

Coastal Access – Felixstowe Ferry to Bawdsey



Representations on Lengths FFB1, FFB4, FFB5 and FFB6

March 2022

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1. Introduction

This document records the representations Natural England has received on the proposals in length reports FFB1, FFB4, FFB5 and FFB6 from persons or bodies. It also sets out any Natural England comments on these representations.

Where representations were made that relate to the entire stretch for Felixstowe Ferry to Bawdsey they are included here in so far as they are relevant to lengths FFB1, FFB4, FFB5 and FFB6 only.

2. Background

Natural England’s compendium of reports setting out its proposals for improved access to the coast from Felixstowe Ferry to Bawdsey, comprising an overview and 4 separate length reports, was submitted to the Secretary of State on 9th December 2020. This began an eight-week period during which representations and objections about each constituent report could be made.

In total, Natural England received 83 representations pertaining to length reports FFB1, FFB4, FFB5 and FFB6, of which 4 were made by organisations or individuals whose representations must be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These ‘full’ representations are reproduced in Section 4 in their entirety, together with Natural England’s comments. Also included in Section 4 is a summary of the 79 representations made by other individuals or organisations, referred to as ‘other’ representations. Section 5 contains the supporting documents referenced against the representations.

3. Layout

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

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

Length Report FFB1

Full representations

‘Full Representations’: None

Other representations

Representations containing similar or identical points	
Representation ID	Organisation/ person making representation:
MCA/FFB1/R/46/FFB0314	[redacted] and [redacted]
MCA/FFB1/R/85/FFB0559	[redacted] and [redacted]
MCA/FFB1/R/104/FFB0241	[redacted] and [redacted]
Name of site:	The coastal wall and embankment from The Boatyard, Waldringfield following the River Deben north towards Sandy Lane.
Report map reference:	Map FFB 1f
Route sections on or adjacent to the land:	FFB-1-S061 to FFB-1-S072
Other reports within stretch to which this representation also relates	n/a
Summary of point:	
<u>No objections</u>	
[redacted] and [redacted] and [redacted] and [redacted] state they have no objection to this route being used as it is already a footpath along one of the most attractive stretches of the river.	

All raise some specific concerns and urge us to address them.

Privacy

Most of the first section of the path, from FFB-1-S062 to FFB-1-S068, is the private property of the frontage owners with a public right of way over it. There is an ongoing issue with privacy and signage is required to emphasise this point.

Use of bicycles and other motorised vehicles on the flood wall

Inevitable erosion of the and embankment beyond it will occur over time, but provided usage is limited to walkers, erosion caused mainly in wet conditions will be minimised and maintenance costs should remain relatively small. Despite efforts of our Parish Council and villagers, primarily using signage and persuasion respectively, cyclists frequently use the path, and more recently motorised scrambling bikes have been observed using it too. Not only do they cause undue erosion to the banks but on such a narrow footway they intimidate walkers and spoil their enjoyment of the river and the wetland area.

This use and misuse of the path has been exacerbated in the past year while, owing to the Covid situation, fewer people have travelled abroad and more people have used their local countryside for recreation.

The potential for intensifying the damage to the wall is substantially increased by non-motorised and motorised wheeled vehicles, such as bicycles and motorbikes. Preventative measures must be installed along the stretch of this flood defence wall to prevent these vehicles being used, since signage and persuasion alone haven't worked. These measures might include installation of appropriate physical barriers and need to be backed up by law.

The proposed routing of the National Coast Path along this flood defence wall and embankment will publicise its existence widely and will increase usage and not necessarily just by walkers. We therefore feel it is a responsibility the government to put legal and physical measures in place to protect the wall, in order to maximise the benefit and enjoyment of walkers in the long term. We would hope that Natural England will support and further this cause.

Natural England's comment:

No objection

Natural England thank [redacted] and [redacted] and [redacted] and [redacted] for their support of our proposed trail in Coastal Access Report FFB1 Felixstowe Ferry to Sandy Land Waldringfield.

Privacy

We are sorry to hear that the homeowners are having privacy issues in relation to the existing Public Right of Way (PRoW). The PRoW is already well walked and we would not expect a significant increase in use as a result of the commencement of coastal access rights. We propose that the route will be signed and waymarked to enable walkers to follow it, and homeowners are also free to erect any signage they feel is necessary to clarify access rights on their land, taking relevant legal advice as necessary.

Should the owners find that any significant issues arise after the new rights commence, they should liaise with Suffolk County Council, who will manage and maintain the route, and explore if any additional management measures could be introduced to resolve these.

Use of bicycles and other motorised vehicles on the flood wall

Natural England thanks these homeowners for noting that cyclists and motorised vehicles are using this Public Right of Way (PRoW).

We can confirm that route sections In section FFB-1-S061 to FFB-1-S072 are aligned along public footpath which only gives people a right of access on foot and we are not proposing the creation of any higher rights in this area.

Throughout the trail, we avoid creating any unnecessary new barriers to access as these can prevent use by less abled bodied users and walkers with buggies. This is in line with section 4.3.8 of the Coastal Access Scheme which is entitled “Adjustments for disabled people and others with reduced mobility”. We would however be happy to liaise with Suffolk County Council to assess the extent of the issue raised and see if route signage needs to be supplemented with management signs reinforcing the status of the footpath and discouraging illegal use.

Relevant appended documents (see Section 6):

Representation ID:	MCA/FFB1/R/1/FFB0363
Organisation/ person making representation:	[redacted]
Name of site:	Sandy Lane, Waldringfield
Report map reference:	Map 1f
Route sections on or adjacent to the land:	FFB-1-S046 to FFB-1-S053
Other reports within stretch to which this representation also relates	FFB2

Summary of representation:

As the landowner I am happy with the proposed route as it stands around the reservoir at Church Farm Waldringfield.

Natural England’s comment:

Natural England thanks you for your support of their proposals in Coastal Access Report FFB1 Felixstowe Ferry to Sandy Land Waldringfield.

Relevant appended documents (see Section 6):

n/a

Representation ID:	MCA/FFB1/R/34/FFB0008
Organisation/ person making representation:	Disabled Ramblers, [redacted]
Name of site:	Felixstowe Ferry to Sandy Lane, Waldringfield
Report map reference:	Maps FFB 1a, FFB 1b, FFB 1c, FFB 1d, FFB 1e, FFB 1f
Route sections on or adjacent to the land:	<ol style="list-style-type: none"> 1. Report FFB 1: All route sections generally. 2. Map FFB 1a: Route sections FFB-1-S011 & FFB-1-S012, and FFB-1-S014 & FFB-1-S015 3. Maps FFB 1a, 1b, 1c and 1d 4. Map FFB 1c: Route section FFB-1-A001 5. Map 1d: Route sections FFB-1-S029 and FFB-1-S030 6. Map 1f: Route sections FFB-1-S046 to B-1-S055
Other reports within stretch to which this representation also relates	The Disabled Ramblers have made representations about FFB2, FFB3, FFB4, FFB5 and FFB6

Summary of representation:

(Please note that Natural England have added numbering within the 6 comments to allow for clarity when commenting on specific points raised).

Comment 1

Report FFB 1: All route sections generally

The Accessibility statement in *Report FFB 1: Felixstowe Ferry to Sandy Lane, Waldringfield* states

1.2.10 There are few artificial barriers to accessibility on the proposed route. However, the natural coastal terrain is often challenging for people with reduced mobility and this is the case on sections of our proposed route because:

- *The trail would be subject to tidal flooding at times at Waldringfield (section FFB-1-S057);*
- *there are eight steps at Felixstowe Ferry where it would be necessary to cross Ferry Road from the sea wall (section FFB-1-S004);*
- *the trail would follow an uneven grass or bare soil path along the top of the seawall along some existing public rights of way and other walked routes, such as at Felixstowe and Falkenham Marshes (maps FFB 1a and 1b sections FFB-1-S015 to FFB-1-S023).*

1.2.11 Near Waldringfield Sailing Club, (map FFB 1f section FFB-1-S050) the existing footbridge will be replaced, so as to make it easier to use. We envisage this happening before the new access rights come into force as part of the physical establishment work described below.

The Disabled Ramblers is concerned that Natural England has not recognised that there is an increasing number of people who use all-terrain mobility scooters and other mobility vehicles to enjoy routes on rugged terrain in the countryside, including uneven grass, bare soil or rocky paths, foreshore areas and some sea walls and beaches. Slopes of 1:4, obstacles 6" high, water to a depth of 8" are all challenges that users of all-terrain mobility scooters are used to managing. Modern batteries are now available that allow a range of up to 60 miles on one charge.

From the *Felixstowe Ferry to Sandy Lane, Waldringfield* (apart from the steps at Felixstowe Ferry at section FFB-1-S004) all the terrain is suitable for all-terrain mobility vehicles, and some of the route is suitable for other mobility scooters too. (Mobility vehicles can avoid the steps at Felixstowe Ferry at section FFB-1-S004 by leaving the seawall at FFB-1-S003 and going through the boat park to arrive at Ferry Road.)

Modern mobility vehicles are large, and many man-made barriers that allow access to a manual wheelchair are not large enough for all-terrain mobility vehicles or for some 'pavement' scooters, and prevent legitimate access even though users of mobility vehicles have the same rights of access that walkers do.

Wherever possible man-made infrastructure should be replaced or adapted to enable these users to have the same, legitimate, use and enjoyment of the main route of the England Coast Path that walkers have. Suitability of all structures should always be considered with the assumption that a person with reduced mobility will be going out without more-mobile helpers, so will need to operate the structure on their own, seated on their mobility vehicle. Man-made infrastructure should not be a barrier to access.

Disabled Ramblers requests

- that new structures to be installed should be suitable for those who use large mobility vehicles, and should comply with British Standard BS5709: 2018 Gaps Gates and Stiles.
- that where existing man-made structures are a barrier to those who use mobility vehicles, these should be reviewed, and where necessary removed and replaced with suitable structures to allow access to the England Coast Path.
- compliance with the Equality Act 2010 (and the Public Sector Equality Duty within this act)
- compliance with the Countryside Rights of Way Act 2000
- adherence to the advice from Disabled Ramblers in the attached document *Man-made Barriers and Least Restrictive Access*

Comment 2

Map FFB 1a: Route sections FFB-1-S011 & FFB-1-S012, and FFB-1-S014 & FFB-1-S015

1. At section FFB-1-S011 there is a gap in the railings along the pavement leading onto the footway at FFB-1-S012. Here there is a very good surface for all mobility vehicles, however this gap is too narrow for users of large mobility vehicles so should be widened to allow good access to this group of people.
2. The kissing gate at FFB-1-S014 is scheduled to be removed, but the resulting gap should be widened to allow access to large all-terrain mobility vehicles to turn onto the footpath at FFB-1-S015.

Comment 3

Maps FFB 1a, 1b, 1c and 1d

Paragraph 1.2.10 of the Report, states

the natural coastal terrain is often challenging for people with reduced mobility and this is the case on sections of our proposed route because ...

- *the trail would follow an uneven grass or bare soil path along the top of the seawall along some existing public rights of way and other walked*

routes, such as at Felixstowe and Falkenham Marshes (maps FFB 1a and 1b sections FFB-1-S015 to FFB-1-S023).

The route sections along the seawall on Maps FFB 1a, 1b, 1c and 1d are all suitable terrain for users of all-terrain mobility vehicles. The seawall is suitably wide and the steps toward the end of FFB-1-S015 are not an obstacle as they can come down along the slope from the seawall at the previous corner.

Comment 4

Map FFB 1c: Route section FFB-1-A001

Paragraph 1.2.8 of the Report, states

An alternative route is to operate as a diversion from the ordinary route between route sections FFB-1-S020 and FFB-1-S023 on map FFB 1c between October 1st and March 31st. This measure is proposed to protect roosting avocet from disturbance. Avocet are a qualifying feature of the SPA and roost at and around Falkenham Creek.

To assist all-terrain mobility scooters to leave the seawall to get onto the alternative route, it is advised that the surface of the slopes between the seawall and the track below are suitably surfaced to enable wheels to have more grip.

Comment 5

Map 1d: Route sections FFB-1-S029 and FFB-1-S030

At FFB-1-S029 to FFB-1-S030 the proposed gap in the fence should be wide enough to allow an all-terrain mobility scooter to continue along the route.

Comment 6

Map 1f: Route sections FFB-1-S046 to B-1-S055

1. The undergrowth along track at FFB-1-S046 to FFB-1-S048 should be cleared to widen the path, and the proposed gap in the fence should be wide enough to allow a large mobility vehicle to pass through.
2. Paragraph 1.2.11 of the Report, states

- i. *1.2.11 Near Waldringfield Sailing Club, (map FFB 1f section FFB-1-S050) the existing footbridge will be replaced, so as to make it easier to use. We envisage this happening before the new access rights come into force as part of the physical establishment work described below.*

It is important that the proposed sleeper bridge must be sufficiently wide enough (at least 4 sleepers) to allow access to users of large mobility vehicles, and should be approached by ramps at either end, not steps.

3. The existing barriers at FFB-1-S051 (or2?) and FFB-1-S055 should be reassessed, and replaced if necessary, to allow all-terrain mobility vehicles to pass through and continue along the route.

Natural England's comment:

Comment 1

Natural England welcomes the Disabled Ramblers comments regarding infrastructure that may present as a barrier to many users of the England Coast Path. Natural England will work with

Suffolk County Council as the access authority who have responsibility for establishing and maintaining the trail to ensure all users are considered and structures and surfacing meets all necessary legislation, including that designed to protect wildlife and the protection of the flood defence systems.

Natural England acknowledges its duties under the Equality Act 2010 and the Countryside and Rights of Way Act 2000, and also the extra responsibilities conferred by the Public Sector Equality Duty, under the former. Section 4.3.8 of the Scheme outlines that Natural England follows the principles set out in our publication "By All Reasonable Means" to make the trail as easy to use as Natural England reasonably can for disabled people and others with reduced mobility, whilst accepting that such opportunities will often be constrained by practical limitations, such as the rugged nature of the terrain or the availability of visitor transport and facilities.

An important element of equality law is that the needs of those with constrained or restricted mobility are considered throughout the planning, design, and implementation processes, and that they are not simply treated as an 'add on'. We have endeavoured to achieve this as we have developed our proposals for the Felixstowe Ferry to Bawdsey stretch, and, if our proposals are approved, will continue to do so through the implementation phase, working alongside Suffolk County Council, which shares the same responsibilities and duties.

Natural England also recognise the importance of satisfying the relevant British Standards, and the desirability of complying with the advice contained in the *Disabled Ramblers Notes on Infrastructure* and will also be focusing on these documents as Natural England work with the access authorities.

Natural England also note the Disabled Ramblers advice regarding the larger mobility vehicles and will ensure this is considered.

It is important to note that at FFB-1-S003 Natural England are only creating Coastal Access rights on the path and in the spreading room seaward of the trail and not landward of the trail.

Comment 2

1. Natural England have liaised with Suffolk County Council regarding this gap and see no reason at this time as to why the gap is so narrow and so we will work with Suffolk County Council and do our best to get it widened in order to accommodate large mobility vehicles.

2. Natural England propose to work with Suffolk County Council to ensure that the gap created when this gate, at the junction of FFB-1-S014 and FFB-1-S015, is removed can accommodate as wide a range of different abilities as possible within the constraints of the surrounding terrain.

Comment 3

Natural England thank the Disabled Ramblers' pertinent advice regarding the larger/ all-terrain mobility vehicles, and their advice that they can be used on the route sections along the seawall on Maps FFB 1a, 1b, 1c and 1d which were previously thought inaccessible and now understand that these sections lend themselves to use by such vehicles.

The steps at FFB-1-S015 are not part of the proposed trail, but instead come off the trail and down the flood wall. Natural England are using the steps to add signposting to make it clear which direction the England Coast Path follows.

Comment 4

Natural England are unfortunately unable to amend the surfacing of the slope as it may compromise the integrity of the flood wall. Whilst Natural England hope that the majority of England Coast Path users will be able to use this alternative seasonal route as it will protect Avocet from disturbance, the public right of way, on which the main route is aligned, will still be available to the public and therefore those using all terrain mobility scooters will still have a route they can access if they are unable to make their way off the flood wall and onto the folding.

Comment 5

Natural England propose to work with Suffolk County Council to ensure that the gap created in the scrub at the junction of FFB-1-S029 and FFB-1-S030 is wide enough to accommodate as wide a range of different abilities as possible within the constraints of the surrounding terrain.

Comment 6

1. Natural England propose to work with Suffolk County Council to ensure that the gap created in the scrub in section FFB-1-S046 is wide enough to accommodate as wide a range of different abilities as possible within the constraints of the surrounding terrain. There is no fence here.
2. Natural England has already made plans with Suffolk County Council to replace the sleeper bridge at FFB-1-S050, and to increase its width to 5 sleepers to allow for large mobility vehicles and pushchairs, etc.
3. These two barriers at FFB-1-S052 and FFB-1-S055 are both fences that run parallel with the path and have been mapped because they will have waymarkers attached for clarity of trail direction.

Relevant appended documents (see Section 6):

Representation ID:	MCA/FFB1/R/84/FFB0556
Organisation/ person making representation:	Suffolk Coastal Disability Forum, [redacted]
Name of site:	Felixstowe Ferry, and Felixstowe Ferry to Sandy Lane, Waldringfield.
Report map reference:	Maps FFB 1a, FFB 1b, FFB 1c, FFB 1d, FFB 1e, FFB 1f
Route sections on or adjacent to the land:	FFB-1-S001 to FFB-1-S005
Other reports within stretch to which this representation also relates	n/a

Summary of representation:

About 3 years' ago we were consulted about the footpath. Since that time there has been no contact with the Forum.

A. Suffolk Coastal Disability Forum strongly objects to the lack of access to the footpath in both directions at Felixstowe Ferry. On both sides there are inaccessible steps. This has not been considered in your report.

B. In addition, the surface to the footpath should be of a type that is accessible for those with mobility difficulties. Paths should have a minimum width of 1500mm with surfaces that are firm, durable and level. No loose gravel, cobbles or uneven setts should be used.

Natural England's comment:

Natural England welcomes the Suffolk Coastal Disability Forums comments regarding infrastructure that may present as a barrier to many users of the England Coast Path.

Natural England will work with Suffolk County Council as the access authority who have responsibility for establishing and maintaining the trail to ensure all users are considered and structures and surfacing meets all necessary legislation, including that designed to protect wildlife and the protection of the flood defence systems.

An important element of equality law is that the needs of those with constrained or restricted mobility are considered throughout the planning, design, and implementation processes, and that they are not simply treated as an 'add on'. Natural England have endeavoured to achieve this as we developed our proposals for the Felixstowe Ferry to Bawdsey stretch, and, if our proposals are approved, will continue to do so through the implementation phase, working alongside Suffolk County Council, which shares the same responsibilities and duties.

A. There is one set of steps on the proposed trail at Felixstowe Ferry, the second set which are mapped at FFB-1-S015 are not part of the trail but do connect the trail with another PRoW. In this instance the steps have been mapped as we propose to attach signage to it for clarity to ensure users of the coast path know which route to follow. Natural England do not have any responsibility for structures off the trail, even where they connect with it, this is a matter you will need to explore with Suffolk County Council. Natural England chose to maintain the steps at FFB-1-S004 because the cost of replacing them with a suitable easy access slope on a flood defence wall would be disproportionate in relation to the public benefit.

B. Natural England acknowledges its duties under the Equality Act 2010 and the Countryside and Rights of Way Act 2000, and also the extra responsibilities conferred by the Public Sector Equality Duty, under the former. Section 4.3.8 of the Scheme outlines that Natural England follow the principles set out in our publication "By All Reasonable Means" to make the trail as easy to use as Natural England reasonably can for disabled people and others with reduced mobility, whilst accepting that such opportunities will often be constrained by practical limitations, such as the rugged nature of the terrain or the availability of visitor transport and facilities.

Regarding the width of the trail, section 4.3.4 of the Scheme outlines that "*by default secures access rights to the land 2 metres either side of the route shown on the map. This allows for the trail itself to be 4 metres wide under ordinary circumstances, enabling two people to walk comfortably abreast. In practice, we often adopt as part of the trail sections of existing path or track that may be wider or narrower than 4 metres, or not of uniform width. We are unlikely to carry out any physical alterations to the existing path or track to make it conform to a standard 4 metre width, provided that we consider it*

satisfactory when measured against the public interest criteria set out in this part of the Scheme.”

The route sections covered by this report are mainly aligned on existing PRow, highway and currently walked routes where we propose to adopt the currently used width which we feel is satisfactory. Regarding the surface of the trail, Natural England will work with Suffolk County Council to ensure that surfaces are firm, however this is a footpath which is in many places rural and as noted in 4.3.5 of scheme “.....it will typically have a natural surface rather than an artificial one. This too will often result in a visible path narrower than the 4 metres provided in law”.

