). That said, we are planning to install boardwalk in specific areas of PSH-2-S057 and PSH-2-S058 to improve the walking surface and ensure members of the public are encouraged to remain on the path rather than find their</p>	

own route. Additionally we are proposing some surface improvement works and additional boardwalk at sections of PSH-2-S056.

Given the change in circumstances, as described above, we now recognise that the coast and marsh at Southmoor will be subject to erosion events. Therefore Natural England propose that the path is able to roll back if the route becomes unviable in the future due to coastal or geomorphological processes such as more frequent and significant coastal flooding. Under this amended proposal, landowners would be consulted about any future changes to the route that become necessary for this reason, but there would be no further reference to the Secretary of State before implementing the changes.

Section 55C(4) of the 1949 Act provides powers for Natural England to propose an optional alternative (OAR) to the 'ordinary' route, which would be available for the public to use at times when the ordinary route could reasonably be regarded as unsuitable for use because of flooding, tidal action, coastal erosion or other geomorphological processes. Natural England is aware that the proposed main route is liable to flood on occasion due to storm surges or poor weather conditions. Therefore, Natural England proposes an optional alternative route that will be available to ECP users when the ordinary route is flooded. This OAR will turn northwards, heading through the car park to align on the pavement at Southmoor Lane, then turning right at Penner Lane using the pavement through the Business Park. The route will then follow the existing public footpath, heading south where it will re-join the main route at Mill Lane. This newly proposed OAR is shown in Supporting Document 3.5a. Signage will be established to inform walkers of the reasons for this arrangement. Both the ordinary route and the OAR will be clearly waymarked.

There is an area of coastal grazing marsh between the breached sea wall and proposed ordinary route of the trail (sections PSH-2-S056 to PSH-2-S058). This area is within the Portsmouth Harbour SPA and Ramsar sites and is regularly used by several species of over-wintering waterbirds. For this reason, we propose to exclude Coastal Access Rights between 1st October to 31st March each year over an area between an existing fence and the sea wall as shown on map 2i

Natural England wrote to affected landowners on 9<sup>th</sup> November 2020 to advise that we were looking to make a modification to our proposals at Southmoor, including the OAR. Since that date we have also written to Hampshire and the Isle of Wight Wildlife Trust, [redacted], [redacted] & [redacted] on the 16<sup>th</sup> March 2021 to advise of a further modification. The response we received from Robert Carrell expressed that he and his family are all in favour of the proposal. He also emphasised his family's gratitude that we had 'found a way to minimise the disturbance to wildlife which would otherwise be caused by moving the route inland.'

<b>Representation number:</b>	PSH/R/26
<b>Organisation/ person making representation:</b>	Hampshire Countryside Access Forum
<b>Route section(s) specific to this representation:</b>	PSH-2-S056 to S058