Relevant appended documents (see Section 6):

Length Report FFB4

Full representations

Representation number:	MCA/FFB4/R/16/FFB0058
Organisation/ person making representation:	Suffolk County Council, [redacted]
Route section(s) specific to this representation:	FFB-4-S001 to FFB-4-S009 Map FFB 4a -Wilford Bridge to Little Haugh
Other reports within stretch to which this representation also relates:	
Representation in full	
Suffolk County Council supports the proposed alignment from FFB-4-S001 to FFB-4-S009, which for much of its length will be adjacent to the track that is a National Trust promoted circular walk and vehicle access to a small number of properties at Little Haugh.	
The County Council understands that there is a public desire for this route; in 2016 members of the public applied to add the track to the Definitive Map as a public footpath based on user evidence. However, this was unsuccessful at that time due to the existence of a National Trust byelaw regarding a “freedom to roam” policy, which can be seen to grant permissive use of their land and thereby prevent presumed dedication necessary in claims for public rights of way.	
Natural England’s comments	
Natural England thanks Suffolk County Council (SCC) for their supportive comments and information regarding the history of part of the proposed route and the public desire to make this publicly accessible.	
Relevant appended documents (see section 6):	

Representation number:	MCA/FFB4/R/89/FFB0453
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Organisation/ person making representation:	<i>[redacted], The Suffolk Area Ramblers</i>
Route section(s) specific to this representation:	FFB4 Wilford Bridge to Ferry Cliff
Other reports within stretch to which this representation also relates:	<i>FFB2, Whole stretch</i>
Representation in full	
<p>This representation is made on behalf of Suffolk Area Ramblers and refers to the representation form for the section FFB4.</p> <p>The Ramblers would like to commend in general the whole section of FFB4 as an ideal way of keeping walkers away from the two busy main roads, A1152 and B1083.</p> <p>A number of members have however expressed concern that the route follows a thin metalled track which is used by motor vehicles, vans and delivery trucks on a regular basis, some driving at speeds too fast for safety on such a narrow track, with few opportunities for walkers to step off.</p> <p>One suggestion has been for the coastal path designated route to be moved slightly inland of the metalled track, as the most dangerous and obscured bend, around point FFB-4-S009.</p> <p>There is already an off road walked route on the National Trust land at this point, which could easily be made up to coastal path standard.</p> <p>Alternatively, large warning signs something like ‘dead slow - dangerous bend – pedestrians’ on the roadway might suffice, although we are generally not in favour of erecting large signs in the countryside, and there is the question of who would be responsible for maintenance of such, but I will pass on the suggestion.</p> <p>Otherwise, there was overwhelming support for all the proposed route from FFB4 right down to and including section FFB6.</p> <p>[redacted] Suffolk Area Ramblers Coastal Access Officer 28th January 2021</p>	
Natural England’s comments	
<p>Natural England welcomes The Suffolk Area Ramblers support for our proposals in Coastal Access Report FFB 4 and note their view that it’s an ideal way of keeping walkers away from the two busy main roads, A1152 and B1083.</p> <p>The Lower Track (TLT) is owned by the National Trust (NT) and principally forms an access track for the properties along it. The traffic volume is therefore low and route section FFB-4-S010 to route section FFB-4-S004 form part of a NT promoted trail and are already well used by visitors to Sutton Hoo, which is a significant regional tourist attraction. Only the first 300m or so of TLT from The Lodge south is not currently promoted, however this is also used informally by some visitors, with permission from the NT. It is therefore already the case that drivers on it expect to encounter pedestrians whenever they drive along it, and must act accordingly.</p> <p>Natural England <u>does not</u> propose the coast path follows the metalled track. We propose that, with the exception of route section FFB-4-S001 and crossing points, the trail is aligned on the roadside verge and not the track itself for route sections FF-4-S002 to FFB-4-S009. This is shown clearly in the large scale maps of these route sections included in Appendix E. This ensures that for the vast majority of its length walkers will be able to separate themselves from vehicles on TLT by following the proposed parallel route on the adjacent verges which is a significant improvement on the current multi-user situation.</p> <p>On route section FFB-4-S001 where there is not scope for the trail to be aligned on a verge adjacent to the track SCC’s Principal Highway Engineer advised us that it would be reasonable to expect drivers to be aware of pedestrians, slow their speed and drive accordingly. He also observed that there is scope for cutting back some vegetation to create more space. This is something we are committed to</p>	

undertaking as part of the establishment works for the trail should the Secretary of State approve our proposals.

We acknowledge that there is a bend on route section FFB-4-S009 and here we propose the trail would follow the landward verge. In addition to this in our comments on the 2 objections Natural England received on Coastal Access Report FFB 4, we also advised the Secretary of State that we would be happy to work with the NT as landowner, to investigate if speed bumps could be installed on route sections FFB-4-S009 to ensure drivers maintain a slow speed if this would give more confidence to residents and walkers using the track here. This is shown in the map in Figure 1 below.

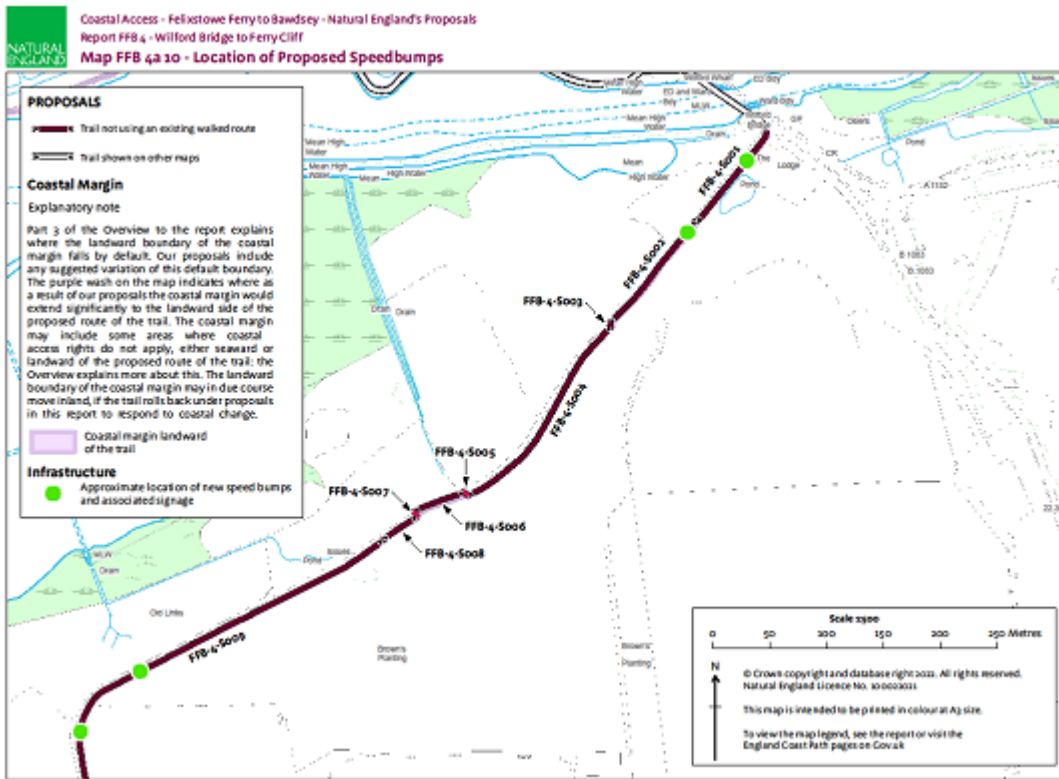


Figure 1: Map showing possible locations for speed bumps

Some users may still opt to use the track as opposed to the verge, because it provides a firm tarmacked surface. They will have a legal right to do this because TLT will fall into the accessible coastal margin either by default under the legislation where it falls seaward of the proposed route or because we have used our discretion under the Act to propose that the landward boundary of the coastal margin is the landward edge of TLT. We will however ensure the verge is clearly waymarked as the trail so walkers using the track will be able to move aside from any traffic as needed. In addition to this we propose to install clear signs ensuring all users are aware of the 15mph advisory speed limit and that the track is shared by both drivers and pedestrians. These signs will be maintained by Suffolk County Council with grant support from Natural England. Taken together we believe that our proposals will deliver an improvement on the current situation for walkers on the TLT.

Relevant appended documents (see section 6):

Other representations

Representations containing similar or identical points

Representation ID	Organisation/ person making representation:
MCA/FFB4/R/28/FFB0570	[redacted]
MCA/FFB4/R/30/FFB0572	[redacted]
MCA/FFB4/R/47/FFB0579	[redacted]
MCA/FFB4/R/48/FFB0580	[redacted]
MCA/FFB4/R/54/FFB0586	[redacted]
MCA/FFB4/R/55/FFB0587	[redacted]
MCA/FFB4/R/56/FFB0588	[redacted]
MCA/FFB4/R/60/FFB0592	[redacted]
MCA/FFB4/R/61/FFB0593	[redacted]
MCA/FFB4/R/67/FFB0595	[redacted]
MCA/FFB4/R/70/FFB0598	[redacted]
MCA/FFB4/R/72/FFB0599	[redacted]
MCA/FFB4/R/74/FFB0600	[redacted]
MCA/FFB4/R/75/FFB0601	[redacted]
MCA/FFB4/R/76/FFB0602	[redacted]
MCA/FFB4/R/77/FFB0603	[redacted]
MCA/FFB4/R/78/FFB0604	[redacted]
MCA/FFB4/R/83/FFB0608	[redacted]
MCA/FFB4/R/87/FFB0610	[redacted]
MCA/FFB4/R/93/FFB0614	[redacted]
MCA/FFB4/R/96/FFB0617	[redacted]
MCA/FFB4/R/97/FFB0618	[redacted]
MCA/FFB4/R/105/FFB0622	[redacted]
MCA/FFB4/R/106/FFB0623	[redacted]
MCA/FFB4/R/108/FFB0628	[redacted]
Name of site:	Wilford Bridge to Ferry Cliff
Report map reference:	FFB 4a Wilford Bridge to Little Haugh and FFB 4b Little Haugh to Ferry Cliff
Route sections on or adjacent to the land:	FFB-4-S001 to FFB-4-S034
Other reports within stretch to which this representation also relates	
Summary of point:	
Wholeheartedly endorse this proposal for a Coast Path from Felixstowe Ferry to Bawdsey.	

The Deben Estuary is a beautiful natural landscape which is only partially accessible today, a failing which this proposal addresses well. Once created, this section of path would be used frequently and with great pleasure by local residents and visitors.

Reasons for this conclusion are set out in the report's Proposals Table 4.3.2.

Natural England's comment:

Natural England thank you for your support of our proposals.

Relevant appended documents (see Section 6):

Representations containing similar or identical points

Representation ID	Organisation/ person making representation:
MCA/FFB4/R/31/FFB0515	[redacted]
MCA/FFB4/R/32/FFB0573	[redacted]
MCA/FFB4/R/42/FFB0576	[redacted]
MCA/FFB4/R/50/FFB0582	[redacted]
MCA/FFB4/R/51/FFB0583	[redacted]
MCA/FFB4/R/52/FFB0584	[redacted]
MCA/FFB4/R/53/FFB0585	[redacted]
MCA/FFB4/R/58/FFB0590	[redacted]
MCA/FFB4/R/59/FFB0591	[redacted]
MCA/FFB4/R/68/FFB0596	[redacted]
MCA/FFB4/R/69/FFB0597	[redacted]
MCA/FFB4/R/81/FFB0393	[redacted]
MCA/FFB4/R/82/FFB0607	[redacted]
MCA/FFB4/R/88/FFB0611	[redacted]
MCA/FFB4/R/94/FFB0615	[redacted]
MCA/FFB4/R/95/FFB0616	[redacted]
MCA/FFB4/R/98/FFB0619	[redacted]
MCA/FFB4/R/99/FFB0620	[redacted]
MCA/FFB4/R/103/FFB0621	[redacted]
MCA/FFB4/R/13/FFB0462	[redacted]
MCA/FFB4/R/14/FFB0567	[redacted]

MCA/FFB4/R/22/FFB0569	[redacted]
MCA/FFB4/R/8/FFB0541	[redacted]
Name of site:	The Lower Track
Report map reference:	FFB 4a Wilford Bridge to Little Haugh
Route sections on or adjacent to the land:	FFB-4-S001 to FFB-4-S010
Other reports within stretch to which this representation also relates	[redacted] has also made a point, in the below table
Summary of point:	
Support for this proposal for a Coast Path from Felixstowe Ferry to Bawdsey.	
The Deben Estuary is a beautiful natural landscape which is only partially accessible today, and lack of access to the Lower Track at Wilford Bridge means people must use the narrow pavement up the hill to Sutton Hoo public entrance, along the busy main road. This is dangerous and feels unsafe due to the speed and volume of traffic which includes large vehicles such as tractors and farm lorries.	
Natural England's comment:	
Natural England thank you for your support of our proposals and notes the view expressed that the access to Sutton Hoo along the B1083 feels dangerous and unsafe due to the volume of traffic and large vehicles that use it.	
Relevant appended documents (see Section 6):	

Representations containing similar or identical points	
Representation ID	Organisation/ person making representation:
MCA/FFB4/R/8/FFB0541	[redacted]
MCA/FFB4/R/22/FFB0569	[redacted]
Name of site:	Wilford Bridge
Report map reference:	FFB 4a Wilford Bridge to Little Haugh
Route sections on or adjacent to the land:	FFB-4-S001
Other reports within stretch to which this representation also relates	[redacted] and [redacted] have also made a point in the above table
Summary of point:	
Because of the proximity of Melton Rail Station to Wilford Bridge, visiting walkers will have the option of accessing this part of the England Coast Path by regular public transport, significantly reducing the unwelcome impact of increased motor traffic in the area.	
Natural England's comment:	

Natural England thank you for your support of our proposals. We agree that Melton Rail Station will enable walkers to access the trail by train, and hope that walkers will make good use of this option instead of arriving by car, thereby decreasing traffic congestion and greenhouse gas emissions.

Relevant appended documents (see Section 6):

Representation ID:	MCA/FFB4/R/18/FFB0568
Organisation/ person making representation:	[redacted]
Name of site:	The Lower Track, Sutton Hoo
Report map reference:	FFB 4a Wilford Bridge to Little Haugh
Route sections on or adjacent to the land:	FFB-4-S001 to FFB-4-S009
Other reports within stretch to which this representation also relates	
Summary of representation:	
<p>I've lived close by this track for 35 years and used it without hindrance until 2012.</p> <p>In 2015, I and others, gave Suffolk County Council , Public Rights of Way Evidence forms to establish this "Lower Track" as a PRow. No response was given, but I got the impression that SCC was not pursuing the request because the England Coast Path process would render it obsolete. Thus, I strongly support Natural England creating access rights over the track.</p> <p>I also support the reasoning for rejecting other options in table 4.3.2. However the "reasons for not proposing this option" are not logical for the second option listed on page 12. Reasons 3 and 4 suggest that the option is better than the proposal, since "it" is used throughout. For coherence the words "the proposal" should be substituted for "it" in these reasons.</p>	
Natural England's comment:	
<p>Natural England appreciates [redacted] support for our proposals. Representation MCA/FFB4/R/16/FFB0058 made by Suffolk County Council explains that, <i>".....in 2016 members of the public applied to add the track to the Definitive Map as a public footpath based on user evidence. However, this was unsuccessful at that time due to the existence of a National Trust byelaw regarding a "freedom to roam" policy, which can be seen to grant permissive use of their land and thereby prevent presumed dedication necessary in claims for public rights of way."</i></p> <p>We are sorry that [redacted] found table 4.3.2 in our Coastal Access Report FFB 4 confusing. The reasons for not proposing the second option in this table are prefixed by the phrase <i>"We opted for the proposed route because:"</i> which is written at the top of column 4 of the table. Read in this context the reasons given do make sense.</p>	
Relevant appended documents (see Section 6):	

Representation ID:	MCA/FFB4/R/20/FFB0566
Organisation/ person making representation:	[redacted]

Name of site:	The "Lower Track"
Report map reference:	FFB 4a Wilford Bridge to Little Haugh
Route sections on or adjacent to the land:	FFB-4-S001 to FFB-4-S009
Other reports within stretch to which this representation also relates	
<p>Summary of representation:</p> <p>You've seriously underestimated the safety aspect of using The Lower Track. The immunity from prosecution generally applied will not be valid in this case as you have been made aware of this situation and have not taken notice of it, indeed, you have rejected it.</p> <p>There are some wildlife matters Natural England also appear to have missed or ignored.</p> <p>I'm a retired Public Health Inspector / Environmental Health Officer with 42 years' experience, the last 25 years was at Suffolk Coastal District Council (now East Suffolk Council). I have been responsible for inspections, investigations (including accident investigations) and statutory enforcement of The Health and Safety at Work Act 1974 (and the health, safety and welfare provisions of previous legislation including The Factory Act 1961 and Offices, Shops and Railway Premises Act 1963) and was the Trades Union Safety Representative for the local branch of "UNISON" at Suffolk Coastal District for 20 years.</p> <p>I've lived in Sutton over 25 years. As a regular user of existing public footpaths I'm familiar with the area involved and changing "local trends". I'd like to walk down the Southeast side of the River Deben from Wilford Bridge to and from my home in Sutton and as others would also do this if permitted.</p> <p>Over the 33 years I've noticed the ever-increasing use of the Car Park / Picnic Area / Nature Reserve / River wall paths / and National Trust property at Sutton Hoo, particularly in the vicinity of the Deben Estuary and Melton Railway Station and especially in the "Holiday" season. These generate high numbers of visitors and local "walkers" many of whom will also find it very attractive to use a public footpath on the south-east side of the Deben Estuary.</p> <p>The expected numbers of walkers need to be carefully assessed so a meaningful Risk Assessment can be undertaken for securing their safety on the "Lower Track", before proposals to create this path are progressed. No such assessment using reliable information has been undertaken. A casual glance at walkers, even over a few days, at a low season, holiday period is inadequate. The full details of research and calculations used to arrive at this estimation of numbers should be stated clearly by Natural England and published in their documents.</p> <p>My main concern with the proposal is where it proposes to utilise The Lower Track for Section Numbers FFB-4-S001 to FFB-4-S009 inclusive. I am not satisfied that Natural England have understood or taken into account the full implications of the Safety Report by [redacted] of Suffolk County Council, which they commissioned, or the safety concerns in it. Neither am I satisfied that Natural England have taken into account any part of the report by G H Bullard & Associates commissioned by the residents along the Lower Track.</p> <p>Natural England have also refused to consider reasonable alternatives to using this track for very trivial and spurious reasons.</p> <p>Natural England have failed to recognise obvious and multiple hazards associated with the introduction of pedestrians onto this track, which is utilised by many and varied vehicles, and I am concerned that there will inevitably be serious accidents that could have been avoided at the planning stage. I am more concerned that people and organisations charged with assessing such information, completely ignore such clearly expressed concerns of safety whilst claiming to have done so. Natural England and individuals concerned may erroneously feel that they can't be held responsible in law for their actions and may therefore make their decisions in a less than ideal way. My written concerns expressed here will be made available to anyone suffering damage or loss from an accident on this track should the track be included in this pathway, so there can be no doubt that National England were made aware of these safety concerns.</p> <p>Wildlife matters:- In 2020, summer visiting Turtle Doves were present on the part of the proposed path between MapFFB5a/5b/5c/5d & 5e from reference points S001 to S050 inclusive, as were Cuckoos and Nightingales during their breeding seasons; Bullfinches, Marsh Harriers, Barn Owls and Tawny Owls are present all year round. There are numerous badger setts all along the areas from Maps FFB4a to FFB5e inclusive. The comments at D6.2.5 of Natural England's "Nature Conservation Assessment", states for</p>	

parts of the path other than the areas mentioned on Maps FFB4a – FFB5e, *“In the areas where badgers, and particularly badger setts, are most likely to be found, we also propose that the trail sticks to existing PRow, or nearby walked routes, to seaward. This, combined with the small anticipated increase in human activity and the badgers’ largely nocturnal habits, mean that we don’t expect our proposals to have a measurable effect on them.”* The northernmost part of The Lower Track is neither a PRow (Public Right of Way) or a “nearby walked route” and consequently the use of it as a path will cause disturbance to wildlife on those sites. Simply not noting their presence in the large areas covered by Maps series 4 & 5, is no excuse for ignoring these animal and bird’s needs for protection – some critically or seriously endangered species amongst them!

In conclusion: Natural England have failed in their duty of care to assess this proposal, both in line with their own standards and in particular with regard to the safety of all users of the proposed path.

[redacted] has critiqued the two road safety reports. As to not overwhelm the body of the document these critiques have been put in Appendix B.

Natural England’s comment:

Safety

Natural England (NE) is required by section 297(2) of the 2009 Marine and Coastal Access Act to have specific regard to the safety and convenience of those using the England Coast Path. Section 7.4.6 of the approved Coastal Access Scheme 2013 (the Scheme) states that NE will work with the local Highway Authority to ensure the trail is reasonably safe. Accordingly, we took an informal view from Suffolk Highways when we first considered alignment along TLT from its entrance adjacent to The Lodge, to Dairy Farm. On receipt of the Bullard report which was commissioned by residents and raised questions about safety on TLT, NE then went on to commission a formal Road Safety Assessment from SCC as the relevant Highway Authority. When commissioning this assessment, we also asked the Highway Authority to advise us on any additional measures that could be implemented to enhance the safety of walkers on the track.

In their report SCC’s Principal Highway Engineer observed that traffic volume is low on TLT, and that for most of its length there is adequate room for walkers to step aside from any passing vehicles. Where the track is at its narrowest in front of The Lodge, the sight lines are very good so pedestrians and vehicles can see each other well in advance. He advised it was reasonable to expect drivers to be aware of pedestrians here and slow their speed.

In addition, he made a number of suggested improvements to our draft proposals to enhance walkers’ safety. These include aligning the trail on the roadside verge where this is available, cutting back vegetation and lifting the tree canopy to increase visibility for walkers and drivers, and installing signage to make drivers and pedestrians aware of each other’s presence.

NE have taken full account of SCC road safety assessment of TLT and have proposed all of the suggested improvements to our draft proposals to enhance walkers’ safety. Indeed, the majority of our proposed route is now aligned on verges running parallel to TLT and not on TLT itself which is a significant improvement on the current multiuser situation. We were however unable to create a parallel path for route section FFB-4-S001. For this section, SCC’s Principal Highway Engineer advised us that it would be reasonable to expect drivers to be aware of pedestrians, slow their speed and drive accordingly. He also observed that there is scope for cutting back some vegetation to create more space. This is something we are committed to undertaking as part of the establishment works for the trail should the Secretary of State approve our proposals. In addition to this NE has advised the Secretary of State in our comments on objections that we would also be happy to work with the NT to investigate if speed bumps could be installed on TLT to ensure drivers maintain a slow speed, if this would give more confidence to residents and walkers using the track. The possible locations for these we feel would be worthwhile exploring further are shown on the Map in Figure 1 in our comments on representation MCA/FFB4/R/89/FFB0453 from [redacted] of The Suffolk Area Ramblers.

[redacted] asserts that NE has not assessed the expected increase in walkers on TLT. This is not the case. NE undertook an access assessment, and our conclusions were published in section D5, Wilford Bridge to Little Haugh, of our Nature Conservation Assessment for our Coastal Access Proposals between Felixstowe Ferry and Bawdsey. We concluded that there was likely to be a large increase in walkers from a relatively low base level. This conclusion reflects the light existing patterns of public use

of the track, in particular the first 350m from the A1152, combined with a number of 'attractors' at Sutton Hoo such as the café, toilets as well as nearby car parking and Melton Railway station.

[redacted] also expresses doubts about whether NE took into account the report by [redacted] & Associates commissioned by the owners and occupiers of the properties serviced by Lower Track. We can confirm that we gave very careful consideration to this report. However, the Bullard report commissioned by residents is based on a route aligned on TLT for its entire length which is not the route we have proposed. It does not therefore assess the safety of our published proposals. We found a number of issues with the Bullard report, for example it made no reference to the quality standards for National Trails which are given in NE's publication "[The New Deal: Management of National Trails in England from April 2013.](#)" and instead uses SCC design guide for residential developments as it's reference. We therefore commissioned our own Road Safety Assessment from SCC who are the relevant Highway Authority and therefore the appropriate specialists to make this assessment. As mentioned above we took all their advice on safety enhancements on board and as a result our published proposals are significantly different from the route assessed by the Bullard Report. To be clear the Bullard report commissioned by residents is based on a route aligned on TLT for its entire length which is not the route we have proposed. It does not therefore assess the safety of our published proposals.

Natural England entirely refute the accusation that we have "*.....refused to consider reasonable alternatives to using this track for very trivial and spurious reasons.*" In reality there were only a limited range of alternative route alignments identified by Natural England and residents. We thoroughly investigated each one of these in the context of the enabling legislation and guidance framework we must follow in the approved Coastal Access Scheme 2013, spending considerable time considering the complex factors at play in this location. We outline these alternative options in section 4.3.2 of our proposals for FFB 4 Wilford Bridge to Ferry Cliff together with our reasons for not proposing them. Natural England firstly considered aligning the trail on the pavement adjacent to the A1152 and B1083 and past the Sutton Hoo visitor centre. Unfortunately, we found this was completely unsuitable for designation as a National Trail because on the B1083 walkers would be immediately adjacent to this very busy road on a pavement which is narrow and bound by a steep verge in places. This would make it hard for walkers to pass each other, particularly users with pushchairs or wheelchairs, forcing them into this very busy road. Indeed we received 25 representations opposed to this alignment citing how dangerous and unpleasant it is for walkers.

We then also investigated to see if we could align the trail on higher ground behind the Lodge, however the land here rises steeply from the B1083 necessitating the installation of a significant run of steps. These steps would form a significant barrier to access for less able-bodied users or walkers with pushchairs. The NT have also informed us that both routes would completely undermine their pay-for-entry visitor model at Sutton Hoo because much of the estate would fall into the seaward coastal margin by default under the legislation, and people would therefore gain a right of coastal access over it negating the need to pay for entry. We considered if informal management or formal directions could be used to enable it to continue to function as a paying attraction, but found that in this instance neither would be practical because of the scale and open nature of the site. The NT have therefore made it clear to us that they would object strongly to these modifications.

Additionally TLT would be available to the public to use under both options as part of the seaward margin, and we believe people would use it in preference to either of these two unsuitable routes.

A third route considered was through the western part of the garden of the Lodge (to the west of the track), which the landowners generously indicated they would be willing to dedicate. Unfortunately this option would involve significant engineering works and the high cost of these would not have been proportionate to the benefits they'd bring to trail users.

We therefore concluded that of the very limited options open to us, alignment along TLT incorporating all the safety enhancements suggested by SCC Principal Safety Engineer was the option which best balanced the interests of the public in having rights of access over coastal land and the interests of owners and occupiers of any land over which any coastal access rights would be conferred.

Nature Conservation

Natural England's statutory purpose is to conserve, enhance and manage the natural environment for the benefit of present and future generations. In keeping with this we aim to strike the right balance in each circumstance between securing opportunities for the public to enjoy the natural environment and ensuring appropriate protection of it when developing our proposals for the England Coast Path.

We have not, as [redacted] asserts, ignored animal and bird's needs for protection. Section 4.9.7 of the Scheme sets out our duties and obligations with regard to nature conservation, and the results of our assessment of any potential impacts on wildlife and habitats are detailed in the Nature Conservation Assessment and Habitats Regulation Assessment (HRA) which were published alongside our Coastal Access proposals. Our assessments conclude that our proposals will not have an adverse effect on the overall integrity of the Deben Estuary SPA or the Deben Estuary Ramsar site, they are fully compatible with our duty to further the conservation and enhancement of the notified features of the SSSI's on this stretch of coast, and strike the appropriate balance between Natural England's conservation and access objectives, duties and purposes in relation to County Wildlife Sites.

With regard to badgers, we agree with [redacted] that there is a large badger sett on high ground landward of the proposed route at Sutton Hoo and this is not specifically mentioned in our Nature Conservation Assessment. Badgers and public access happily coexist throughout the countryside. They are a protected species under Schedule 6 of the Wildlife and Countryside Act, and this means SCC would need to apply for a licence if establishing or managing the coast path were likely to lead to any disturbance directly to these setts, or to prevent access to them. This would be equally applicable were badgers to create a new sett along the line of the Trail or any public right of way. It should also be noted that badgers will vacate setts and may have multiple setts.

We have attached a link to the official guidance on this: [Badgers: protection and licences - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/guidance/badgers-protection-and-licences).

Safety reports

Road Safety Assessment: Suffolk County Council

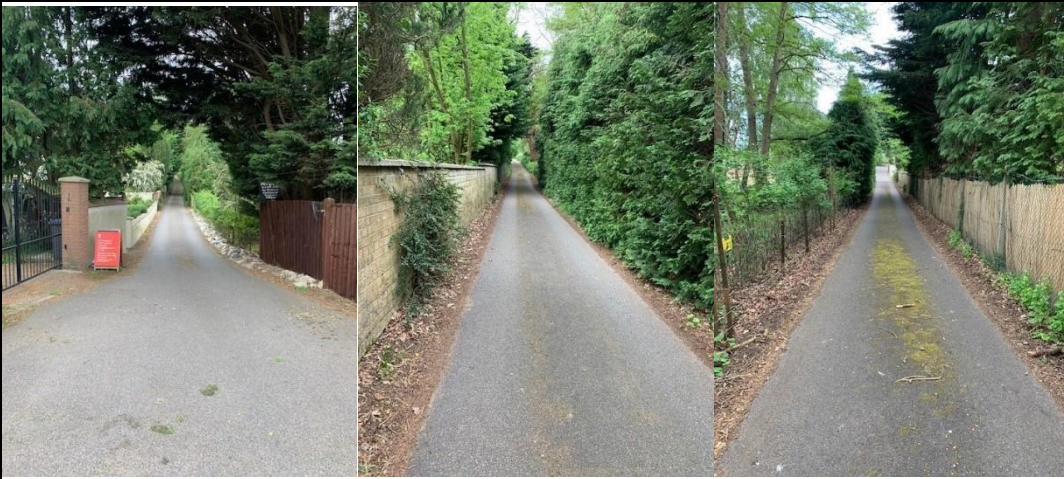
We are sorry [redacted] finds it difficult to establish the brief of the Road safety Assessment undertaken by Suffolk County Council. We can confirm that it was to seek [redacted] expert opinion in his role as Principle Highways Engineer at SCC on whether the track from its entrance adjacent to The Lodge to Dairy Farm is a safe route on which to align the England Coast Path National Trail. He was also asked to identify why it would be safe or unsafe, and if some sections were unsafe, to advise us what work could be done to make these sections safe.

We note that [redacted] does not agree with the conclusions drawn by [redacted] however we do not propose to comment on his critique of SCC's safety report, because [redacted] is the Principle Highways Engineer at SCC and as such is the recognised specialist to which we should adhere.

Highways Safety Assessment: [redacted] & Associates

The Bullard report commissioned by residents is based on a route aligned on TLT for its entire length which is not the route we have proposed. It does not therefore assess the safety of our published proposals. To be clear we are only proposing alignment along TLT itself for route section FFB-4-S001. With the exception of crossing points, the other route sections are proposed along verges running parallel to TLT.

Route section FFB-4-S001 is referred to in paragraph 5 of the report. The photos in Figures 1,2 and 3 below show that where the track is at its narrowest in front of The Lodge, the sight lines are very good so pedestrians and vehicles can see each other well in advance. Here SCC's Principle Highway's Engineer advised it was reasonable to expect drivers to be aware of pedestrians and slow their speed. As mentioned above, NE would also be happy to work with the NT to investigate if speed bumps could be installed on TLT to ensure drivers maintain a slow speed, if this would give more confidence to residents and walkers using the track.



Figures 1,2 and 3 showing good sight lines at start of the Lower track.

We note [redacted] concerns about children, dogs and badgers. A key principle outlined in the Scheme is that visitors should take primary responsibility for their own safety when visiting the coast and for the safety of any children or other people in their care. Both Natural England and SCC who are the local access authority have powers to erect signs along the trail warning of potential dangers where these are not readily apparent. SCC's Safety Report proposes further advisory signage is installed on TLT to make drivers and pedestrians aware of each other and we plan to fully implement this proposal. The NT who own TLT require dogs to be kept on a short lead at all times at Sutton Hoo and as landowners are free to erect signage to this effect as required. The point raised about badgers is covered in our comments under "Nature Conservation" above.

With regard to the section of the report on footfall NE have assessed the expected increase in walkers on TLT should it form part of The England Coast Path and our comments on this are covered under safety above.

The Bullard Report estimates it at around 150-200 walkers per hour. These estimates are based on counts undertaken by residents on a popular riverside Public Right of Way (PRoW) fronting Woodbridge, which they feel would be comparable to TLT should our proposals be approved. NE do not believe that this location would be directly comparable to TLT. It is on an existing and very popular PRoW which fronts the built-up town of Woodbridge, where there are many more attractors for walkers in the form of services, parking facilities, residential and retail properties as well as residential and recreational boats moored along its length. The NT, who favour our proposed alignment, have also expressed their doubts about the objectors' assessment of the expected numbers of people using the coastal trail through Sutton Hoo.

With regard to the comments on Point 8 & 9 – Assessment of Safety on TLT, NE reiterates that the Bullard report is based on a route aligned on TLT for its entire length which is not the route we have proposed. It does not therefore assess the safety of our published proposals.

Please refer to NE's comments on the alternative route options we investigated under "safety" above in relation to [redacted] comments on our assessment of alternative routes.

The Bullard Report proposes a number of different routes for the coast path however when we assessed them against the alignment criteria NE must work to which is set out in Part B, Chapters 4 and 5 of the Scheme, they fail to achieve a fair balance between public and private interests. This is in part because the author has made taking coast path users to the Sutton Hoo visitor centre their central aim, because they assume "...that most genuine coastal path walkers will want to take the shortest route to the National Trust Visitor Centre." Critically they have overlooked section 2.3.4 of the Scheme, which explains that the position of the route determines the inclusion of land to either side of it as coastal margin. Land which falls on the seaward side of the trail automatically becomes coastal margin by default under the legislation. This means that all their proposed alternative route options through the site would completely undermine Sutton Hoo's pay-for-entry visitor model, because much of the estate would fall into the seaward coastal margin by default under the legislation, and people would therefore gain a right of coastal access over it negating the need to pay for entry. Section 8.17.8 of the governments approved Coastal Access scheme (the Scheme) states that "*The trail will normally avoid passing through a visitor attraction which the public pay to enter - typically by skirting round it on the seaward side.*" It goes onto say that "...we will consider with the operator whether informal management or directions are required to enable it to continue to function as a paying attraction." In this instance however neither informal management nor a direction would be practical because of the scale and open nature of the site. The NT have therefore made it clear to us that they would object strongly to the modifications through the site proposed in the Bullard report.

TLT would also fall seaward of the proposed alternative route options and become part of the accessible coastal margin by default under the legislation. This means the public would still have the right to walk along it and we believe they would be highly likely to choose to walk along TLT in preference to the alternative options because it is more direct, convenient, and pleasant. NE therefore feels it would be preferable to implement our proposed option, which includes all the enhancements outlined in SCC Road Safety Assessment, to ensure this is a safe, direct and pleasant route for walkers.

Relevant appended documents (see Section 6):

See Appendix B for [redacted] critique of [redacted] Report to Natural England and [redacted] Associates Report to the residents, together with copies of the reports themselves.

Representation ID:	MCA/FFB4/R/29/FFB0571
Organisation/ person making representation:	[redacted], East Suffolk Lines Community Rail Partnership
Name of site:	The lower Track, Sutton Hoo
Report map reference:	Map FFB-4a Wilford Bridge to Little Haugh and 4b Little Haugh to Ferry Cliff
Route sections on or adjacent to the land:	FFb-4-S001 to FFB-4-S0010 FP
Other reports within stretch to which this representation also relates	

Summary of representation:

The East Suffolk Lines Community Rail Partnership has a published waymarked circular walk from Melton station to Sutton Hoo. At present it includes road walking along a very narrow pavement from Wilford Bridge along a half-mile section of the B1083; the road is extremely busy at times and includes a very steep gradient.

East Suffolk Lines Community Rail Partnership support the proposals to establish a section of the England Coast Path from Wilford Bridge to Little Haugh. This would provide a much more pleasant and much safer off-road route for pedestrians.

If this new section of the England Coast path is established East Suffolk Lines Community Rail Partnership intend to modify the route of our walk to use the new section.

Natural England’s comment:

Natural England thanks [redacted] and East Suffolk Lines Community Rail Partnership for their supportive comments. We note their view that our proposals “...would provide a much more pleasant and much safer off-road route for pedestrians...” than the narrow pavement along the B1083.

Relevant appended documents (see Section 6):

Representation ID:	MCA/FFB4/R/37/FFB0008
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Organisation/ person making representation:	[redacted], Disabled Ramblers
Name of site:	Wilford Bridge to Ferry Cliff
Report map reference:	Map FFB 4a Wilford Bridge to Little Haugh and FFB 4b Little Haugh to Ferry Cliff
Route sections on or adjacent to the land:	1. Report FFB 4: All route sections generally 2. Map FFB 4a: Route sections FFB-4-S002 to FFB-4-S009
Other reports within stretch to which this representation also relates	
Summary of representation:	
<p>Comment 1 Report FFB 4: All route sections generally There is a significant and steadily increasing number of people with reduced mobility who use all-terrain mobility scooters and other mobility vehicles to enjoy routes on rugged terrain in the countryside, including uneven grass, bare soil or rocky paths, foreshore areas and some sea walls and beaches. Slopes of 1:4, obstacles 6" high, water to a depth of 8" are all challenges that users of all-terrain mobility scooters are used to managing. Modern batteries are now available that allow a range of up to 60 miles on one charge.</p> <p>Modern mobility vehicles are large, and many man-made barriers that will allow access to a manual wheelchair are not large enough for all-terrain mobility vehicles or for some 'pavement' scooters, and prevent legitimate access even though users of mobility vehicles have the same rights of access that walkers do.</p> <p>Wherever possible man-made infrastructure should be replaced or adapted to enable these users to have the same, legitimate, use and enjoyment of the main route of the England Coast Path that walkers have. Suitability of all structures should always be considered with the assumption that a person with reduced mobility will be going out without more-mobile helpers, so will need to operate the structure on their own, seated on their mobility vehicle. Man-made infrastructure should not be a barrier to access.</p> <p>Disabled Ramblers requests</p> <ul style="list-style-type: none"> • that new structures to be installed should be suitable for those who use large mobility vehicles, and should comply with British Standard BS5709: 2018 Gaps Gates and Stiles. • that where existing man-made structures are a barrier to those who use mobility vehicles, these should be reviewed, and where necessary removed and replaced with suitable structures to allow access to the England Coast Path. • compliance with the Equality Act 2010 (and the Public Sector Equality Duty within this act) • compliance with the Countryside Rights of Way Act 2000 • adherence to the advice from Disabled Ramblers in the attached document <i>Man-made Barriers and Least Restrictive Access</i> <p>Comment 2 Map FFB 4a: Route sections FFB-4-S002 to FFB-4-S009 Paragraph 4.2.6 of the Report, states</p> <p style="text-align: center;"><i>Some gap creation will be necessary on sections FFB-4-S002 to FFB-4-S009.</i></p> <p>Disabled Ramblers requests that the gaps created are at least 1.1 metres clear width and positioned to allow access to large mobility vehicles.</p> <p>There are three existing barriers within these sections, which should be reconsidered and replaced if they prevent progress by a user of a large mobility vehicle along the route.</p>	

Natural England's comment:

Comment 1

Natural England welcomes the Disabled Ramblers comments regarding infrastructure that may present as a barrier to many users of the England Coast Path. We will work with Suffolk County Council as the access authority who have responsibility for establishing and maintaining the trail to ensure all users are considered and structures and surfacing meets all necessary legislation, including that designed to protect wildlife and the protection of the flood defence systems.

Natural England acknowledges its duties under the Equality Act 2010 and the Countryside and Rights of Way Act 2000, and also the extra responsibilities conferred by the Public Sector Equality Duty, under the former. Section 4.3.8 of the Scheme outlines that we follow the principles set out in our publication "By All Reasonable Means" to make the trail as easy to use as we reasonably can for disabled people and others with reduced mobility, whilst accepting that such opportunities will often be constrained by practical limitations, such as the rugged nature of the terrain or the availability of visitor transport and facilities.

An important element of equality law is that the needs of those with constrained or restricted mobility are considered throughout the planning, design and implementation processes, and that they are not simply treated as an 'add on'. We have endeavoured to achieve this as we have developed our proposals for the Felixstowe Ferry to Bawdsey stretch, and, if our proposals are approved, will continue to do so through the implementation phase, working alongside Suffolk County Council, which shares the same responsibilities and duties.

We also recognise the importance of satisfying the relevant British Standards, and the desirability of complying with the advice contained in the *Disabled Ramblers Notes on Infrastructure* and will also be focusing on these documents as we work with the access authority.

We also note the Disabled Ramblers advice regarding the larger mobility vehicles and will ensure this is considered.

Comment 2

The gaps to be created on sections FFB-4-S002 to FFB-4-S009 are to enable better visibility and to create a parallel path for the trail in the verge next to TLT. We can confirm that this will be wide enough for large mobility scooters.

The barriers mentioned are 3 bollards, to which we are attaching roundels to mark the line of the trail. These will not be a barrier to access.

Relevant appended documents (see Section 6):

See Appendix A for the Disabled Ramblers Document: Man-made Barriers and Least Restrictive Access

Representation ID:	MCA/FFB4/R/66/FFB0594
Organisation/ person making representation:	[redacted]
Name of site:	Ferry Cliff
Report map reference:	Map FFB 4b Little Haugh to Ferry Cliff

Route sections on or adjacent to the land:	FFB-4-S034
Other reports within stretch to which this representation also relates	
Summary of representation:	
<p>Member of a local Nordic walking group including members with limited mobility.</p> <p>A local small business owner in Woodbridge committed to supporting active use, interest, appreciation and care for the local environment and the river Deben, and extending facilities to promote that commitment for future generations.</p> <p>[redacted] welcomes the improvements to the steps to make them more accessible. She feels it is critically important to give greater access to all to enjoy the local areas of natural beauty. She says the proposals do this and will enhance tourism and outdoor pursuits from small children, learning about the rich history of the area from Anglo Saxon times to today and learning to care about and respect the environment.</p> <p>She feels the proposals offer adequate protection for bird and wildlife and particularly salt marshes and says the Deben has not changed much over the years mainly because much of the land remains in private ownership. This has worked well over successive generations, but it does need some modest investment to improve and maintain the coastal route.</p>	
Natural England's comment:	
Natural England thanks [redacted] for her supportive comments on our proposals.	
Relevant appended documents (see Section 6):	

Representation ID:	MCA/FFB4/R/71/FFB0109
Organisation/ person making representation:	[redacted] and [redacted]
Name of site:	The Lower Track
Report map reference:	Map FFB 4a Wilford Bridge to Little Haugh and FFB 4b Little Haugh to Ferry Cliff
Route sections on or adjacent to the land:	FFB-S-001 to FFB-S-010
Other reports within stretch to which this representation also relates	
Summary of representation:	
<p>[redacted] own land crossed by FFB-4-S011. FFB-4-S010 abuts another side of their property. They have unrestricted rights of way over the entire length of this route section.</p> <p>They say it's used by the cars of residents and visitors, post vans, home delivery vehicles, couriers, service providers, oil delivery tankers and septic tank sludge gulpers. Cars with a trailer, and occasional tractors, are also common. [redacted] also have unrestricted right of way over the Lower Track which provides a secondary access for agricultural machinery and other equipment to their extensive acreage adjacent to the NT land. They state that the track is the 'lifeline' for these properties.</p>	

[redacted] are concerned that Natural England (NE) have not prepared their proposals in a fair and balanced way in considering the interests of the public and the interests of the landowners and any other relevant stakeholders. They summarise the following reason and concerns.