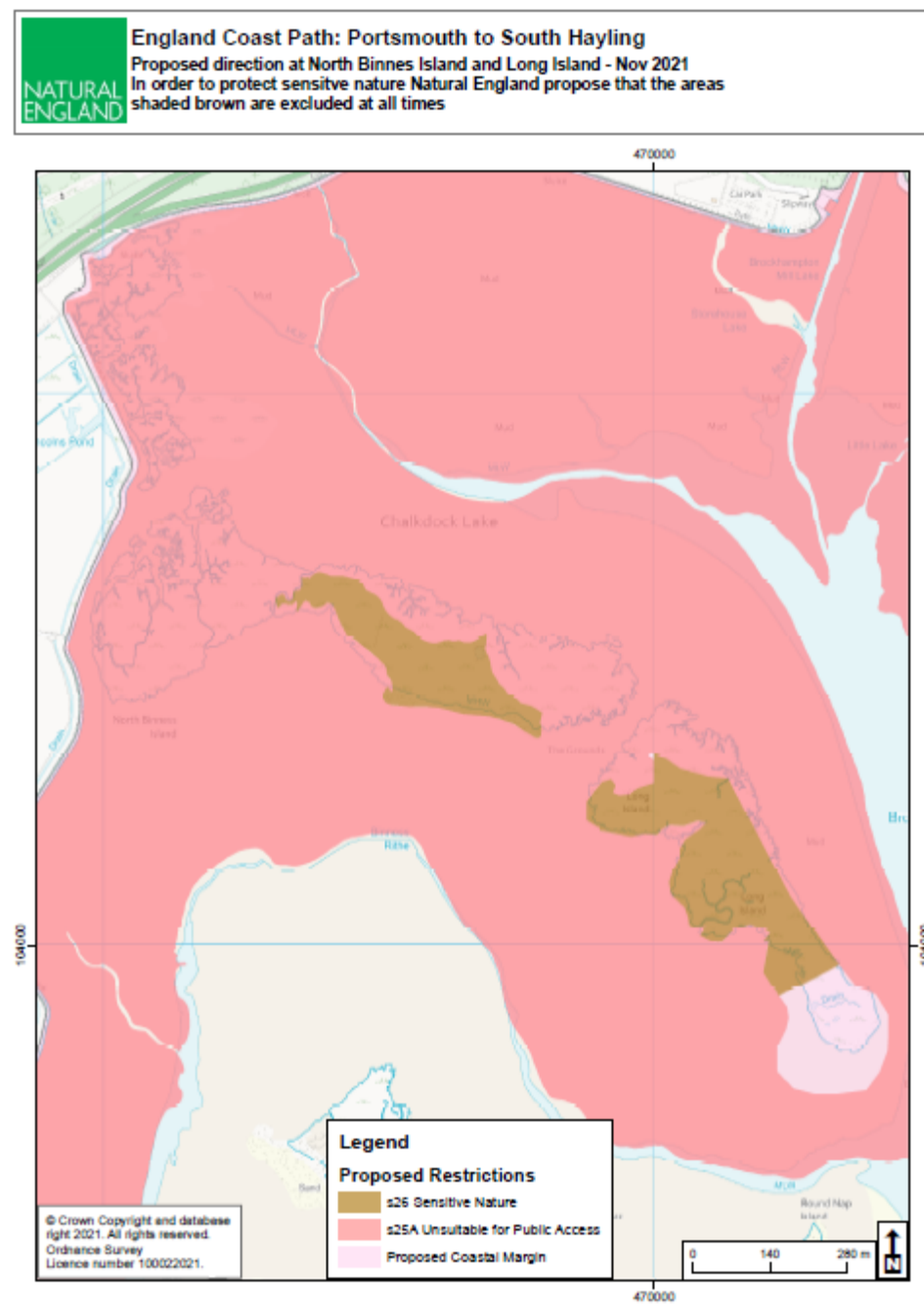
<b>Other reports within stretch to which this representation also relates:</b>	N/A
<b>Representation in full</b>	
<p>The report Table 2.2.3 considers the use of the existing Solent Way route along the partially breached seawall at South Moor but concludes that the proposed route is less liable to flooding and future degradation. The Hampshire Countryside Access Forum (HCAF) as the statutory disagrees with this statement and believes that if the sea wall gives way at this location the proposed route is likely to be flooded anyway as it is at or below the level of the seawall.</p> <p>The route proposed is not suitable for a national trail and is already very wet and very muddy in places. See photos below [Supporting Document 4.1]</p>	
<b>Natural England's comments</b>	
<p>Please refer to the comments made on the Hampshire Ramblers representation above.</p>	

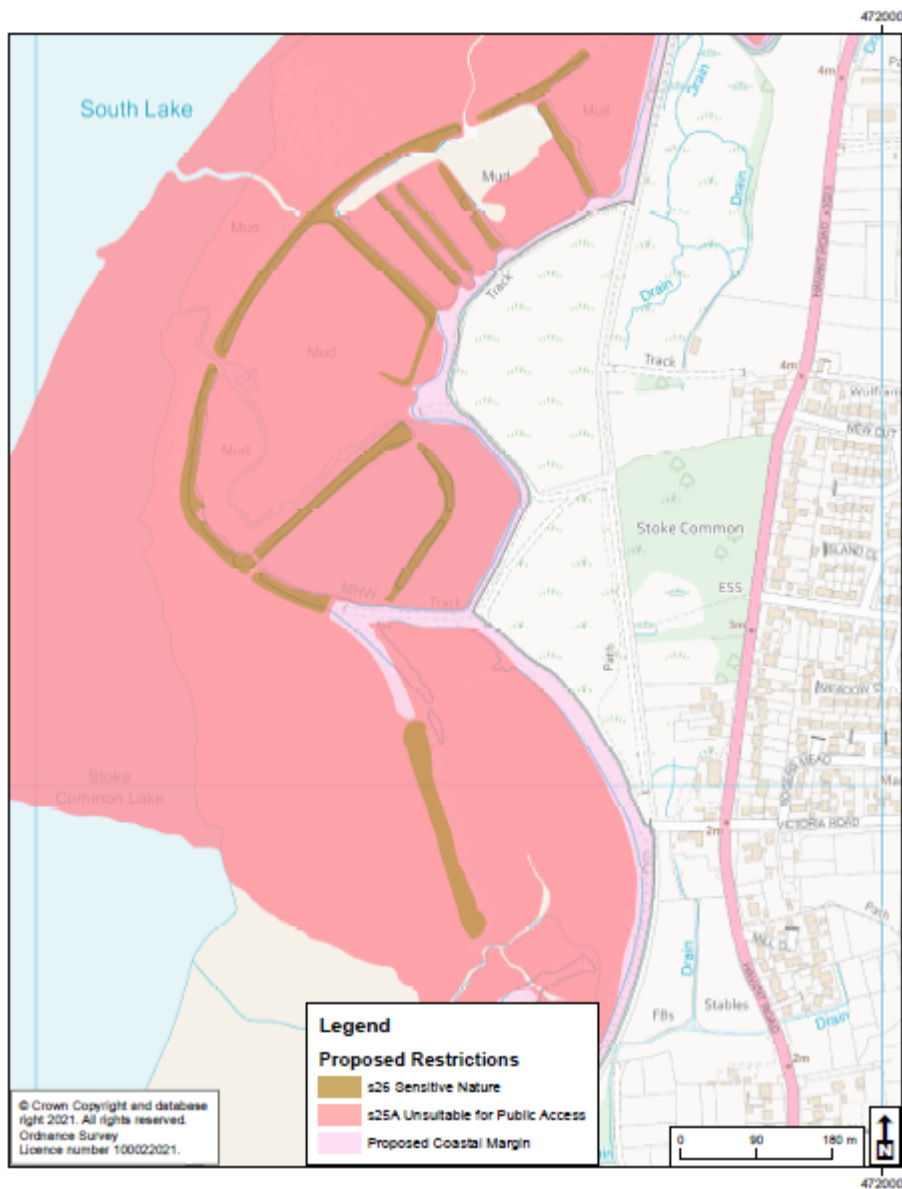
## 5. Supporting documents

**Appendix A: Photos provided with representation PSH/R/21 and PSH/R/26 (see attached)**



**Appendix B:** Proposed modification – a direction under S26(3)(a) to conserve the natural features on certain shingle ridges and islands in Langstone Harbour






### 3.1 PSH/R/26 – Photographic evidence of wet and muddy terrain





### 3.2: Notice of Footpath Closure Displayed on Site

 **HAMPSHIRE**  
COUNTRYSIDE SERVICE

**EXTENSION TO  
TEMPORARY CLOSURE  
HAVANT FOOTPATH 45**

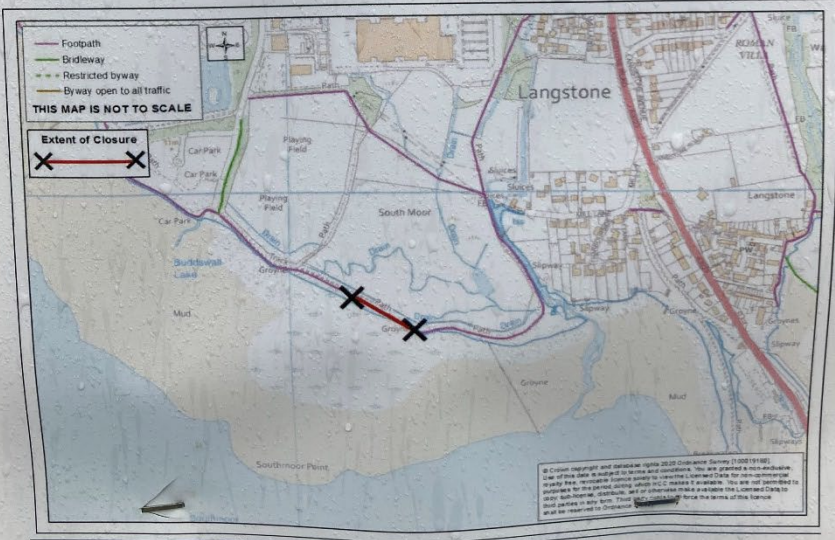
NOTICE IS HEREBY GIVEN that Hampshire County Council, having made an Order under Section 14(2)b of the Road Traffic Regulation Act 1984 to close the route due to unstable ground conditions, has been directed by the Secretary of State for Transport that the order shall continue in force as follows:


**ROAD TO BE CLOSED: HAVANT FOOTPATH 45**  
**ALTERNATIVE ROUTES: NO ALTERNATIVE ROUTE**  
**PERIOD OF CLOSURE: From 23.06.2020 for a period of 2 years (23.06.2022) or until the ground is confirmed as stable, whichever is sooner.**

Reasonable facilities will be provided to allow access to adjacent premises while the work is being carried out.

For information visit [www.hants.gov.uk/publicnotices](http://www.hants.gov.uk/publicnotices), contact the Access Team on 0300 555 1391 or email [countryside@hants.gov.uk](mailto:countryside@hants.gov.uk)

JONATHAN WOODS, Countryside Access Team Leader, Castle Avenue, Winchester, SO23 8UL



 Hampshire  
County Council

[www.hants.gov.uk](http://www.hants.gov.uk)



### 3.3: Photographic evidence of the seawall breach on 27 January 2021 during high tide







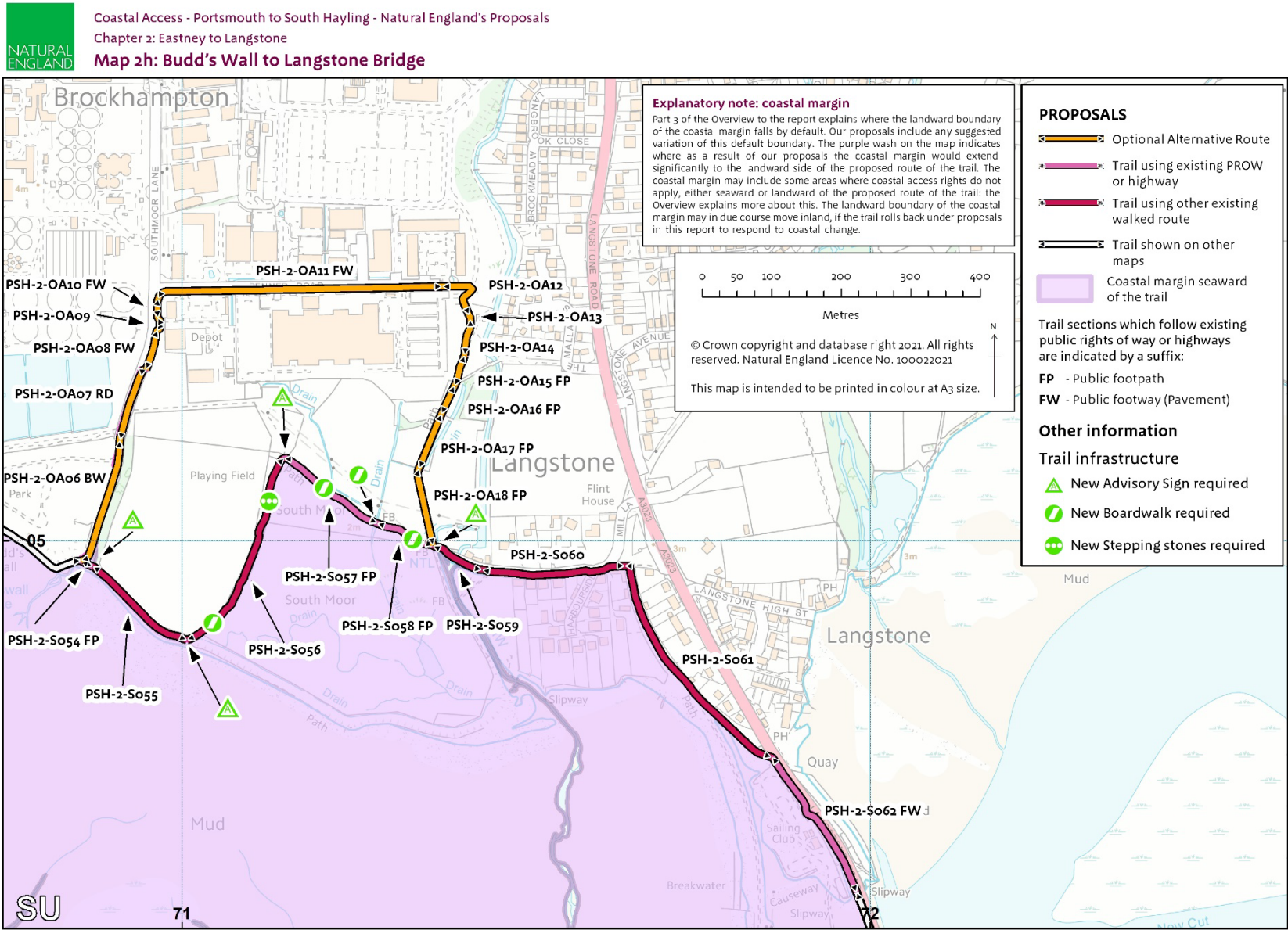


### 3.4: Photographic evidence of the seawall breach on 27 January 2021 during low tide





3.5a: Map 2h, showing the proposed modified alignment



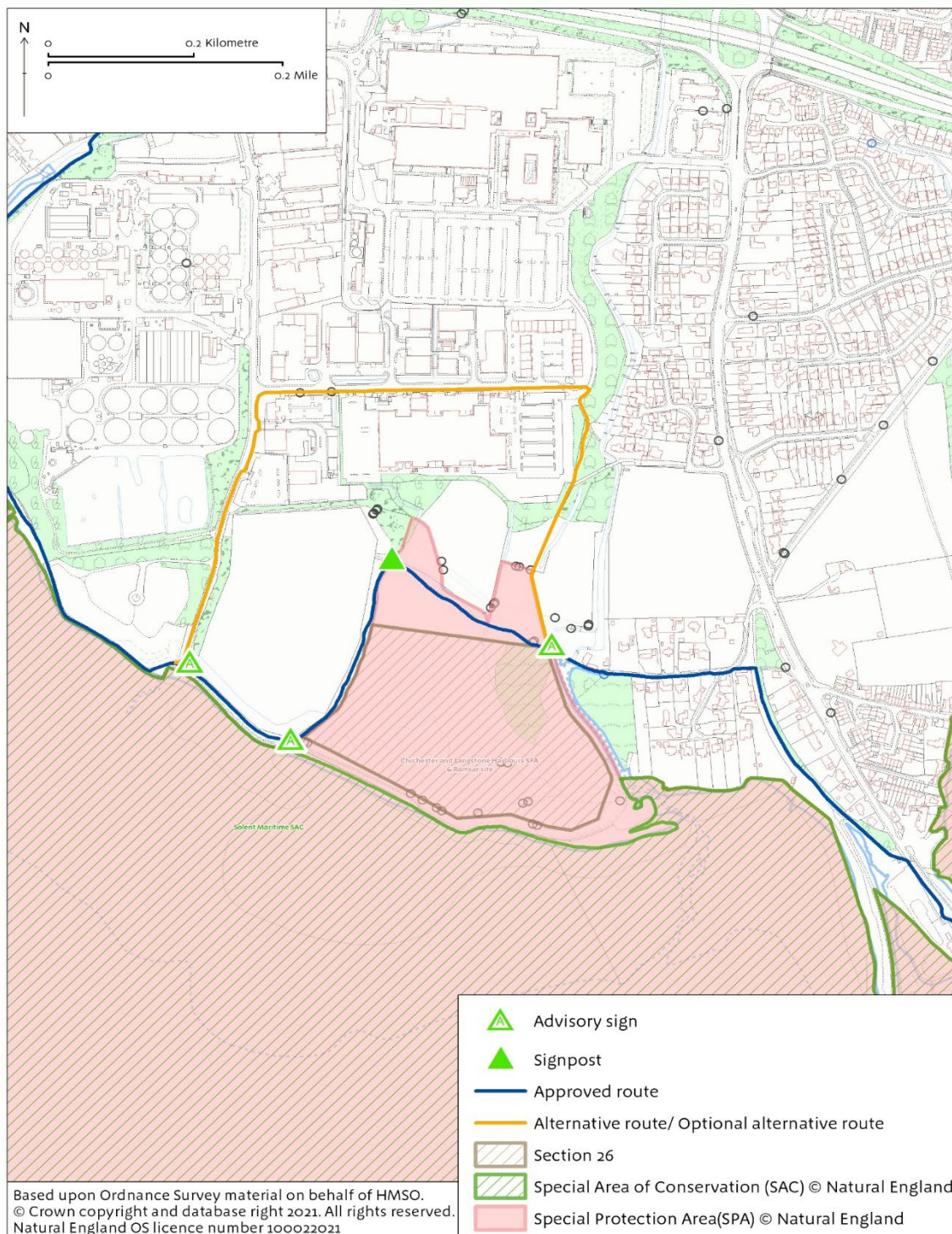


3.5b: Map 2i, showing the newly proposed s26(3)(a) direction map - taken from the Habitats Regulation Assessment



Coastal Access - Portsmouth to South Hayling - Habitats Regulations Assessment

Southmoor



## 3.6a: Amended Section Details: Map 2h – Budd's Wall to Langstone Bridge

Key notes on table:

1. Column 4 – 'No' means no roll-back is proposed for this route section. 'Yes – normal' means roll-back is proposed and is likely to follow the current feature (e.g. cliff edge/beach) for the foreseeable future as any coastal change occurs.