(i) This stretch FFB-4-S001 to S004 is unsafe – indeed dangerous – for all users, irrespective of numbers.

(ii) If stretch FFB-4-S001 to S004 is opened it will lead to an increase in user numbers, including vulnerable users (such as those with wheelchairs, mobility vehicles, pushchairs and walking difficulties), and in busy periods will inevitably result in blockages of the right of way, with unacceptable consequences.

(iii) If stretch FFB-4-S001 to S004 is opened there will be a knock on effect on stretch FFB-4-S005 to S009. This stretch will then become unsafe – and potentially dangerous, particularly for vulnerable users.

User Numbers:

NE commissioned a safety report from the Suffolk County Council (the SCC/ NE Report). This report made no reference to numbers of users, apart from those seen on the track during the hour they made their assessment – a quiet day. A meaningless contribution to any serious assessment of the impact of user numbers.

NE don't acknowledge that opening S001 to S004 to the public will transform user numbers and adversely impact risk, safety, and right of way on stretch S005 to S009 as well. Meaningful user numbers must be based on the busiest periods, unless NE are assuming that it is acceptable to block the right of way of residents whenever the path is busy. NE's estimate is 9 people per hour is ludicrously low. Reference to a local walkers web site reveals a massive local interest.

The residents have undertaken headcounts during busy periods over 2-3 years, leading to an estimated footfall of as many as 200 per hour, an order of magnitude higher than the NE estimate. NE appear to have downplayed potential for a user numbers despite stating publicly that, in their experience, substantive increases in users have arisen when the ECP links existing footpaths and roads on the outskirts of urban areas.

User Types - Vulnerable users

At present there are a limited number of vulnerable users on S005 to S009 because access from the NT entrance involves steep slopes or rough tracks and is essentially self-controlled. Although vehicles cannot pass vulnerable users in some places, the occurrence is so low that the NT and the residents are comfortable with how it works at present. When the numbers increase this will change

NE have not considered vulnerable users in any part of the assessment, yet vehicles will not be able to pass them at all in S001 to S004 and only in parts of S005 to S009.

Patterns of use

People interested in walking the coastal path can use the ferry between Bawdsey and Felixstowe Ferry, a potential high spot of any such journey with an enjoyable boat trip, great views and delightful facilities on each side of the river. And it avoids a 38 km detour (and at least 2 days walking). The number wishing to use the ferry out of season will be minimal - as evidenced by the lack of interest when the ferry had a winter dial up service.

Anyone wanting to visit Sutton Hoo (and it must be assumed this would not be many given it would be a 38 km round trip) could do so on existing footpaths without using S001 to S004.

Local people from Melton or Woodbridge have access to excellent walks from the Woodbridge side of the river (vastly superior to those from the Lower track which is obscured by trees and shrubs for most of its length. For those who want to visit Sutton Hoo they can (as at present) walk along the road and access the site that way – where the ticketing and admission facilities are. This route is no longer than using the Lower Track.

There is no fair balance between the public interest and the adverse impacts of using this section of the track.

Safety

There have been two safety assessments for FFB4 stretches S001-S009: (i) the Suffolk County Council safety report commissioned by NE (SCC/ NE report) and (ii) the Bullard Report, commissioned by the residents. Copies of the Bullard Report are attached.

The 'SCC/NE report' is unfit for purpose. Based on a 55 minute walk on a quiet day:

- It does not include an assessment of the safety of vulnerable users (mobility vehicles, push chairs and those with walking difficulties or instability), an absolute pre-requisite of any safety assessment, even though NE highlights in other documents the need to ensure access for this group.
- It does not acknowledge that local authority guidelines exist for shared vehicle/ pedestrian access.
- It has no measurements showing the width of the track compared with the width of vehicles.
- It contains photographs which show clearly that in various places vulnerable users have nowhere to go if a vehicle wants to pass but makes no mention of it.

The SCC, in the words of the NE Lead Advisor, 'do not normally carry out road safety assessments on private roads'. It shows. Although an inadequate report it does make some safety recommendations. In contradiction to their response to our local MP, NE have not adopted even these recommendations. In fact, it is not clear to us whether this report does confirm that stretch S001 to S004 stretch is safe for the coastal path. Do NE in fact have 'approval'?

[redacted] Associates are a well-established Civil and Traffic Engineering consultancy specialising in safety assessments. Many statements made, and measurements quoted, by NE in relation to safety, and other issues, are manifestly incorrect or misleading. The only valid and credible safety report is the Bullard Report.

The summary conclusions of the Bullard Report are:

The initial 400m section of the Lower Track (FFB4 S001 to S004) from the A 1152, currently not a public right of way, is unsafe as a public footpath and should be rejected.

- It fails to meet - by a long way – Local Highway Authority safety guidelines for access to 5 properties.
- It has many unsafe characteristics and a history of safety related incidents even when the public was not supposed to use it.
- The safety 'assessment' by SCC Highways contained in the proposal should be disregarded – it is unprofessional, inaccurate and misleading.

This photo (given in Appendix F) shows a vehicle about 60-80m along section FFB4 S001-003.

This is claimed to be safe for a public footpath. No one could be passed by the vehicle safely.

Vulnerable users would be stuck and possibly terrified.

The driver may not be allowed to pass due to his company's safety regulations. Services could be cut off by providers.

In more detail the Bullard report concludes that the first 0.4 km of the Lower Track (S001 to S004) fails to meet Local Authority (SCC) guidelines for a shared vehicle/ pedestrian access to one new house – the track is 10-15% too narrow. It fails to meet the guidelines for such an access to 5 new properties (the situation on the Lower track) by 40-44%. In measurement terms the safety width guideline is 4.5m and the actual width is 2.5-2.7m. This report notes that this section (particularly S001) of track has many other unsafe characteristics and a history of safety incidents even when the public had no right of access. It also states that the SCC Report should be disregarded as unprofessional, inaccurate and misleading. There is a lot more relevant information on every aspect of the unsafe nature of the proposal in the report, which is attached.

Photos in the Bullard report (given in Appendix F), and indeed in the NE/SCC report, together with accurate measurement of path width and vehicle sizes, confirm that for 0.1 km of S001-004 vehicles will not be able to pass anyone, for 0.28 km vehicles will not be able to pass vulnerable users, and for 0.18 km vehicles will just be able to pass able-bodied users, but not safely. The width of small tankers for oil deliveries, sludge gulpers and the school bus for disabled children (that will use the track every school day) is 2.59m. The path is 2.5-2.7m wide, with no room to stand aside, let alone manoeuvre mobility vehicles and pushchairs out of the way.

With public access currently denied over FB4 S001-S004, inherent safety and other impacts on FB4 S004 to S009 are currently managed by the NT and residents in such a way as to be acceptable to both. However, if S001 to S004 is used for the coastal footpath then that will no longer be the case. There will be a material adverse impact on:

- the safety of S005 to S009, particularly in relation to vulnerable users.
- the rights of way of authorised users on S001 to S009.

- the safety of residents in terms of the provision of emergency services, specifically the need for the fire service to have fast access because of risks associated with the lack of water supply near the properties.
- The inconvenience and risk associated with the safe movement of a disabled child.

Safety risks to residents – emergency services

The risks to residents from a failure to keep open at all times their legal right of way, and only access route, are broadly obvious. The track is clearly the lifeline for the properties in relation to all their needs for services and free movement. To have this access route blocked for reasons that are not due to extraordinary events, but routine incidents, is unacceptable.

However, a specific concern which NE has not acknowledged is the impact on timely access for emergency services. The need is unlikely to be frequent however ambulances have been required twice in the past 8 months, and twice for potential heart attacks in the past 10 years.

Access is clearly an issue for fire engines, particularly given the absence of mains water supplies. The Fire Brigade have recently assessed the properties to be at high risk in this regard, confirmed that any call will be answered by four tenders to boost water supply, and noted the need for fast, unrestricted access – delays mean the fire is more advanced and more water is required.

Alternative Routes: the ferry from Bawdsey to Felixstowe Ferry

We believe that NE's reasons for rejecting a number of routes to avoid the invasion of privacy for [redacted] at The Lodge (S001) have shown an unwillingness to address their concerns in a fair way. Given the proximity of the proposed route to their front windows NE should have done everything necessary to facilitate an acceptable solution.

[redacted] do not believe there has been a fair and balanced view of the alternative proposed route - the use of the ferry from Bawdsey to Felixstowe Ferry as the route of the coastal path, with an alternative mid- winter route on existing rights of way.

The seasonality of the service was deemed unacceptable by NE and we understand they disengaged from discussions with the Deben Estuary Partnership and others. This was despite a successful trial of a winter dial- up service and a consultation of the local community to seek long term funding support for a longer season, possibly up to 9 months.

We expect coastal path walkers – whether short or long distance – would enjoy the ferry crossing whilst, for those who want to walk along the Deben estuary, there are plenty of footpaths already that allow them to do that

A fair and balanced view would surely have led to this solution. Instead a path is being steamrolled through the environmentally fragile estuary for the sake of – at a guess – less than 5% of coastal path walkers. It is self-apparent that the vast majority of coastal path walkers – whether short or long distance – will enjoy the ferry crossing.

This seems at odds with NE's stated aim of 'delivering a well-managed Nature Recovery Network across land, water and sea, which creates and protects resilient ecosystems rich in wildlife and natural beauty, enjoyed by people and widely benefiting society'.

Alternative Routes: using the public footpath from opposite Little Haugh, to the NT site and on the path alongside the A 1152 to Wilford Bridge

This would avoid all the issues associated with the proposed route from S001 to S009. The additional distance is about 600m. The footpath to the NT site provides far better views than the stretch S009 to S001. Most will want to visit the NT site anyway. The path by the side of the A 1152 was enhanced to enable visitors arriving on foot to walk safely to the NT site. NE claim it is unsafe. Anyone walking on the path is separated from vehicles and will be used to behaving sensibly in that environment. People walking along stretch S001 to S009 will be mixing with vehicles, and will be in a relaxed mood, taking no precautions and not expecting vehicles - far more dangerous.

Coastal path legislation allows for flexibility and some discontinuity when on an estuary – and this is some 20km from the sea.

Natural England's comment:

- To avoid repetition please refer to Natural England's (NE) comments on safety for representation MCA/FFB4/R/20/FFB0566 submitted by [redacted].

Please note of the 4 route sections to which the representation relates only FFB-4-S001 is aligned along TLT, FFB-4-S002 and FFB-4-S004 are aligned on verges adjacent to TLT as proposed in SCC's safety assessment, and FFB-4-S003 is a crossing point.

- ii. NE acknowledges that our access assessment shows there is likely to be a large increase in walkers on (TLT) from a relatively low base level should our proposals be approved. We do not however believe it will lead to blockages of the track. This is because, with the exception of crossings, we propose aligning the route on verges adjacent to TLT for route sections FFB-4-S002 to FFB-4-S004. Unfortunately, the scale at which the maps in our published proposals have been drawn may not make clear that the majority of our proposed alignment is adjacent to and not on TLT. We apologise for this and to clarify matters we have included larger scale versions of the maps and supporting documents at Appendix E.

We accept some users will opt to use the track as opposed to the verge, because it provides a firm tarmacked surface. They will have a legal right to do this because TLT will fall into the accessible coastal margin either by default under the legislation because it falls seaward of the proposed route or because we have used our discretion under the Act to propose that the landward boundary of the coastal margin is the landward edge of TLT. We will however ensure the verge is clearly waymarked as the trail and it will be available for any walkers on the track so they can move aside from any traffic as needed.

At route section FFB-4-S001 where the track is at its narrowest in front of The Lodge, the sight lines are very good so pedestrians and vehicles can see each other well in advance. Here SCC's Principle Highway's Engineer advised it was reasonable to expect drivers to be aware of pedestrians and slow their speed. In addition to this in our comments on the 2 objections Natural England received on Coastal Access Report FFB 4, we also advised the Secretary of State that we would be happy to work with the National Trust as landowner, to investigate if speed bumps could be installed on section FFB-4-S001 to ensure drivers maintain a slow speed if this would give more confidence to residents and walkers using the track here.

- iii. We do not agree that route sections FFB-4-S005 to FFB-4-S009 will become unsafe as a consequence of aligning the coast path along route sections FFB-4-S001 to S004. Please note that with the exception of 2 crossing points, we propose that the coast path follows verges adjacent to TLT for these section. To avoid repetition please refer to Natural England's comments on safety for representation MCA/FFB4/R/20/FFB0566 submitted by [redacted].

User Numbers:

To avoid repetition please refer to Natural England's comments on the expected increase in walkers under the theme of safety for representation MCA/FFB4/R/20/FFB0566 submitted by [redacted] .

NE do not estimate that 9 people per hour will use TLT if the coast path is aligned along it. We acknowledge in ii) above that we expect a large increase in walkers on TLT from a relatively low base level. We do not however agree with the predicted increase estimated by residents of 200 people per hour because this estimate is based on counts undertaken by residents on a popular riverside Public Right of Way (PRoW) fronting Woodbridge. NE do not believe that this location is directly comparable to TLT. It is on an existing and very popular PRoW which fronts the built-up town of Woodbridge, where there are many more attractors for walkers in the form of services, parking facilities, residential and retail properties as well as residential and recreational boats moored along its length. The National Trust, who own TLT, favour our proposed alignment, and have also expressed their doubts about the residents assessment of the expected numbers of people using the coastal trail through Sutton Hoo.

User Types - Vulnerable users

It is not the case that NE have failed to consider vulnerable users nor that vehicles will be unable to pass them at all in S001 to S004 and only in parts of S005 to S009.

Section 4.3.8 of the approved Coastal Access Scheme 2013 (the Scheme) outlines that we follow the principles set out in our publication "By All Reasonable Means" to make the trail as easy to use as we

reasonably can for disabled people and others with reduced mobility, whilst accepting that such opportunities will often be constrained by practical limitations.

NE propose to implement all the measures suggested by SCC's Principal Highways Engineer to enhance the safety of walkers here. This means wherever possible sightlines and visibility will be improved, and the parallel paths created will provide room for wheelchair users or walkers with pushchairs on TLT to move to one side and away from any vehicles. This is a considerable improvement on the current situation described by [redacted] where, ".....vehicles cannot pass vulnerable users in some places." Signs will also be installed to make drivers and pedestrians aware of each other's presence. At route section FFB-4-S001 where we are unable to create a parallel path for the trail the sight lines are very good so pedestrians and vehicles can see each other well in advance. Here SCC's Principle Highway's Engineer advised it was reasonable to expect drivers to be aware of pedestrians and slow their speed accordingly. For this section drivers and pedestrians would need to wait for each other to pass before proceeding. As mentioned above, NE would also be happy to work with the NT to investigate if speed bumps could be installed here to ensure drivers maintain a slow speed, if this would give more confidence to residents and walkers using the track.

Patterns of use

NE agree that the seasonal ferry service on the Deben estuary offers walkers an enjoyable boat trip with great sea views. Whilst we are not proposing using the ferry crossing it should be noted that our proposed alignment connects the England Coast Path (ECP) to the quays on both sides of the estuary to allow users to easily navigate to them, should they wish to cross the estuary by ferry when it's running.

The low uptake of the dial-a-ride ferry service trialled on the Deben through the winter and early spring of 2017 /18 may well have been due to the nature of the service rather than a lack of interest by the public. A dial a ride service by its very nature requires prior knowledge and forward planning, and any visitors unfamiliar with the area may not have known it was available or what the conditions of service were.

Section 10.1.5 of the Scheme states, "*We will always give careful consideration to our option to extend the trail as far as the first bridge or tunnel with pedestrian public access. This is in keeping with our duty under the 2009 Act to have regard to the desirability of ensuring, so far as is reasonably practicable, that interruptions to the trail are kept to a minimum (see section 4.4) and the additional requirement, in deciding whether and how to exercise our discretion on estuaries, to consider any other recreational benefits that would accrue from doing so (see section 10.5).*" Accordingly NE assessed the Deben Estuary against the statutory criteria given in the legislation to see if we should use our estuary discretion to align the estuary to the first crossing at Wilford Bridge. Section 5 of The Overview document published alongside our Coastal Access Reports explains our findings and outlines the three alignment options NE considered for the Deben Estuary. It proposes option 1, that the trail be aligned around the estuary crossing at Wilford Bridge and goes on to explain why NE did not choose the other options.

There are multiple issues at play between Wilford Bridge and Sutton Hoo which made the alignment of the ECP here particularly complex. Whilst the legislation which enables the coast path requires NE to have regard to the desirability of it adhering to the periphery of the coast and providing views of the sea, this is just one of the public interest criteria we have to take into account and balance against other public and private interest criteria as outlined in Part B of the Scheme. Providing access to visitor attractions such as Sutton Hoo is not an alignment criteria and we did not therefore factor this into our deliberations. Table 4.3.2 of our proposals for FFB 4 Wilford Bridge to Ferry Cliff outlines the alignment options we considered and gives our reasons for not proposing them.

We believe our proposed option which includes all the enhancements outlined in SCC Road Safety Assessment to ensure this is a safe, direct and pleasant route for walkers achieves the fair balance we are required to achieve in law.

Safety

We disagree with the statement that the SCC road safety assessment is unfit for purpose. It was undertaken by Suffolk County Council's Principle Highways Engineer who is the recognised specialist in these matters to which we should adhere. To be clear NE have proposed all the safety enhancements proposed in the assessment. In addition NE would also be happy to work with the NT to investigate if speed bumps could be installed on TLT to ensure drivers maintain a slow speed, if this would give more confidence to residents and walkers using the track.

The Bullard report commissioned by residents is based on a route aligned on TLT for its entire length which is not the route we have proposed. It does not therefore assess the safety of our published proposals. To be clear, with the exception of crossings, we are only proposing alignment along TLT itself for route section FFB-4-S001. For this section, SCC's Principal Highway Engineer advised us that it would be reasonable to expect drivers to be aware of pedestrians, slow their speed and drive accordingly. Investigating the installation of speed bumps here could assist with this. He also observed that there is scope for cutting back some vegetation to create more space. This is something we are committed to undertaking as part of the establishment works for the trail should the Secretary of State approve our proposals.

As well as assessing the safety of the ECP on a route which is not the same as the route we have proposed, the Bullard Report does assess it against the quality standards for National Trails which are given in NE's publication "[The New Deal: Management of National Trails in England from April 2013](#)" These standards include the aspiration that National Trails will be traffic free, and our proposal to align the coast path on verges running parallel to the track wherever possible is in line with this. [The Bullard Report instead references](#) SCC's Design Guide for new development.

Alternative Routes: the ferry from Bawdsey to Felixstowe Ferry

NE's staff have liaised very closely with the owners of The Lodge since 2018 and undertaken many site visits with them to explain our work and discuss their views and concerns. Over the course of our investigations, we identified many issues at play between Wilford Bridge and Sutton Hoo which made the alignment of the ECP here particularly difficult. We thoroughly investigated these issues and the various alignment options available, and worked extremely hard to identify one that would meet the criteria in the approved Coastal Access Scheme (the Scheme) to provide a safe, direct and convenient route for the public to enjoy whilst also protecting the residents privacy.

Our investigations focused on four main options. Three of these are included in table 4.3.2 of our proposals for FFB 4 Wilford Bridge to Ferry Cliff along with our reasons for not proposing them. The fourth is the option we proposed.

There are provisions under the legislation to protect landowners' privacy, principally that buildings and their curtilage, such as the residents home and garden, are excepted land and so no rights would be established across their property. We do however agree that there would nevertheless be some limited impact on them from an increase in walkers along the track as a result of our proposals. We therefore discussed with them whether any measures would alleviate any potential impact, for example providing further planting to screen their property. They declined such planting, preferring to maintain their view of the estuary. We also offered one-way vision film for their windows, which would enable them to see out but prevent the public from being able to see into their property from the track. Unfortunately, however the orientation of the property means such film would not be effective so we did not pursue this with the residents further.

NE have explored all the alignment options here and believe that of the limited options open to us, our proposed route best fits the key principles of alignment set out in Part B of the Scheme.

With regard to the using the ferry service please see NE's comments under the heading "Patterns of use" above which explain why this was not proposed. In addition to these please see pages 21 and 22 of our report Overview which say why we did not classify the proposed estuary route as an alternative route.

Unfortunately the dial-a-ride ferry service to which the [redacted] refer was trialled on the Deben through the winter and early spring of 2017 /18 but uptake of it was limited, and funding wasn't found to sustain the service into the future. It should also be noted that any proposals to extend the ferry service to a 12-month service would require the agreement of the Highway Authority, which is the holder of the necessary powers to provide or operate a ferry service or make an agreement with a ferry operator for this kind of purpose. The Highway Authority however supported our view that we should use our estuary

discretion to extend the trail around the estuary from Felixstowe Ferry to Bawdsey Quay, crossing the estuary at Wilford Bridge/the A1152.