2. Column 5a - Certain coastal land types are included automatically in the coastal margin where they fall landward of the trail if they touch it at some point. The relevant land type (foreshore, cliff, bank, barrier, dune, beach, flat or section 15 land – see Glossary) is shown in this column where appropriate. "No" means none present on this route section.
3. Columns 5b and 5c – Any entry in these columns means we are proposing to align the landward boundary of the coastal margin on this route section with the physical feature(s) shown in 5b, for the reason in 5c. No text here means that for this route section the landward edge of the margin would be that of the trail itself - or if any default coastal land type is shown in 5a, that would be its landward boundary instead.

1	2	3	4	5a	5b	5c	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See Part 7 of Overview)	Landward margin contains coastal land type?	Proposal to specify landward boundary of margin (See maps)	Reason for landward boundary proposal	Explanatory notes
PSH 2h	PSH-2-S056	Other existing walked route	Yes - normal	No			
PSH 2h	PSH-2-S057	Public footpath	Yes - normal	No			
PSH 2h	PSH-2-S058	Public footpath	Yes - normal	No			

## 3.6b: Alternative routes and optional alternative routes details – Map 2h – Budd's Wall to Langstone Bridge

1. Column 4 – 'No' means no roll-back is proposed for this route section. 'Yes – normal' means roll-back is proposed and is likely to follow the current feature (e.g. cliff edge/beach) for the foreseeable future as any coastal change occurs.
2. Columns 5a and 5b – An entry in either or both of these columns denotes a proposal to align the seaward or landward boundary (as the case may be) of this section of the alternative route strip with the physical feature(s) shown. No text in the column means no such proposal, meaning that the edge of the alternative route strip would be at the default width of 2 metres on the relevant side of the route's centre line.

1	2	3	4	5a	5b
Map(s)	Route section number(s)	Current status of route section(s)	Rollback Proposed? (See part 7 of Overview)	Proposal to specify seaward boundary of alternative route strip	Proposal to specify landward boundary of alternative route strip
PSH 2h	PSH-2-OA006	Public bridleway	No		Road
PSH 2h	PSH-2-OA007	Public highways	No		Road
PSH 2h	PSH-2-OA008	Public footpath (pavement)	No		Pavement edge
PSH 2h	PSH-2-OA009	Other existing walked route	No		
PSH 2h	PSH-2-OA010	Public footpath (pavement)	No		Pavement edge
PSH 2h	PSH-2-OA011	Public footpath (pavement)	No		Pavement edge

1	2	3	4	5a	5b
Map(s)	Route section number(s)	Current status of route section(s)	Rollback Proposed? (See part 7 of Overview)	Proposal to specify seaward boundary of alternative route strip	Proposal to specify landward boundary of alternative route strip
PSH 2h	PSH-2-OA012	Other existing walked route	No		Path
PSH 2h	PSH-2-OA013	Other existing walked route	No		Path
PSH 2h	PSH-2-OA014	Other existing walked route	No		
PSH 2h	PSH-2-OA015	Public footpath	No		
PSH 2h	PSH-2-OA016	Public footpath	No		
PSH 2h	PSH-2-OA017	Public footpath	No		
PSH 2h	PSH-2-OA018	Public footpath	No		