Whilst we are not proposing using the ferry crossing, our proposed alignment connects the ECP to both sides of the ferry crossing to allow users to easily navigate to them, should they wish to cross the estuary in this way when the ferry is running.

To avoid duplication please see NE’s comments on protecting the environment of the Deben under the theme of “Nature Conservation” in our comments on representation MCA/FFB4/R/20/FFB0566 submitted by [redacted].

Alternative Routes: using the public footpath from opposite Little Haugh, to the NT site and on the path alongside the A 1152 to Wilford Bridge

NE gave careful consideration to aligning the trail along the pavement beside the A1152 and B1083 from Wilford Bridge to the main entrance of the NT’s Sutton Hoo site when developing our proposals. Unfortunately however, this option is neither pleasant nor convenient for walkers because it involves a detour from the shoreline of approximately 700m, includes a steep hill, offers no views of the estuary and places walkers adjacent to very busy roads on a pavement which is narrow in places. The narrow sections make it hard for walkers to pass each other and this would be a particular issue for users with pushchairs or wheelchairs, who may be forced into the road in this situation. Indeed, we received 25 representations opposed to this alignment citing how dangerous and unpleasant it is for walkers. Some minor improvements could be made to the footway by trimming vegetation in some sections, but this would not create sufficient space for two walkers to pass each other comfortably. Unfortunately, in places the land adjacent to the path slopes steeply upwards and there is little scope for improvement.

NE also consulted the NT on this modification option, and they advised us that this route would completely undermine Sutton Hoo’s pay-for-entry visitor model, because it would mean that much of the estate would fall into the seaward coastal margin by default under the legislation, and people would therefore gain a right of coastal access over it negating the need to pay for entry. They advised this would not just undermine the financial viability of Sutton Hoo but also all NT properties in their Suffolk & Essex Coast portfolio, as finance raised at Sutton Hoo also underpins these. We considered if informal management or formal directions could be used to enable Sutton Hoo to continue to function as a paying attraction, but found that in this instance neither would be practical because of the scale and open nature of the site.

Natural England therefore concluded it would be preferable to implement our proposed option which includes all the enhancements outlined in SCC’s Road Safety Assessment to ensure this is a safe, direct and pleasant route for walkers.

Relevant appended documents (see Section 6):

See Appendix D for the 3 photographs which accompanied the representation.

Representation ID:	MCA/FFB4/R/86/FFB0609
Organisation/ person making representation:	[redacted]
Name of site:	The Lower Track, Sutton Hoo
Report map reference:	Map: FFB 4a Wilford Bridge to Little Haugh
Route sections on or adjacent to the land:	FFB4 – S001
Other reports within stretch to which this representation also relates	

Summary of representation:

[redacted] is a local resident and regular visitor to the National Trust Sutton Hoo site with an interest in the issue of public access. He regularly uses the path in question (FFB-4-S001) although it is currently sign-posted as private. [redacted] does this legitimately as he is a volunteer at the NT Sutton Hoo site, and volunteers are allowed access. He states that the current alternative walking route to the NT site is unpleasant and barely viable as it leads steeply uphill very close to a busy road. Although there are very occasional vehicles that drive along the path (FFB-4-S001), they move slowly and present no real danger to pedestrians. It makes no sense from a public amenity perspective that this tiny stretch of 'private' pathway – a few hundred yards long – should block access to the NT site and, of course eventually, a designated Coastal Path. Walls, gates and signage protect the Lodge, which is the only property on this stretch of the pathway, and even at peak summer times the amount of walking traffic is unlikely to be high, as most NT visitors go by car and Coastal Path walking traffic is bound to be only occasional.

Natural England's comment:

Natural England thanks [redacted] for his supportive comments of these proposals and his insight into experiences of a pedestrians using of TLT.

Relevant appended documents (see Section 6):

Representation ID:	MCA/FFB4/R/25/FFB0260
Organisation/ person making representation:	[redacted]
Name of site:	The Lower Track
Report map reference:	Map FFB 4a Wilford Bridge to Little Haugh
Route sections on or adjacent to the land:	FFB-4-S001 to FFB-4-S009
Other reports within stretch to which this representation also relates	

Summary of representation:

[redacted] has walked and driven along the Lower Track many times experiencing the behaviour and attitudes of drivers and walkers. She is concerned for their wellbeing, and that of the wildlife which lives there.

She feels Report FFB4 has been deliberately written to confuse, possibly because the writers are not good at writing reports, but says referring to this section of the Coastal Path as being Kyston Point to Wilford Bridge instead of Wilford Bridge to Bawdsey (2nd para) does not help. In addition, she finds the costing of works odd when claims (4.2.25) that the overall costs are £2,500 while in the next section (4.2.26) it is costed at £2,900. This is mirrored in other sections too.

She feels encouraging the interaction between pedestrians and vehicles on a stretch of about a mile and a half on a narrow track seems negligent at best, and even criminal at worst. She asserts that the safety of all users of the Track seems to be of lower importance than completing the task as quickly as possible to provide estuarine access instead of the ferry - which is perfectly acceptable even if only seasonal. There's a sense of an attitude of "I have made up my mind; don't confuse me with the facts."

Residents who experience the track daily basis were very concerned for the public, and their own peace of mind having to consider negotiating the hazards of children, dogs, cycles, wheelchairs, Segways, groups of people, and walkers who often think that vehicles should not be there. They therefore commissioned a Survey by a qualified engineer ([redacted]) to identify safety issues, sharing this with Natural England, hoping the issues raised would be addressed and commented on. This hasn't happened. [redacted] lists the issues not been addressed in detail, these are provided below in Appendix D.

Natural England commissioned their own report but it's scope did not include the Bullard issues. Their surveyor took under an hour to walk along The Lower Track in one direction only. He therefore did not report on several of the hazards and difficulties (such as blind corners, and sun dazzle) faced by drivers and walkers coming from the Wilford Bridge direction. This is the direction from which most walkers and drivers will come initially, because of its proximity to the main road, Woodbridge, the railway station, the public path on the other side of the river, and car parks. The report also didn't estimate the numbers of walkers or vehicles likely to use the Track, which is basic requirement for a formal report (GG 119 Road Safety Audit for Highways – which is the nearest equivalent standard).

NB. One mitigation recommended is constructing a parallel path for walkers along the length of sections S002 – S009, which suggests there were concerns about the lack of safety on the Track without this.

She speculates that NE use the term “gap creation” to include the creation of a parallel path, but it's not explained so she's unsure. She finds it incredible that a parallel path could be constructed along the whole of this stretch for £1,000.

Health and Safety rules apply to Council workers too and it will not be possible for council workers to do this work without closing the Track to vehicles. This will isolate all the residents of the 4 properties and prevent access to necessary services for a severely disabled child.

She points out that with no possibility of providing a parallel path in section S001, the only remedy proposed is to suggest that drivers need to drive slowly but this will not protect them. Walkers will face vehicles turning into the Track at speed to avoid causing problems on the main road (she has had to jump out of the way of such a van). She feels it is highly likely there will be little or no room between projecting parts of a large vehicle and people, (as evidenced by the scars of oversized vehicles on her garden walls, and, the fact that in the past, a lorry took out a whole section of her fence). In addition there will be the hazard of standing in a group to talk about/plan/discuss routes, or an individual studying their map.

She reports that Natural England stated in an email to [redacted] that they have a formal safety report and will implement all its findings. However this isn't true because it's not a formal report in the accepted sense; nor has it been, or could it be, implemented in full.

[redacted] says that apart from the likelihood of the injury or death of innocent people unaware of the hazards of this whole stretch, or unable nimbly to spring aside on to uneven ground, the stress of the residents who do know the dangers can be significant. In addition they have concerns voiced by emergency services that they may not be able quickly to reach casualties in our homes if there are many people walking on the Track.

Wildlife:

She feels that whilst Natural England has taken commendable measures to safeguard some species, (notably the narrow mouthed whorl snail), no cognisance has been taken of the numerous active badger setts along this stretch. They are a protected species and nothing is said about how they'll be protected from marauding dogs or inquisitive people.

She finds Natural England unwillingness to address concerns repeatedly put before them disappointing and frustrating. She's looked at several possibilities to assist them to find alternatives, but to no avail. She believes that, as they have avoided considering foreseeable situations referred to, even by their own survey, their choice of route is not a balanced one, and is ill-advised. She hopes someone looking afresh will be more open-minded.

Natural England's comment:

Natural England are sorry that [redacted] is confused by our Coast Access Report FFB4 Wilford Bridge to Ferry Cliff. We agree that an error has been made in paragraph 4.1.2 and we apologise for this. It should read *"This report covers length FFB 4 of the stretch, which is the coast between Wilford Bridge and Ferry Cliff. It makes free-standing statutory proposals for this part of the stretch, and seeks approval for them by the Secretary of State in their own right under section 52 of the National Parks and Access to the Countryside Act 1949."*

With regard to our cost estimates for the establishment of the trail, these separate out capital and revenue elements. The costing given in 4.2.25 is for the capital element of the establishment and the costing in table 1 in 4.2.26 includes revenue funding too.

Natural England (NE) refute entirely [redacted] allegation that the safety of users of the track was of a lower importance to Natural England (NE) that completing our task as quickly as possible to establish an estuary route instead of using the ferry. In developing our proposals to improve coastal access in this area, Natural England closely followed the process laid out for us by the legislation, and the statutory methodology set out in the Coastal Access Scheme (the Scheme). We worked closely with the [redacted] from early 2018 until we published our proposals in late 2020. This included undertaking many site visits with them to explore potential route options and listen to their concerns and ideas. We also addressed all the points they raised with us in correspondence. Alongside this we fully explored the ferry option and our conclusions about it were published in the Section 5 of our Overview document published as part of our compendium of proposals and entitled "Discretion to include part or all of an estuary or estuaries."

NE is required by section 297(2) of the 2009 Marine and Coastal Access Act to have specific regard to the safety and convenience of those using the England Coast Path. We therefore gave very careful consideration to the safety concerns raised in the Bullard Report which was commissioned by residents. Unfortunately we found many issues with it which undermined its conclusions, we therefore commissioned our own Road Safety Assessment from SCC who are the relevant Highway Authority and therefore the appropriate specialists to make this assessment. They confirmed that TLT would be suitable for walkers and, at our request, and also suggested that a number of additional measures that could be implemented to enhance walkers safety. NE have implemented all these measures in our proposals. It should be noted that the report commissioned by residents is based on a route aligned on TLT for its entire length which is not the route we proposed. As a result the Bullard report does not assess the safety of our published proposals.

To avoid repetition please refer to Natural England's (NE) comments on safety for representation MCA/FFB4/R/20/FFB0566 submitted by [redacted].

[redacted] identifies hazards not reported in the Suffolk CC safety report on TLT which are covered in the Bullard Report. Including blind corners, sun dazzle and the lack of an estimate of the numbers of walkers or vehicles likely to use the track. She also asserts that the report does not comply with GG119 Road Safety Audit for Highways. We address these issues in turn below.

We agree there is a blind corner on TLT on route section FFB-4-S009. Here Suffolk CC's safety report identifies that there is adequate space either side of the track for walkers to step onto should the need arise and space for a parallel route to be created. We have therefore proposed that route section FFB-4-S009 follows the verge on the landward side of the track. NE have also stated in our comments on objections that we would be happy to investigate if speed bumps could be installed on TLT to ensure drivers maintain a slow speed, if this would give more confidence to residents and walkers using the track. The map at Figure 1 below shows 4 proposed locations for these which we feel would be worthwhile exploring further. Two are either side of the bend on route section FFB-4-S009.

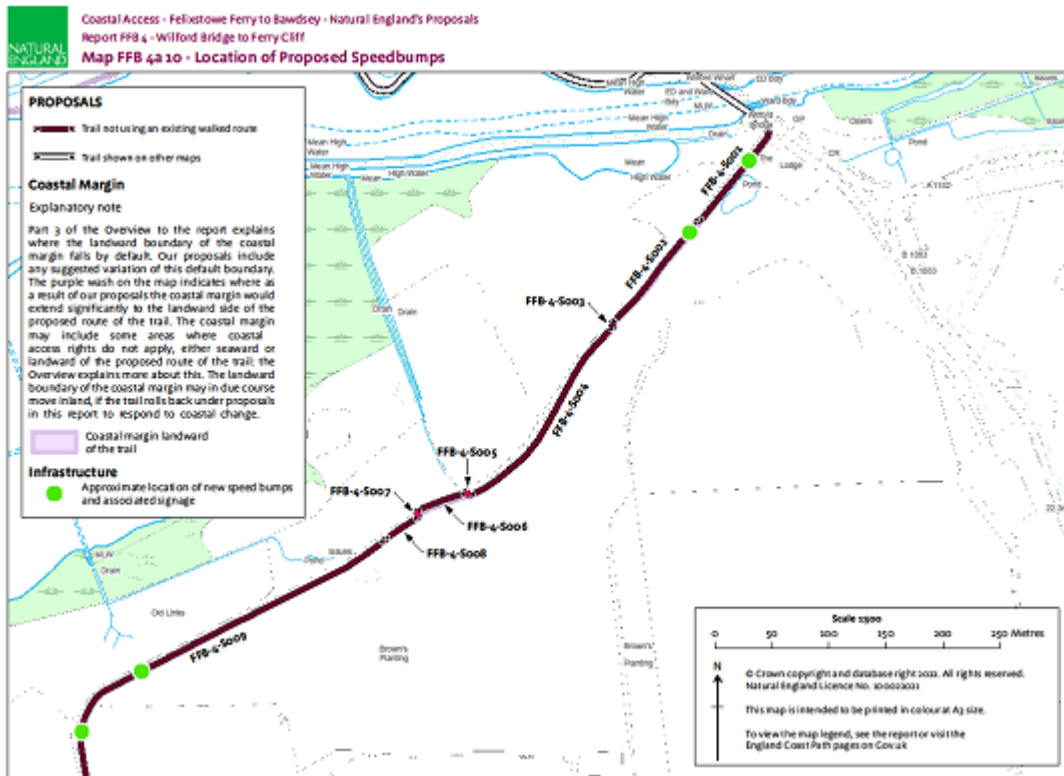


Figure 1: Map showing location of proposed speed bumps

With regard to sun dazzle SCC, should drivers encounter bright sunlight anywhere on TLT there is an expectation that, as with any other hazard on any other road, they will slow down to a safe speed, and give themselves the benefit of increased reaction times.

GG119 Road Safety Audit for Highways outlines the requirements for road safety audit for highway schemes on the trunk road and motorway network. TLT is not a highway, and our proposals do not constitute a highway scheme. It is not therefore covered by these requirements.

When Natural England commissioned the road safety assessment of TLT we specifically asked for [redacted] expert opinion in his role as Principle Highways Engineer for Suffolk County Council, as to whether he would consider the track from its entrance adjacent to The Lodge, to Dairy Farm, is a safe route on which to align the England Coast Path, which will become a promoted National Trail. Identifying reasons why it would be safe or unsafe and if some sections are safe and others are not advising us of what work could be done to make these safe. [redacted] suggested a number of ways safety could be enhanced on the track, which is not the same as saying the route would be unsafe without these. Natural England have proposed all of these enhancements in our final proposals in line with our duty under section 297(2) of the 2009 Marine and Coastal Access Act to have specific regard to the safety and convenience of those using the England Coast Path.

With regard to the use of the term “Gap creation” in our report this is a term we have used to cover the work required to fully implement the proposals in the SCC Safety Report to allow for sections of parallel path to be created along verges and to clear vegetation to improve visibility. £1000 is the estimate of what this would cost and was provided by the Access Authority who will establish the approved route on the ground. Before establishing the route on the ground SCC will discuss the works with the owners and occupiers affected. We do not anticipate the need for lengthy track closures.

To avoid repetition please refer to Natural England's comments on route section FFB-4-S001 under the theme of “Safety” for representation MCA/FFB4/R/20/FFB0566 submitted by [redacted] above.

We can confirm that in November 2020 we emailed [redacted] advising that we commissioned a formal safety assessment of TLT from Suffolk County Council's Highway's Engineer in the summer of 2019 and that we amended our proposals as a result of this specialist advice incorporating all the improvements the Highway Authority suggested in our final Coastal Access Report FFB 4: Wilford Bridge to Ferry Cliff. Unfortunately, the scale at which the maps in our published proposals have been drawn may not make clear that the majority of our proposed alignment is adjacent to and not on TLT. We apologise for this and to clarify matters we have included larger scale versions of the maps and supporting documents at Appendix E.

Wildlife

To avoid repetition please see our comments under the theme of "Nature Conservation" for representation MCA/FFB4/R/20/FFB0566 submitted by [redacted] above.

Below are our comments on the itemised list of issues given in appendix A of her representation and listed in the "Relevant appended documents" section of this form below, which [redacted] says are not addressed by Suffolk CC safety report.

Capacity

The SCC Road Safety Assessment observes that on 2nd August 2019 between 10.45am and 11.40am 8 adults and 3 children were witnessed on the track. This was not an assessment of likely future use. When NE commissioned the safety assessment, we asked SCC's Principal Highways Engineer to assess whether TLT would be a safe route if promoted as a National Trail. They confirmed that it would be safe. To avoid repetition please see our comments on this under the theme of "Safety" above. All of SCC's suggested safety enhancements have been implemented in our final proposals. Indeed, the majority of our proposed route is now aligned on verges running parallel to TLT and not on TLT itself. We would also be happy to work with the NT to see if speed bumps could be installed to TLT to ensure drivers unfamiliar with it maintain a slow speed if this would give more confidence to residents and walkers using the track. Two might be placed across the track in section FFB-4-S001 where there is no roadside verge, as shown in figure 8, above.

Vehicles

As noted above NE's proposals implement all the recommendations of SCC's Highways Safety Report for TLT. We are avoiding mixing traffic with pedestrians for the majority of the length of TLT by proposing that the ECP follows verges which run parallel to TLT for all but crossing points and route section FFB-1-S001. To avoid repetition please refer to our comments under the theme of "Safety" for representation MCA/FFB4/R/20/FFB0566 submitted by [redacted] above.

Speed

NE proposes to install further advisory signage to make drivers and pedestrians aware of each other's presence as suggested in SCC's Safety Report. In addition, NE would also be happy to work with the NT to investigate if speed bumps could be installed on TLT to ensure drivers unfamiliar with it maintain a slow speed if this would give more confidence to residents and walkers using the track.

Entrance to TLT

In terms of the entrance to TLT the SCC's Safety Report states, "*It was not felt to be any different to the numerous such junctions elsewhere in the county and is felt to be suitable for alignment of the England Coast Path*". It advises that further advisory signage is installed on TLT to make pedestrians aware of oncoming vehicles and drivers aware of pedestrians so they can both act accordingly, and we propose to install these at establishment stage should our proposals be approved. The photos in Figure 1 and 2 below show that there is space at the entrance to TLT for walkers and vehicles to wait for each other to pass before they proceed.

[redacted] have a mirror in the hedge opposite their drive to improve their visibility whilst exiting onto the track. This section of the track is already lightly used by walkers with the permission of the NT so it is already the case that [redacted] and their guests need to be aware of walkers when reversing out of the lodge and act accordingly. We accept that greater vigilance will be needed with a larger volume of walkers, which is why we propose installing signage to make all users aware of each other on this short section of TLT .



Figures 2 and 3: Entrance to the Lower Track

Safety standards

As mentioned under the theme of “Safety” above, The Bullard report does not assess the alignment of the trail against the quality standards for National Trails which are given in NE’s publication “[The New Deal: Management of National Trails in England from April 2013](#).” These standards include the aspiration that National Trails will be traffic free, and our proposal to align the coast path on verges running parallel to the track wherever possible is in line with this. Instead it references the standards given in SCC’s Design Guide for new development which are not relevant here.

Emergency vehicles

Between Wilford Bridge and the entrance to Little Haugh, TLT is currently only lightly used, particularly the 350m close to Wilford Bridge. NE therefore agree that there will potentially be a large increase in the number of walkers on this section of the ECP compared to the current low level of use if the Secretary of State confirms our proposals. The Bullard Report says that residents acknowledge that emergency vehicles are unlikely to be a regular occurrence, alongside this we would highlight that to improve safety we have proposed implementing all the measures suggested by SCC Principal Highways Engineer. Most importantly we will align the trail on verges running parallel to TLT and not on TLT itself for all but crossing points and route section FFB-4-S001. Taken together we believe all the improvements NE propose will have the effect of improving access for emergency vehicles and not extend response times.

We can find no reference in the Bullard report to the emergency services being formally consulted about this matter. The assertions made therefore of life-threatening delays appear to be purely conjecture on the part of the objectors and consultants.

Unexpected events

NE is required by section 297(2) of the 2009 Act to have specific regard to the safety and convenience of those using the ECP. Section 7.4.6 of the Scheme states that NE will work with the local Highway Authority to ensure the trail is reasonably safe. Accordingly, NE commissioned a formal Road Safety Assessment from SCC as the relevant Highway Authority on its draft proposal to align the ECP along TLT from its entrance adjacent to The Lodge, to Dairy Farm. When commissioning this assessment, we also sought their advice on any measures that could be implemented to enhance the safety of

walkers on the track. To avoid repetition please refer to our comments under the theme of “Safety” above.

NE have proposed all of the enhancements suggested by SCC’s Principal Highways Engineer in our final published proposals. Indeed, the majority of our proposed route is now aligned on verges running parallel to TLT. In addition, as we have already stated we would also be happy to work with the NT to see if speed bumps might be installed on TLT to ensure drivers unfamiliar with it maintain a slow speed if this would give more confidence to residents and walkers using the track.

Separating walkers from vehicles

NE propose that, for all bar crossing points and route section FFB-4-S001, the ECP should follow the verges parallel to TLT and not the track itself. We will ensure this is clearly waymarked to make the path easy for people to follow. This would be a significant improvement on the current multiuser situation.

TLT will fall into the accessible coastal margin either by default under the legislation, where it falls seaward of the proposed route, and also where we have used our discretion under the Act to propose that the landward boundary of the coastal margin is the landward edge of TLT.

We agree with the [redacted] that disabled users and walkers with buggies are most likely to choose to use TLT in preference to the trail on the verges, because it provides a firm even surface. However, we would also highlight that we propose to implement all the measures suggested by SCC’s Principal Highways Engineer to enhance the safety of walkers here. This means wherever possible sightlines and visibility will be improved, and the parallel paths created will provide room for users to step to one side and away from any vehicles. Signs will also be installed to make drivers and pedestrians aware of each other’s presence. In addition, NE would also be happy to work with the NT to see if speed bumps might be installed on TLT to ensure drivers maintain a slow speed if this would give more confidence to residents and walkers using the track. NE therefore contend that safety will be enhanced for users of TLT under its proposals.

Behaviour

NE have a duty under section 297(2)(a) of the 2009 Marine and Coastal Access Act to have regard to the safety of people using the trail. In this instance we took advice from the relevant specialist, SCC Principal Highways Engineer, on the safety of TLT for walkers and any improvements we could make to it to enhance walkers’ safety. We followed this advice in full, carefully aligning the trail on verges parallel to TLT for all bar crossing points and route section FFB-4-S001 where this was not possible, proposing cutting back vegetation and lifting the tree canopy to increase visibility for walkers and drivers and also installing signage to make drivers and pedestrians aware of each other’s presence. We are assured by the Highways Engineer that this is a safe route on which to align the ECP National Trail. Additionally, NE would also be happy to work with the NT to see if speed bumps might be installed to TLT to ensure drivers maintain a slow speed if this would give more confidence to residents and walkers using the track.

Relevant appended documents (see Section 6):

Itemised list of concerns raised from [redacted] report

NE were provided with the Bullard report in full on 27 April 2019 and to date NE has not provided any mitigation for any of the following concerns:

Capacity:

The NE safety report identified that 8 Adults and 3 children were observed in the 55 minutes when undertaking the survey. Fig 16 of the 2009 Act shows that when assessing patterns and levels of public access NE are required to take into account the views of local landowners who in this case have provided estimates of around 200 walkers in the busy hour. The NE safety report suggests that it may be safe for the 8 Adults and 3 children observed walking, but it does not include any consideration for the safety of larger numbers.

Vehicles:

The NE safety report identified 1 vehicle seen in the wide part of the Lower track during the 55-minute survey, and suggests that pedestrians will be able to step aside when this happens. However, it does

not take into account the numbers and types of vehicles that currently use the track, nor does it indicate what level of vehicular use has been considered as safe in the surveyed situation (the local owners have a survey picturing all vehicles using The Lower Track passing in front of The Lodge over a 5-month period). It should also be noted that more recently a significant increase in vehicle numbers has been observed as more home deliveries have been occurring.

Speed:

TLT is designed as vehicular access for 4 properties without any provision whatsoever for pedestrians. It is a 2.4 m wide private track with a tarmac surface. Although some 15 MPH speed signs exist most drivers know these are not a legal requirement and are unenforceable. Nearly all drivers are observed to ignore them. A 50-mph vehicle was reported by one of the residents. Commercial drivers under time pressures often travel at considerable speeds.

Entrance to TLT:

Pedestrians are at considerable risk when they are a short distance from TLT entrance near the Wilford Bridge because they cannot be seen by drivers approaching it from the A1152 (which has a 60mph restriction at this point). This applies to drivers on the A1152 approaching TLT from either direction. The following dangerous situations have been noted: a) As the entrance to TLT is blind, drivers from either direction on A1152 cannot see any distance up TLT until they have completed their turn and entered it. b) Drivers turning right from the A1152 into TLT have to cross oncoming fast traffic and are required to turn quickly for their own safety. However, they cannot see into TLT until after they have made their turn. Any pedestrian in that section is at considerable risk. c) Drivers from the A1152 turning left often turn quickly as they do not expect to meet pedestrians. d) A very near accident was reported to NE and was only avoided because the gates to The Lodge were open at the time and the person on TLT could jump into the property entrance and avoid the 'white van.' e) In autumn, leaves can gather on TLT in the area near the entrance and on a wet day a vehicle from the A1152 was observed to skid on the leaves in that area. f) Vehicles parked in the grounds of The Lodge, on either side of TLT, usually are required to reverse on to TLT and are relatively blind to the surroundings. With the predicted increase in walkers many more incidents will occur and an accident can easily become a result.

Safety Standards:

(a) As TLT is considered as a service road for 4 or 5 properties, it does not even meet with Suffolk Local Authority (SLA) Highway Safety guidelines for this situation. What special conditions permit NE to ignore this standard and call TLT safe?

(b) If the proposed mixing of pedestrians and vehicles on TLT allow it to be considered as a 'quiet lane' then it should be noted that TLT does not meet the safety requirements for a quiet lane either, as the road is not 3.5 m wide and it does not have a legally enforceable speed restriction.

Emergency vehicles:

With the projected significant increase in pedestrian use on TLT, emergency services called to any of the 4 homes along TLT have expressed grave concerns that the time taken to reach the casualty locations will be extended considerably. This, in the view of these service providers, may cost lives that could be saved in the current situation.

Unexpected events:

Reversing Lorries; emergency vehicles; vehicles meeting up with errant dogs, or dogs on long leads; wheelchair users on the road; groups of children also in the middle of the track - none of these real world events have been considered. Each of these imposes a potential safety risk.

Separating walkers from vehicles:

Even now in a place where a separate path from TLT has been provided, groups of users will often ignore the signs to use the footpath and continue to use the tarmac surface on a dangerous bend. This is particularly the case for wheelchair users, mothers with prams or buggies, children with scooters, Segway users, and also for family groups, who are often inattentive and deep in conversation – all these have been observed over the past few years. The placing of signs throughout the length of TLT does not currently ensure that pedestrians use the separate footpath.

Behaviour:

Many of the above dangers are not immediately obvious to walkers and they are ill prepared for some of the events that do occur even now. In this situation it is not reasonable to make the statement "visitors to take primary responsibility for their own safety" (see section 4.2.1 of NE approved Scheme). Additionally, some walkers currently act as if they own the track and appear to resent the existence of cars and commercial traffic when they arrive. These people are unwilling to move aside and only do so reluctantly and at the last moment adding to frustration all round. This will only get worse if the proposed NE route selection is adopted.

Recommendations to NE from [redacted] safety report

Road Safety Recommendations:

It is recommended that further advisory signage be installed to make drivers and pedestrians aware of each other's presence. NE, SCC and NT should liaise on the location these are placed with the residents.

Vegetation to be cut back in specific locations as noted above to improve visibility, along with lifting of the canopy between the Lodge and the point where photograph 9 was taken.

NE to work with the NT and SCC to create parallel path sections as advised above or felt desirable (see above map p9) similar to that which is already in place close to the 2nd bend.

Representation ID:	MCA/FFB4/R/26/FFB0261
Organisation/ person making representation:	[redacted]
Name of site:	The Lower Track
Report map reference:	FFB 4a Wilford Bridge to Little Haugh
Route sections on or adjacent to the land:	FFB-4-S002 to FFB-4-S009
Other reports within stretch to which this representation also relates	

Summary of representation:

[redacted] objects to the position of the route from FFB-4-S002 to S009 because he feels it's unsafe due to the conflict between walkers and vehicles.

He has also made an objection which if successful will mean parts of the route will be affected and must be replaced in whole or part by the modifications which are adopted. His safety considerations set out in the objection and the two safety reports attached to that objection apply to the route.

Safety on The Lower Track (FFB 4 S002 to S009)

[redacted] says that when Natural England (NE) indicated that they planned to use The Lower Track for the coastal path local residents commissioned a safety report from [redacted] (C. Eng. M.I.C.E.). This highlighted several safety concerns (list below). A copy was provided to NE on 27 April 2019. On 7th May 2019 NE rejected its findings and commissioned a report of their own from [redacted] (Principal Highways Engineer) from Suffolk Highways. On 5th August 2019 [redacted] undertook the on-site survey, walking The Lower Track in one direction only and completed his survey in less than 1 hour. A copy of his report was provided to residents on 25 October 2019 by NE as 'proof' that the lower track is safe.

Using the scope of works and the lack of any mitigations stated in [redacted] report [redacted] believes that it is clear that NE did not include concerns identified to NE months earlier by local residents via the Bullard report and that the concerns were not included and have not been addressed nor considered within the report from [redacted].

[redacted] says that since the concerns were all raised by a qualified engineer – they are real problems and they need addressing. However he feels NE elected to reject the Bullard report without having any answers to the concerns raised by it nor requesting any support from their engineer qualified to provide mitigation namely [redacted].

He believes it would be normal if these concerns, identified by a qualified engineer, were raised with a similarly qualified engineer when preparing a professional and independent report then one of two outcomes is reasonable:

- a) If suitable mitigation for concern could be identified that would enable the reporting engineer to maintain their general recommendation and overall approach – then the matter and mitigation would most certainly be included in some detail within the final report
- b) or if suitable mitigation for the concern could not be identified then the reporting engineer must re-consider and perhaps change their position and approach and the matter would also be reported as rational for change of position.

He suggests that NE in their eagerness to provide a pleasant walk near the river using The Lower Track may have been unwilling to risk their preferred route being identified as unsafe and therefore were not prepared to include the list of concerns identified to them.

He says that on several occasions over the last 15 months NE have made the statement that these concerns are resolved by their report, and states this is not true and it is not reasonable to make that statement.

[redacted] says from the evidence provided Natural England has not complied with Section 6.2.1 and Section 6.2.2 of The Coastal Access Scheme 2009 which says that before “Striking an appropriate balance”

“We will aim to identify during the preparation of our initial proposals all foreseeable concerns in relation to the overall balance between the various factorshow our overall approach to implementation will ensure that concerns are addressed as and when they arise” and

Section 6.2.2 “When a concern is raised, we must first consider whether in reality there is a problem that needs addressing We will weigh the available evidence carefully before deciding whether any intervention is necessary”.

[redacted] believes that a list of concerns continues to exist without any mitigation from a qualified engineer (see below) and that neither NE nor their safety report has considered these foreseeable concerns and thus the appropriate balance has not been struck when selecting the route in FFB_4 S001 to S009.

Safety on Lower Track (Wilford Bridge)

These diagrams compares and contrasts the report issued by Natural England(NE) for the England Coastal Path in the Wilford Bridge to Ferry Cliff section (on 9th Dec 2020) with the Road Safety Assessment for the same area prepared for NE by Mr G Taylor of Suffolk County Council and dated 8th Aug 2019.

England Coastal Path

Report FFB 4: Wilford Bridge to Ferry Cliff



This diagram identifies sections as FFB-4 S001 through to FFB-4 S009 shown above in the darker colour. The diagram and the supporting text in FFB-4 states that the path will use the centre of The Lower Track in all sections S001 through to S009.

Road Safety Assessment Suffolk County Council



This diagram and supporting text states that a parallel path to The Lower Track should be constructed at the side of the road to provide safety for walkers. In sections S001 and S002 it is shown to the North of the track and in the other sections it is shown to the south& east.

[redacted] says [redacted] road safety report indicates in pictorial form (as above right) and supporting text that a parallel path can be created on all sections of the Lower Track (S002 to S009) and that safety for walkers in every section inspected will rely upon there being a suitable path alongside the lower track throughout that section. His summary recommends the creation of these parallel paths. However in FFB_4, the formal plan, there is no mention of creating parallel paths in sections S002 to S009.

The term 'gap creation' is used in FFB-4 document but no explanation of what it involves. The sum of £1,000 provides indication of the scope of works proposed. From refurbishment work undertaken 2 years ago to the footpath on the opposite side of the river (FFB 3 S053 - S067) over a similar distance to FFB 4 S002 to S009 was observed to use 5 or 6 men plus machinery and materials for 2 months. If the creation of a parallel path on The Lower Track is similar he concludes that the money estimated are insufficient.

[redacted] surmises that it appears NE have not planned to provide parallel paths to the standards suggested in [redacted] report and thus meeting the set standards for safety will not be achieved. He states that NE can only use sections S002 to S009 inclusive of The Lower Track when all recommendations from their own safety report have been implemented in full AND a fully satisfactory resolution is provided for each and every item of concern identified below. Anything less than this would render the proposed solution unsafe and should not be used for the coastal path.

Identified safety related concerns associated with The Lower Track (S002 – S009)

He lists the following concerns from the Bullard report and later correspondence with NE.

Capacity: The NE safety report identified 8 Adults and 3 children were observed in the 55 minutes when undertaking the survey – By fig 16 of the 2009 Act when assessing patterns and levels of public access NE are required to take into account the views of local landowners who in this case have provided estimates of nearer 200 walkers in the busy hour. The GT report suggests that it is safe for 8 Adults and 3 children walking, but does not include consideration of the safety of larger numbers.

Vehicles: The NE safety report identified 1 vehicle (a tanker) seen in the wide part of the Lower track during the 55 minute survey and suggests that pedestrians will be able to step aside when this happens. It does not take into account the numbers and types of vehicles that will use the track nor does it indicate what level of vehicular use has been considered as safe in the surveyed situation (local owners have a survey picturing all vehicles using The Lower Track passing in front of The Lodge over a 5 month contiguous period. It should be noted that more recently significant increase in vehicle numbers have been observed as more home deliveries have been occurring)

Speed: TLT is designed as a vehicle access for 4 properties without provision for pedestrians. It is a 2.4 m wide private road with a tarmac surface. Although 15 MPH speed signs exist most drivers know these are unenforceable. Nearly all drivers are observed to ignore them. A 50 mph vehicle was reported by one of the residents. Commercial drivers under time pressures often travel at 'dangerous' speeds.

Safety Standards: (a) if TLT is considered as a service road for 4 or 5 properties then it does not meet with Suffolk Local Authority (SLA) Highway Safety guidelines for this situation. What special conditions permit NE to ignore this standard and call TLT safe?

(b) If the proposed mixing of pedestrians and vehicles on TLT is considered as a 'quiet lane' then it should be noted that TLT does not meet the safety requirements for a quiet lane as the road is not 3.5 m wide and it does not have a legally enforceable speed restriction. How can NE recommend mixing walkers and vehicles when this applicable safety standard is being ignored?

Emergency vehicles : With projected significant increase in pedestrian use on TLT, emergency services called to the 4 homes along TLT have expressed concerns that the time to reach the casualty locations will be extended considerably. This, in the view of these service providers, may cost lives that could be saved in the current situation.

Unexpected events: reversing lorries, emergency vehicles, errant long leads for dogs, wheelchair users on the road, groups of children on the road. None of these real event issues have been considered.

Separating walkers from vehicles: Even now in places where a separate path from TLT has been provided, groups of users often ignore the signs to use the footpath and continue to use the tarmac surface. This is particularly the case for wheelchair users, mothers with prams / buggies, children with scooters, segway users, and for family groups, who are often inattentive and deep in conversation. Knowing that the placing of signs throughout the length of TLT does not currently encourage pedestrians to use the separate footpath at danger points, is it reasonable to choose this route?

Behaviour: many of the above dangers are not immediately obvious to walkers and they are ill prepared for the events that occur even now. In this situation it is not possible for "*visitors to take primary responsibility for their own safety*" which is one of the key principles in route selection. Some walkers currently act as if they own the track and appear to resent existence of cars and commercial traffic. These people are unwilling to move aside and do so reluctantly and at the last moment adding to frustration all round. This will get worse if the proposed NE route selection is enacted.

Walkers in sections S002 – S006: The NE proposal will change the current number of walkers in this section from currently 2 or 3 per week to approx 200 in the busy hour i.e. around 600 walkers per day (*local estimate – see separate paper*). The number of vehicles using TLT has been rising considerably during the pandemic as people change to home deliveries. This behaviour is expected to continue into the future. These two trends will force more walkers and vehicles to share the same narrow space each day than there are currently using the space in a year. In the last 2 years while NE have been considering using TLT several incidents have been observed and some of these have been reported to NE. With projected increase in use, similar near miss incidents will become almost a daily occurrence with occasional and inevitable accident to follow.

Absence of basic data: NE claim in correspondence to have a *formal safety report*, however we note that their report does not contain basic data such as current and forecast footfall, vehicle types and frequency, nor any identified hazards each with mitigation. Before substantive safety assertion can be made or proven, we maintain that complete evidence of a satisfactory formal safety assessment with all basic data included must be provided and resulting recommendations fully complied with if NE are to comply with their legal obligations.

Natural England's comment:

Much of [redacted] representation mirrors that made by [redacted] so to avoid repetition our comments are restricted to addressing the unique points he makes. Please refer to our comments on representation MCA/FFB4/R/25/FFB0260 from [redacted] for our response to all other points raised.

Natural England can confirm that their proposals for this stretch of coast implement all the safety enhancements suggested by SCC's Principle Highways Engineer for route sections FFB-4-S001 to FFB-4-S009. In particular we propose that with the exception of crossing points, the route of the trail is aligned on verges adjacent to TLT for all bar route section FFB-4-S001. Unfortunately, the scale at which the maps in our published proposals have been drawn may not make clear that the majority of our proposed alignment is adjacent to and not on TLT. We apologise for this and to clarify matters we have included larger scale versions of the maps and supporting documents at Appendix E.

Capacity

[redacted] states that landowners have estimated 200 walkers per hour will use TLT if it forms part of the ECP. This estimate is based on counts undertaken by residents on a popular riverside Public Right of Way (PRoW) fronting Woodbridge, which they feel would be comparable to TLT should our proposals be approved. NE do not believe that this location would be directly comparable to TLT. It is on an existing and very popular PRoW which fronts the built-up town of Woodbridge, where there are many more attractors for walkers in the form of services, parking facilities, residential and retail properties as well as residential and recreational boats moored along its length.

The National Trust, who favour our proposed alignment, have also expressed their doubts about the objectors' assessment of the expected numbers of people using the coastal trail through Sutton Hoo. NE undertook our own access assessment on TLT between Wilford Bridge and Little Haugh. We observed on our site visits it was lightly used despite all bar 350m of the track being accessible to Sutton Hoo visitors as part of the property's permissive trail network. We did however identify a number of attractors for walkers which we feel could lead to a large increase in users from this relatively low base level. These include the established visitor facilities at Sutton Hoo, the Riverside Car Park at Melton, and also Melton Railway Station both of which are close to the entrance of the track. Planned growth in Woodbridge and Melton would also add to visitor numbers. We published the finding of our access assessment in section D5, Wilford Bridge to Little Haugh, of our Nature Conservation Assessment for our Coastal Access Proposals between Felixstowe Ferry and Bawdsey. So in conclusion, whilst NE feel there will be a large increase in walkers using TLT from the current low base level, NE believe [redacted] and his neighbours have overestimated this increase.

Relevant appended documents (see Section 6):

Representation ID:	MCA/FFB4/R/92/FFB0613
Organisation/ person making representation:	[redacted]
Name of site:	The Lower Track, Sutton Hoo
Report map reference:	FFB 4a Wilford Bridge to Ferry Cliff
Route sections on or adjacent to the land:	Route sections FFB-4-S001 to S009
Other reports within stretch to which this representation also relates	
Summary of representation:	
[redacted] and others enjoy walking in this area, but access to the public rights of way is difficult at this point.	

Natural England's comment:

Natural England thanks [redacted] for his observation.

Relevant appended documents (see Section 6):

Representation ID:	MCA/FFB4/R/100/FFB0491
Organisation/ person making representation:	[redacted]
Name of site:	The Lower Track, Sutton Hoo
Report map reference:	FFB 4a Wilford Bridge to Little Haugh and FFB 4b Little Haugh to Ferry Cliff
Route sections on or adjacent to the land:	FFB-4-S001 to FFB-4-S010
Other reports within stretch to which this representation also relates	

Summary of representation:

[redacted] own Little Sutton Hoo. Stretches FFB-4-S001 to FFB-4-S010 of the proposed coastal path use land (known as the "Lower track") over which they have a legal right of way. It's the only access to theirs and four other properties. They have unrestricted rights of way over the entire length of the route.

The Lower Track is used by the cars of residents and visitors, post vans, home delivery vehicles, couriers, service providers (gardeners, cleaners, maintenance engineers, plumbers, electricians), oil delivery tankers and septic tank sludge gulpers. Cars with a trailer, and occasional tractors, are also common given the nature of the properties. Waring Farms Limited also have unrestricted right of way over the Lower Track which provides a secondary access for agricultural machinery and other equipment to their extensive acreage adjacent to the NT land. The track is the 'lifeline' for these properties.

They object to the proposed route of the coastal path on stretch FFB4 S001 to S004 for the following reasons:

- (i) This stretch FB4 S001 to S004 is totally unsafe – indeed dangerous – for all users, irrespective of user numbers.
- (ii) If stretch FFB4 S001 to S004 is opened, despite these safety issues, it will lead to a material increase in user numbers, including vulnerable users (such as those with wheelchairs, mobility vehicles, pushchairs and walking difficulties), and in busy periods will inevitably result in blockages of the right of way, with unacceptable consequences.
- (iii) If stretch FFB4 S001 to S004 is opened, despite the safety concerns, there will be a knock-on effect on stretch FFB4 S005 to S009. This stretch will then become unsafe – and potentially dangerous, particularly for vulnerable users.
- (iv) There are viable alternative routes for the coastal path that have not been given appropriate consideration by NE in arriving at the proposed route.

They are not convinced that NE have taken a fair and balanced view of the benefits to the public in relation to the impact on landowners and other stakeholders and (in the case of safety) a balanced view on behalf of the public.

User numbers, able-bodied and vulnerable users and pattern of use

User Numbers:

NE commissioned a safety report from the Suffolk County Council (the SCC/ NE Report). This report made no reference to numbers of users, apart from those seen during the hour they made their assessment – a very quiet day. This provides no basis for making a proper decision on safety or appropriateness of the route.

User Types - Vulnerable users

At present there are only a limited number of vulnerable users on FFB S005 to S009 because access from the NT entrance involves steep slopes or rough tracks and is essentially self-controlled. Although vehicles cannot pass vulnerable users in some places, the occurrence is so low that the NT and the Residents are comfortable with how it works at present. If this section of the Lower Track is opened from the road at Wilford Bridge numbers will increase with significant safety concerns. NE have not considered vulnerable users along the route. And yet vehicles will not be able to pass them at all in S001 to S004 and only in parts of S005 to S009.

Patterns of use

People interested in walking the coastal path can use the ferry between Bawdsey and Felixstowe Ferry, a potential high spot of any such journey with an enjoyable boat trip, great views and delightful facilities on each side of the river. And it avoids a 38 km detour (and at least 2 days walking for most). The number wishing to use the ferry out of season will be minimal - as evidenced by the lack of interest when the ferry had a winter dial up service. Anyone who wanted to divert from Bawdsey to visit Sutton Hoo (and it must be assume this would not be many given it would be a 38 km round trip) could do so on existing footpaths without using S001 to S004. Between Bawdsey and Sutton Hoo there are many footpaths and circular walks involving forests, heaths, agricultural land and very long stretches of the Deben estuary. For people who want to experience the estuary, there are ample options available to them already. Local people from Melton or Woodbridge have access to excellent walks from the Woodbridge side of the river (which are vastly superior to those from the Lower track which is obscured by trees and shrubs for most of its length. For those who want to visit Sutton Hoo they can (as at present) walk along the road and access the site that way – where the ticketing and admission facilities are. This route is no longer than using the Lower Track. As a result, the absence of the designation of S001 to S004 as part of the coastal path would have minimal impact on public benefit. There is no fair balance between the public interest and the adverse impacts of using this section of the track.

Safety

There have been two safety assessments including on the stretches S001-S009:

(i) the Suffolk County Council safety report commissioned by NE (SCC/ NE report) and

(ii) the Bullard Report, commissioned by the residents. Copies of the Bullard Report have been provided to you.

The 'SCC/NE report' is unfit for purpose having (we understand) been based on a 55-minute walk on a quiet day:

- It does not include an assessment of the safety of vulnerable users (mobility vehicles, push chairs and those with walking difficulties or instability), an absolute pre-requisite of any safety assessment, even though NE highlights in other documents the need to ensure access for this group.
- It does not acknowledge that local authority guidelines exist for shared vehicle/ pedestrian access.
- It has no measurements showing the width of the track compared with the width of vehicles.
- It contains photographs which clearly show that in various places vulnerable users have nowhere to go if a vehicle wants to pass, but the report makes no mention of it.

It is not clear to us that the report even states that the S001 to S004 stretch is safe for the coastal path. We do not know if this omission is deliberate or whether NE have diligenced this matter.

[redacted] Associates are a well-established Civil and Traffic Engineering consultancy specialising in safety assessments. They have worked in the public and private sectors with well-known clients. The SCC, in the words of the NE Lead Advisor, 'do not normally carry out road safety assessments on private roads.' Many statements made, and measurements quoted, by NE in relation to safety, and other issues, are incorrect or misleading. The only valid and credible safety report is the Bullard Report.

The summary conclusions of the Bullard Report are:

The initial 400m section of the Lower Track (FFB4 S001 to S004) from the A 1152,

currently not a public right of way, is unsafe as a public footpath and should be rejected.

- It fails to meet - by a long way – Local Highway Authority safety guidelines for access to 5 properties.
- It has many unsafe characteristics and a history of safety related incidents even when the public was not supposed to use it.
- The safety 'assessment' by SCC Highways contained in the proposal should be disregarded – it is unprofessional, inaccurate and misleading.

This photo shows a vehicle about 60-80m along section FFB4 S001-003.

This is claimed to be safe for a public footpath. No one could be passed by the vehicle safely. Vulnerable users would be stuck and possibly terrified.

The driver may not be allowed to pass due to his company's safety regulations. Services could be cut off by providers.



In more detail the Bullard report concludes that the first 0.4 km of the Lower Track (S-001 to S-004) fails to meet Local Authority (SCC) guidelines for a shared vehicle/ pedestrian access to one new house – the track is 10-15% too narrow. It fails to meet the guidelines for such an access to 5 new properties (the situation on the Lower track) by 40-44%. In measurement terms the width guideline is 4.5m and the actual is 2.5-2.7m. This report notes that this section (particularly S001) of track has many other unsafe characteristics and a history of safety incidents even when the public had no right of access. It also states that the SCC Report should be disregarded as unprofessional, inaccurate and misleading. This photo shows a vehicle about 60-80m along section FFB4 S001-003. This is claimed to be safe for a public footpath. No one could be passed by the vehicle safely. Vulnerable users would be stuck and possibly terrified. The driver may not be allowed to pass due to his company's safety regulations. Services could be cut off by providers. There's more relevant information on every aspect of the unsafe nature of the proposal in the report, a copy of which you have been provided with.

Safety risks to residents – emergency services

The risks to residents from a failure to keep open at all times their legal right of way, and only access route, are broadly obvious. The track is clearly the lifeline for the properties in relation to all their needs for services and free movement. To have this access route blocked for reasons that are not due to extraordinary events, but routine incidents, is unacceptable. However, a specific concern which the NE has not acknowledged is the impact on timely access for emergency services. The need is (we hope) unlikely to be frequent. However, ambulances have been required – in emergency – on two occasions within the past 8 months, and not for the older generation. And in the past 10 years two potential heart attacks have required ambulances. Access is a major issue for fire engines also (should that be required at any stage) especially give the absence of mains water supplies.

Safety issues relation to the A1152

As stated, there is insufficient room for walkers to pass vehicles safely (and vice versa) at stretches S001 to S004 in particular. This is a major concern in its own right. However, in addition, we are also highly alarmed by the prospect of vehicles accessing the Lower Track from both the east and westbound carriageways of the A1152, which is a very busy and fast moving main arterial route with a 60 mph national speed limit designation. Should this section of Lower Track be adopted for use as part of the coastal path, the presence of pedestrians in those sections and the limited visibility splays available will very likely lead to vehicles not being able to safely enter the Lower Track having already commenced a turning manoeuvre. This poses the prospect of hard braking, collisions with other vehicles or collisions with or scattering of pedestrians with consequent risk of physical injury and alarm to drivers, passengers and pedestrians alike. Similarly, reversing back

onto the A1152 from Lower Track to make way for walkers is potentially lethal given the visibility splays and traffic volume and speeds.

Alternative Routes

We believe that NE's reasons for rejecting a number of routes to avoid the invasion of privacy for [redacted] at The Lodge (S001) have shown a lack of willingness to address their concerns in a fair way. Given the proximity of the proposed route to their front windows NE should have done everything necessary to facilitate an acceptable solution which did not result in a footpath being proposed so close to their home.

An alternative route behind The Lodge

A route behind [redacted] cottage to the road was rejected by NE for reasons that are not apparent. NE's attitude seems to be that S001 would in any event be spreading room however this ignores the fact that the land could presumably be excluded from that category given the safety concerns (see above). We are not sure why this was not explored properly by NE. Although this route involves a gradient, other stretches of the proposed coastal path also involve gradients – indeed at Ferry Cliff far worse ones. There seems to have been an absence of proper and active consideration of the alternatives suggested in favour of what often appeared to be that the use of stretches S001 to S004 was a foregone conclusion.

The ferry from Bawdsey to Felixstowe Ferry

We do not believe there has been a fair and balanced view of the alternative proposed route of using the ferry from Bawdsey to Felixstowe Ferry as the route of the coastal path, with an alternative mid- winter route on existing rights of way.

The seasonality of the service was deemed to be unacceptable by NE and we understand they disengaged from discussions with the Deben Estuary Partnership and others. This was despite a winter dial-up service having been tested successfully and a consultation process under way in the local community to seek long term funding support for a longer season, possibly up to 9 months.

We would expect coastal path walkers – whether short or long distance – to enjoy the ferry crossing whilst, for those who want to walk along the Deben estuary, there are plenty of footpaths already that allow them to do that.

Parallel path to the Lower Track

In discussions with NE, they indicated that they would be willing to see ECP sections FFB4 S001 to FFB4 S010 designated as a ***separate path*** parallel to the Lower Track on the landward side (which incidentally in various sections would provide much improved river views). NT also indicated they were amenable to this. We are not clear why this proposal (which would deal with many of the safety issues by taking pedestrians off the Lower Track) has not been pursued. It was accepted this would not be a costly proposal.

Natural England's comment:

[redacted] representation largely mirrors the representation made by [redacted]. To avoid repetition please refer to NE's comments on representation MCA/FFB4/R/71/FFB0109 above.

Below are NE's comments on the elements of this representation not covered in our comments on representation MCA/FFB4/R/71/FFB0109.

Safety issues relation to the A1152

[redacted] asserts that on accessing Lower Track from the A1152 drivers may have to brake hard upon encountering walkers at its entrance which would be highly dangerous. Natural England disagrees. TLT is owned by the NT and principally forms an access track for the properties along it. The traffic volume is therefore low and it is already lightly walked by some volunteers and visitors, with permission from the NT. Therefore it is already the case that drivers entering the track from the A1152 have to be aware of walkers and wait for them to pass before progressing past the Lodge. Whilst we acknowledge that the A1152 has a speed limit of 60mph, cars turning onto TLT will have to slow down considerably to negotiate the turn particularly as they are moving from a dual carriage way to a single lane private track. The track itself has an advisory speed limit of 15mph so we would not expect them to need to do any dangerous breaking. At the entrance to the track NE propose to cut back vegetation, clearly sign the 15mph speed limit and that the track is shared by both drivers and pedestrians. Taken together we believe that these measures will have the effect of improving access here. In addition to this in our comments on the 2 objections Natural

England received on Coastal Access Report FFB 4, we also advised the Secretary of State that we would be happy to work with the NT as landowner, to investigate if speed bumps could be installed on section FFB-4-S001 to ensure drivers maintain a slow speed if this would give more confidence to residents and walkers using the track here.

[redacted] further speculates that drivers entering TLT would need to reverse back onto the A1152 from Lower Track to make way for walkers as due to insufficient narrow visibility splays. Figures 5 and 6 below show the entrance to the track and that there is ample space for a driver to wait at the entrance without backing onto the A1152 in order to let a pedestrian pass. Suffolk CC Principle Highways Engineer notes in his safety report that, *“It was not felt to be any different to the numerous such junctions elsewhere in the county and is felt to be suitable for alignment of the England Coast Path”*.

An alternative route behind The Lodge

Natural England thoroughly investigated the possibility of a route behind “The Lodge along the boundary between [redacted] and their neighbour’s land. The neighbour indicated to us he would oppose the route if it was aligned on his land because he was concerned it would cause biosecurity concerns for his chicken farm. [redacted] however indicated that they would be willing to dedicate land across their garden for such a route.

Within the Scheme at section 4.3.8 there is a presumption that where there is a choice of routes, we will favour the one that is accessible to the widest range of people. This route rises steeply from the B1083 and making it accessible for any walker would require the installation of a significant run of steps. Expense aside, these steps would form a significant barrier to access for less able-bodied users or walkers with pushchairs.

Under this option TLT would fall into the accessible coastal margin by default under the legislation so walkers would secure the right walk along it and we feel they would choose to do this in preference to using the higher route because it is more direct and convenient for them, especially those with mobility issues or walkers with pushchairs.

It should be noted that Natural England only have powers to exclude access in the specific circumstances outlined in the enabling legislation, and where we do so this must be supported by evidence that it is necessary. In line with section 6.3 of the Scheme *“...where we decide that specific intervention is necessary to address a concern, our policy will be to adopt the least restrictive option on public access that will strike an appropriate balance at reasonable cost.”* In this instance SCC Principle Highways Engineer did not raise any concerns about walkers using TLT, indeed he advised us that it would be suitable for walkers because traffic levels are low and that for most of its length there is adequate room for them to step aside from any passing vehicles. Where the track is at its narrowest in front of The Lodge, the sight lines are very good so pedestrians and vehicles can see each other well in advance. He advised here it was reasonable to expect drivers to be aware of pedestrians here and slow their speed. Therefore had Natural England decided on a more landward alignment which left TLT in the seaward coastal margin, as [redacted] suggests, there would be no case for restricting access here.

NE therefore feels it would be preferable to implement our proposed option which includes all the enhancements outlined in SCC Road Safety Assessment to ensure this is a safe, direct and pleasant route for walkers.

Parallel path to the Lower Track

NE have proposed that, with the exception of crossings, the trail is aligned on verges running parallel to TLT from FFB-4-S002 to FFB-4-S009. This is shown clearly on the on the maps we have provided in Appendix E.

Relevant appended documents (see Section 6):

Representation ID:	MCA/FFB4/R/101/FFB0092
Organisation/ person making representation:	[redacted]
Name of site:	The Lower Track

Report map reference:	FFB 4a and 4b
Route sections on or adjacent to the land:	FFB-4-S001 to FFB-4-S012
Other reports within stretch to which this representation also relates	
<p>Summary of representation: [redacted] own Dairy Farm Cottage, Sutton Hoo. Section FFB-4-S001 to FFB-4-S010 of the proposed coastal path affects land upon which they have unrestricted rights of way to access their property and is the only route of access to it. They also own land upon which Section FFB-4-2012 of the route is proposed.</p> <p>They set out the context of their decision to purchase Dairy Farm Cottage and their objection as follows:</p> <p>Our eldest son who is nearly thirteen years old has cerebral palsy. Consequently, he is unable to walk and is wheelchair bound for life and requires 24 hour care.</p> <p>Due to both our son’s very significant special needs and the substantial extra parental responsibilities my wife and I have as his primary carers, we spent a very considerable amount of time waiting for a suitable opportunity to arise to purchase a single story property in a safe environment, adaptable for wheelchair use and in proximity to his Special Needs school in Ipswich. Having purchased Dairy Farm Cottage which uniquely fulfilled our criteria, we’ve since invested a significant sum in its adaption. It’s a ‘forever’ home, but only for so long as it is safe to access.</p> <p>With having a heavily disabled and vulnerable child who requires 24 hour care, his safety is always our absolute priority 365 days a year and it not something that we can compromise on.</p> <p>This therefore leads us to the following objections, all of which are safety related in particular respect of Section FFB-4-S001 to FFB-4-S004:</p> <p>1) We include below two photographs of our [redacted] taken at the section of Lower Track just beyond the residential property known as The Lodge, between FFB-4 -S001 and FFB-4-S002. As can be easily seen, there is no room for walkers to pass either side of the vehicle here safely without the possibility of slipping or causing injury and potentially without damaging our vehicle.</p>	



Our [redacted] is not a leisure vehicle, it's been professionally converted for wheelchair use with an internal ramp and lowered floor. It is the only vehicle that we and his carers can use to transport our son. It is used daily and more often over weekends and school holidays when the number of walkers will be at its highest. Furthermore, our vehicle will be in constant daily use a few years from now, when our son leaves school.

We privately employ carers for our son and have a duty of care to them that when they are using our vehicle to transport our son, they have a safe passage to and from our house. In the absence of such a guarantee of safety both to our carers and to members of the public, we would not be able to continue employing them, nor in any event would they be willing to drive our son along Lower Track. The consequences of this would be devastating as it would leave our son homebound.

In addition to the fact that there is insufficient room for walkers to pass our vehicle at this point of Lower Track, we are also highly concerned by the proposal about accessing Lower Track from both the east and westbound carriageways of the A1152, which is a very busy and fast moving main arterial route with a 60 mph national speed limit designation.

Should this section of Lower Track be adopted for use as a Public Footpath, the consequence of having to brake hard upon encountering walkers at the point of entrance to Lower Road would be highly dangerous. Similarly, reversing back onto the A1152 from Lower Track to make way for walkers is lethal and would very most likely be illegal under the classification of dangerous driving, due to the insufficient narrow visibility splays.

The Lower Track was never constructed as a Public Highway, but as a private track the consequence of which means, particularly in relation to its splays, that it does not meet Highways standards. Vehicles and members of the walking public should therefore most certainly not be encouraged to congregate at this point.

These safety issues already exist albeit at the moment, on a relatively infrequent basis due to some members of the public ignoring the existing 'no entry' and 'private' signs. This objection is therefore not based upon a hypothetical future scenario, but an existing reality that will become very much more serious should the proposal go ahead. If this section of Lower Track should become a Public Footpath, it will significantly increase the potential likelihood of a very serious or fatal accident.

2) In addition to the use of our aforementioned wheelchair accessible vehicle, our son is also collected and dropped off daily during term time in a school minibus. This vehicle is significantly bigger than our own vehicle so the safety issues raised in Point 1 are heightened and of greater concern. Furthermore,

our son is one of approximately eight heavily disabled and immobile children transported in the same minibus.

The consequences of a collision involving our son's school minibus as a result of walkers impeding vehicular access to Lower Track are catastrophic and clearly the proposal to allow this section to form part of the proposed route, should be dismissed, particularly where alternative safer options exist. The transport company who provides our son's school minibus service won't accept our son if they consider access to our property is unsafe and this would have a devastating impact on our family life. Certainly, they will not consider reversing on to the A1152 to be a safe option due to the fast moving flow traffic, inadequate visibility splays and the highly vulnerable nature of the young passengers on board.

One should not assume that walkers are unlikely to use this section of the proposed route out of school hours as they are already prevalent at all times of the day.

3) We have recently purchased a motorhome that has been significantly adapted for our son's wheelchair use. Although a leisure vehicle, it will be used frequently as it provides us with vital hygienic facilities for toileting our son on day trips. Its use day to day will increase greatly once our son leaves school.

This vehicle is 2.35 metres wide and 8.14 metres long. The width of the tarmac section of Lower Track just beyond The Lodge is approximately 2.60 metres wide meaning it will be physically impossible for walkers to pass. Due to its length and the insufficient narrow visibility splays where Lower Track meets the A1152, it simply will not be possible to reverse, let alone reverse safely, out of Lower Track to make way for on-coming walkers.

Conclusion

Our safety concerns as described above are very real and regardless of any Highways Safety Report that the proposer might be relying upon that reaches a different conclusion, this route across the Lower Track will impact upon our family life in a devastating way.

If we are unable to retain our son's school minibus service or the employment of our son's carers due to either their or our own determination, regardless of any Safety Report, that access and egress to our property is no longer safe, then the reality is we will have to move house.

This will involve re-commencing a process that takes years from finding a suitable property, through to completing the necessary adaptations, during which time we will have to live in unsuitable accommodation. Furthermore, we will not be able to recoup the significant cost of the bespoke adaptations we have made to our property, as they are unique to our particular needs.

We strongly urge that this route is not adopted.

Natural England's comment:

Natural England fully recognise [redacted] unique family circumstances, which we were so sorry to hear about. We entirely understand their concerns about how our proposals might impact on their ability to meet the needs of their disabled son. We appreciate to do so they rely on regular daily access along the track by wide vehicles either driven by themselves or others caring for their son.

In their representation [redacted] express concern that proposed route sections FFB-4-S001 to FFB-4-S004 are unsafe because there is no room for walkers to pass vehicles on route sections FFB-4-S001 to FFB-4-S002. We acknowledge that there is no room for walkers to pass vehicles on route section FFB-4-S001. We do not agree that this is the case on route section FFB-4-S002, and we address this issue under the theme of safety in our response to representation MCA/FFB4/R/20/FFB0566 submitted by [redacted]. In those comments we also explain that, with the exception of crossing points, we propose aligning the trail on verges running parallel to the track and not on the track itself for route sections FFB-4-S002 to FFB-4-S009. This means that, whilst walkers will also gain a right of access to TLT because it will fall into the coastal margin, there will be a clearly signed route for walkers along the verges separating them from vehicles on the track for these route sections.

Route section FFB-4-S001 extends for approximately 40m. The sight lines along it are extremely good, so pedestrians and vehicles can see each other well in advance. Here SCC's Principal Highway's Engineer advised it was reasonable to expect drivers to be aware of pedestrians and slow their speed accordingly. Pedestrians would also need to wait for vehicles to pass before proceeding along here. NE has advised the

Secretary of State in our comments on objections that we would be happy to work with the NT to investigate if speed bumps could be installed here to ensure drivers maintain a slow speed, if this would give more confidence to residents and walkers using the track.

[redacted] feel accessing TLT from both the east and westbound carriageways of the A1152 would be dangerous if there were walkers using it as drivers would have to brake hard, or reverse back onto the A1152. We disagree and have addressed this issue in our response to representation MCA/FFB4/R/25/FFB0260 submitted by [redacted]. They go on to say that the splays at the entrance to TLT do not meet highway standards as it's a private track. In SCC's Safety Report commissioned by NE, their Principal Highway Engineer states "*It was not felt to be any different to the numerous such junctions elsewhere in the county and is felt to be suitable for alignment of the England Coast Path*".

[redacted] acknowledge in their representation that the A1152 "*...is a very busy and fast moving main arterial route with a 60 mph national speed limit designation.*" The short segment where we propose aligning route section FFB-3-S068 FW across Wilford Bridge has both a footway and a verge separating walkers from traffic. Natural England considered continuing this route along the pavement and then onwards along the B1083 from Wilford Bridge to the main entrance of the NT Sutton Hoo site. Unfortunately, we found that in contrast to the section over Wilford Bridge, this section was completely unsuitable for designation as a National Trail because on the B1083 walkers would be immediately adjacent to this very busy road on a pavement which is narrow and bound by a steep verge in places. This would make it hard for walkers to pass each other, particularly users with pushchairs or wheelchairs, forcing them into this very busy road. Indeed we received 25 representations opposed to this alignment citing how dangerous and unpleasant it is for walkers.

1. We also investigated to see if we could align the trail on higher ground behind the Lodge, however the ground here rises steeply from the B1083 and would require the installation of a significant run of steps. These steps would form a significant barrier to access for less able-bodied users or walkers with pushchairs. The NT have also informed us that both routes would completely undermine their pay-for-entry visitor model at Sutton Hoo because much of the estate would fall into the seaward coastal margin by default under the legislation, and people would therefore gain a right of coastal access over it negating the need to pay for entry. We considered if informal management or formal directions could be used to enable Sutton Hoo to continue to function as a paying attraction under this option, but found that in this instance neither would be practical because of the scale and open nature of the site.

TLT would be available to the public to use under both options as part of the seaward margin, and we do not consider TLT would be excepted land under the CROW rules, so we believe people would use it in preference to either of these two unsuitable routes. We therefore concluded that of the very limited options open to us, alignment along TLT incorporating all the safety enhancements suggested by SCC Principal Safety Engineer was the option which best balanced the interests of the public in having rights of access over coastal land and the interests of owners and occupiers of any land over which any coastal access rights would be conferred.

Dairy Farm Cottage where [redacted] live is located on a section of TLT which is designated as a public footpath (route section FFB-4-S010), and route sections FFB-4-S010 to route section FFB-4-S004 form part of a NT promoted trail and are already well used by visitors to Sutton Hoo, which is a significant regional tourist attraction. Only the first 300m or so of TLT from The Lodge south is not currently promoted, however this is also used informally by some visitors, with permission from the NT. [redacted] note in their representation that walkers "*are already prevalent at all times of the day..*" on TLT and it is therefore already the case that they and those caring for their son expect to encounter pedestrians on TLT whenever they drive along it, and must act accordingly.

Natural England acknowledge however that there is likely to be a large increase in walkers using the TLT if our proposals are approved, and that other vehicles using the track will need to be aware of pedestrians and drive accordingly. Our proposals following the proposed parallel route on the adjacent verges and this is a significant improvement on the current multi-user situation. On route section FFB-4-S001 where we propose aligning the trail on TLT because there is no verge, the good sightlines enable pedestrians and vehicles to see each other in good time and wait for one another to pass. Whilst we fully understand

[redacted] concerns, we believe that by implementing all the safety enhancements suggested in SCC safety report our proposals will in practice deliver an improvement on the current situation for [redacted].

Relevant appended documents (see Section 6):

Length Report FFB5

Full representations

‘Full Representations’: None

Other representations

Representation ID:	MCA/FFB5/R/15/FFB0465
Organisation/ person making representation:	[redacted]
Name of site:	Ferry Cliff to Ramsholt
Report map reference:	Maps FFB5 d and e
Route sections on or adjacent to the land:	FFB-5-S039 and FFB-5-S044 to FFB-5-S055
Other reports within stretch to which this representation also relates	FFB 6

We have replicated the representation from [redacted] in full due to its length and complexity. Please note it refers to the proposals in two Coastal Access Reports, FFB5 and FFB6.

Summary of representation:

[redacted] do not believe that they set a fair balance. In summary:

- a) There is no justification for imposing a route across previously undisturbed land as other more suitable and fairer options are available.
- b) Natural England’s Access Assessment (not made publicly available but referred to in the Nature Conservation Assessment) states that a “large increase” in access is predicted on the proposed path across Ramsholt Marshes.
- c) The undisturbed grouping of hinterland, borrow dyke/river wall and saltmarsh represents a “very rare” interconnection which has allowed huge numbers of waders and waterfowl to thrive. This undisturbed grouping would be lost if the path were placed at the foot of the sea wall.
- d) The compensatory measures indicated in the Habitats Regulations and Nature Conservation Assessments (fencing, signage, section 26(3)a direction to exclude access, location of path on landward side of bank) assume public compliance. Evidence, not least from the events of the past year, shows that public compliance cannot be relied upon, even with clear and simple explanation of the rationale for certain measures. In the absence of compliance, those compensatory measures must be considered as null and void, in which event, those same assessments make clear that there would be significant adverse effects on many conservation features and species.

- e) The trail should have followed the existing Suffolk Coast Path and made use of the ferry crossing, as now.
- f) Natural England could have proposed enhancing the ferry service, based on the results of the trial that took place.
- g) Alternatively, Natural England could have considered instituting an “alternative route” in combination with the ferry. Unlike the trail, an alternative route is not constrained by the need to adhere closely to the coast and could have better avoided currently undisturbed important and significant wildlife areas.
- h) Natural England rejected the ‘ferry with alternative route’ option. Its rejection is based on just one scenario (that the alternative route would be operational solely at the times when the ferry was not available). This option has been used elsewhere on the coast and has not raised concerns about ‘legal availability’. But in any event, there are other options. For example, the alternative route could follow existing highways/public rights of way; or, the alternative route could be made available for set period(s) of time to avoid any alleged difficulties over ‘legal availability’; or sections of new route could be dedicated.
- i) Using an official alternative route enables undisturbed and highly sensitive areas to be avoided, as, unlike the main trail, the path does not have to be located adjacent to the shore and does not create management and disturbance issues with margin. The alternative route should follow existing public rights of way (PROW) inland around the Ramsholt marshes.
- j) The impact on the public of such a change would be minimal. The current proposal is for a contained path, fenced and on the inland side of the bank. There are no views of the river and therefore no coastal experience. Conversely, with the existing proposal, the potential damage from disturbance is great. If an inland route complementary to the ferry is deemed to be required, then aligning an alternative route along existing PROW (see the attached proposal previously provided to Natural England by the Deben Estuary Partnership) would provide the public with a route around the river and would also provide a fair balance to the estate.

Introduction

The River Deben is a narrow, long river. It has large undisturbed areas which have enabled important species to thrive. Its tranquillity is a key and prized characteristic. [redacted] are justly proud of the environment on the estate, such as the Ramsholt Marshes, which their management helps maintain and which provides habitat for rare species.

The Suffolk Coast Path currently follows the coast and walkers are able to cross the river using the ferry between Felixstowe and Bawdsey.

This combination of undisturbed, important habitat and existing river crossing means that [redacted] do not believe there is justification for extending the coastal trail on a 40km inland diversion around the estuary.

The legislation does not provide unfettered public access – there must be a fair balance. In the case of the Estate’s land, [redacted] believe that fair balance has not been achieved.

Fair balance

The objective of the legislation is to provide coastal access. The policy reason for this must be that there is deemed to be public benefit from the provision of coastal access.

If there were no requirement for fair balance, proposals for coastal access would seek to extend access as far as possible to provide as much public benefit as possible (subject, presumably, to cost-benefit).

This appears to be the argument for seeking to extend access around the Deben (Option 1). The Overview states: "Option 1 can be delivered at reasonable cost and would deliver significant user benefits".

Setting aside, for a moment, the point that any extension of access up an estuary must satisfy all the additional criteria under section 301 of the 2009 Act, not just s.301(4)(d), the proposals do not appear to have taken account of the need for fair balance.

[redacted] have had discussions with Natural England and, from the various proposals it has put forward to us over the course of those discussions, it has been clear that the starting point for coastal access proposals has always been from an assumption that the trail would extend around the estuary. [redacted] understand that Natural England NE had an internal meeting in November/December 2019 to determine whether they would use their discretionary powers. [redacted] repeatedly asked for input into this discussion and also for details of the internal meetings and their assessment of why their powers should be used in this case. [redacted] did not receive anything. [redacted] feel it is especially relevant that Natural England made this decision prior to undertaking the Nature Conservation and Habitats Regulations Assessments.

This approach has assumed the use of the discretion from the outset, and necessarily colours thinking towards that option. Had the legislation not included a requirement for fair balance, this might be a legitimate approach.

However, the requirement for fair balance means that a different approach should have been taken.

There must be a fair balance between the interests of the public in having rights of access over the land and the interests of any person with a relevant interest in the land.

How can that fair balance be assessed?

It is clear that the mere fact of creating coastal access weights the scales for the public interest, as that is the consequence of the policy decision to create coastal access.

Where that creation aligns with existing access adjacent to the sea, the burden on the landowner may not be very great.

However, where new access is created, or the access is some way from the sea, there is a much greater impact to the landowner. The scales weight heavily towards the public interest, and there is not a balance.

In that circumstance, the starting point cannot be – we want access to go here. Instead, there should be different questions:

- What coastal access is there already?
- What other access is available?
- Is there a need for changes?
- If so, how can this be done in a way that will cause least impact to landowners or the environment?

Approaching coastal access in this way, by considering the need for access with the intention of causing least disturbance to landowners, a very different conclusion is reached from that in the reports.

The questions would be something like this:

o Does the ferry crossing provide access? Yes.

o Is that sufficient? We believe that it is.

At that point [redacted] reach the conclusion that the existing route – as currently used by the Suffolk Coast Path and crossing the river by the ferry – is legitimate and meets the coastal access duty. That would be the proposal within these reports.

However, let us suppose, for a moment, that [redacted] accept Natural England’s argument that the ferry crossing is not sufficient. What alternatives are there?

From a fair balance perspective, which would seek to minimise the impact on landowners (bearing in mind that landowners bear the burden of access), consideration could be given to a number of different options. For example,

- making the ferry service more accessible over a longer period, or
- using the very flexible powers in the legislation which allow the creation of an alternative route. Such alternatives are not uncommon on long distance paths: the proposals offer a short route across the ferry, or a long route around the river. This type of solution has been proposed by Natural England for coastal access in other parts of the country (see, for example, the Secretary of State’s decision to approve an alternative route around the Yealm estuary).

As [redacted] explain in more detail below, any of these other outcomes could provide a fair balance for the estate.

Coastal Access and the River Deben

There are many different options which could have been proposed which would better meet the requirement for fair balance than the current proposals.

1. Ferry crossing

The Felixstowe Ferry to Bawdsey proposals relate solely to the extension of coastal access around the River Deben. In making these proposals, Natural England is therefore relying on the discretion available to it under section 301 of the Marine and Coastal Access Act 2009 (“the 2009 Act”).

There is no requirement for the trail to extend up any estuary further than the seaward limits of the estuarial waters. The coastal access duty (set out under Section 296 of the 2009 Act) provides for Natural England and the Secretary of State to secure:

- i) “one or more long-distance routes along which the public are enabled to make recreational journeys on foot or by ferry”, and
- ii) a margin of land in association with that route “accessible to the public for the purposes of its enjoyment by them in conjunction with that route or otherwise, except to the extent that the margin of land is relevant excepted land”.

Section 296(7) clarifies that “for the purposes of the coastal access duty, a person is to be regarded as enabled to make a journey by ferry even if that journey can be made at certain times, or during certain periods, only”.

The current Suffolk Coast Path uses the ferry.

There is no legitimate reason why the new trail could not also use the existing ferry crossing. The legislation specifically ensures that any type of ferry service is suitable for the purpose of meeting

the coastal access duty. The purpose of the legislation is for coastal access, and interactions with estuaries are only required to the extent that the public is able to make an onward journey. The ferry enables that.

Cost-benefit

No cost-benefit assessment was published. However, the coastal access scheme notes that the cost of extending the trail to the first public bridge or tunnel should be proportionate to the “extra” public enjoyment of the coast that would result. The scheme notes that this might not be the case for example “where the first bridge or tunnel is very far from the sea” or “where a ferry downstream from the bridge or tunnel provides a convenient means for trail users to cross the estuary on foot”.

The Deben estuary already has public access along at least 80% of its length. That will remain available regardless of any coastal access proposals. Therefore, it is reasonable that any additional access should be assessed in terms of the additional benefit provided by that extra 20%.

At least half of the proposed new access will be on the landward side of the flood bank on the Ramsholt Marshes. There will be no views of the river and so any coastal experience will be extremely limited.

Further, the first bridge is extremely far from the sea, necessitating an inland diversion of 40km.

Finally, there is already a ferry which provides a convenient crossing point.

The cost of providing access around the Deben amounts to £80,400. Applying this cost to the 20% of new access rather than around the entire river (as 80% of access will remain regardless), half of which will have no views or coastal experience, suggests that the cost-benefit would be questionable.

Taking all this together, it would be expected that the trail would simply cross the river at the ferry.

2. Enhanced ferry services

The current ferry operates a daily seasonal service from May to September, and a weekend service in April and October.

The Coastal Access Scheme notes that “it would be open to us to include proposals relating to a ferry service, for example a plan to enable it to run more regularly or for extra days, weeks or months for the benefit of trail users”.

The trial winter service cost £7000 in local funding. [redacted] understand that its purpose was to establish the cost of running such a service and to gauge demand and its success.

Many ferries do not run in the winter simply due to lack of demand. The results from this trial should inform the need for either an enhanced ferry service, or, alternatively, whether the lack of winter service is not actually a concern.

Our understanding of this trial and subsequent discussions is that a longer summer service may well be possible and that options could be explored for a winter service.

Should there be demand for ferry services over a longer period, the coastal trail could use the existing ferry crossing and Natural England could assist in funding an improved service.

Coastal access report “option 2”

The coastal access report lists as “option 2” the proposal to only extend the trail as far as the ferry.

Natural England rejected this option on the following grounds:

- a) the current service is seasonal
- b) when the service is unavailable walkers would have an “interrupted journey” along the trail
- c) walkers would have to “navigate themselves” to the next part of the trail and “determine their own route” around the estuary on existing PROWs
- d) Existing PROW are not as convenient or coastal and “many may not be available in perpetuity as coastal change would undermine them”.

These reasons are not valid, as [redacted] explain below.

The legislation specifically permits a seasonal ferry service. The natural consequence of allowing this – something clearly foreseen and accepted within the legislation – is that this would result in an interrupted journey at certain times of year or in users finding their own way around an estuary (or following an existing estuary path). It cannot, therefore, be a reason for rejecting the ferry route.

The references to existing PROW are those around the estuary. The coastal access proposals appear to have been approached from a presumption that a continuous route must be available at all times and that opportunities to extend coastal access as far inland as possible should also be taken. This is not the case. If it were so, then the legislation would not permit a part time or seasonal ferry service.

The report acknowledges that there are PROW for around 80% of the estuary. The parts of the estuary without such PROW are also, in the main, those parts with nationally important sites and species.

In judging balance, coastal access was not intended to be about taking the opportunity to create the most access possible. It was intended to allow a flexible approach to enable locally aligned solutions to be created which would take account of local factors, such as existing ferry services, important tranquil places and nationally important environments. It is disappointing to see that flexibility being used to propose a path which is likely to bring a very large increase in people into a highly sensitive environment, such as the Ramsholt Marshes.

The Overview report refers to the core criteria set out under section 297 of the Marine and Coastal Access Act 2009. It refers to the need to have regard, among other things, to the desirability of ensuring that interruptions are kept to a minimum. The Overview does not refer to those other factors. The report does however, then go on to state that continuity is a “key consideration” and, further, that “the whole concept of the England Coast Path relies on delivering continuity of the route so far as reasonably practicable”. It then continues: “if the presence of an estuary would interrupt this continuity of access along the open coast, then this would constitute a strong prima facie reason for the trail to serve the estuary too, at least to the extent to enable users to continue their onward journey around the coast”.

The obvious conclusion to be drawn is that considerable weight has been given in this report to the question of continuity.

However, the legislation does not emphasise continuity over any other aspect. Indeed, it specifically allows that a ferry crossing, even if seasonal or part time, is sufficient. Such a crossing could not, therefore, be considered an interruption to continuity.

Further, the legislation actually gives greater weight to other criteria than continuity. Section 297 states that regard “must” be had to the safety and convenience of those using the route. Conversely, it is only “desirable” that interruptions are kept to a minimum, and it is also only desirable that the route adheres to the periphery of the coast and provides views of the sea.

The question of convenience is not specifically addressed in the report. However, in terms of the convenience of users making their way along the coast, it is obvious that the most convenient route for making an onward journey is by way of the ferry. A 40km inland diversion cannot in any way be described as convenient. The Coastal Access Scheme notes (para 4.3.) that “for the route to be convenient, it should be reasonably direct”. It adds, “the trail...needs to enable people to make reasonable progress if their key aim is an onward walk around the coast”.

A trail which diverts 40km inland to arrive at a point some 300m further along the coast cannot be considered to be convenient or “reasonably direct”.

In addition to these over-arching criteria, parliament included additional matters which should be considered where there is an estuary (section 301 of the Act). There is no obligation to provide access along an estuary, but Natural England must consider these additional matters (as well as any others that might be relevant) if it wishes to exercise its discretion to extend access up an estuary.

The purpose of these additional criteria was to encourage consideration of the character of the estuary. Parliament recognised that estuaries were different from the coast. There were various means of crossing estuaries and enabling an onward journey; there would be environmental considerations; estuaries varied enormously in character with some having a very coastal character and others being much more river-like. It was not enough to consider safety, convenience, continuity, proximity and the fair balance. The nature of the land, the topography, the width of the river, the recreational benefit, the amount of excepted land, physical features and the existence of a ferry were all matters which were also required to be considered.

The Explanatory Notes to the 2009 Act explain that s.301(4) sets out “certain matters to which Natural England must have regard”. For example, “(a) the nature of the land, for instance whether it bears a greater resemblance to either typical coastal land or typical riverine land....(c) the width of the river, which again would contribute to whether it is closer to typically coastal or to typically riverine land”.

The explanatory notes make clear that some assessment is required of these additional matters as to whether the estuary is sufficiently coastal and lacking in crossing points (such as a ferry) to cause Natural England to exercise its discretion.

The Overview provides some basic facts under each of these additional criteria. The Deben Estuary is “generally rather narrow”; there are mudflats but “sand and shingle features are relatively rare”; the estuary sits within a mix of rural landscapes and low density rural settlements; Sutton Hoo, near Woodbridge, is a popular attraction, as are some local pubs; there is the seasonal ferry which gives “impressive views of the estuary”; the estuary is “highly important for wildlife and is designated at national, European and international levels; there are “no large areas of excepted land”. The recreational benefit is dealt with separately and notes that approximately

80% of the estuary is served by shoreline public rights of way. The “gap” in access across Ramsholt Marshes (the estate’s land) is noted.

There is no assessment of these factors, nor of the impact that any proposals might have on affected land. It is therefore difficult to understand what relevance any of these factors had in the decision to propose the use of the discretion.

From the assessment of the estuary criteria, it is also entirely possible to draw the conclusion that the ferry service would be sufficient.

One of the report’s objections to using the ferry is that when no ferry service was available, walkers would have to “navigate themselves” to the next part of the coast path, and “determine their own route” around the estuary on existing PROWs.

The legislation permits a seasonal or part-time ferry service. Had parliament been concerned to maintain continuity at all times, or to ensure that walkers did not have to navigate themselves around an estuary, the legislation would have made it a requirement either that only a permanent ferry service would be sufficient, or, in the event of a part time ferry service, that a route around the estuary must be identified so that walkers are able to always follow a defined route.

That it did not do this reflects, not least, that requirement for fair balance.

3. Alternative route in combination with a ferry service.

The Overview lists as Option 3 the use of the seasonal ferry service in conjunction with an alternative route “following existing PROW and some new sections of trail (where there no existing PROW) for when the ferry service is not available. It notes that “this would allow continuous access along the open coast for walkers in the spring/summer utilising the ferry service, and a continuous walked route alternative during the autumn/winter”.

The Overview rules out option 3 on the following grounds:

- i) No spreading room would be created.
- ii) There would be disproportionate cost involved in establishing the trail as it would only be available for 5 months of the year.
- iii) New sections of trail (up to 8.2 km) would not “legally be available” at the times (i.e. the hours or months) when the ferry service was running. “This would be confusing for the public, difficult to manage”, “a potential source of conflict with land managers and poorer value...than securing these rights all year round”.
- iv) It would offer very limited improvements to existing access around the estuary.

[redacted] will deal with each of these in turn.

i) Spreading room

It is true that an alternative route does not create “spreading room”. However, [redacted] note that extensive directions to exclude access along all the estuary are proposed under either s25A (unsuitable for access due to salt marsh and mud flat) or s.26(3)(a) (exclusion of access for environmental protection).

There are some small sections where the path is located inland. However, [redacted] note that where this occurs the land is often arable land and therefore excepted from access rights.

The extent of any spreading room appears minimal, at best. In terms of this criterion, [redacted] can therefore see little practical difference for walkers whether the route is a coastal trail or an alternative route.

ii) Costs

The total cost of establishing the trail around the estuary is £80,400. Of that cost the greater part is required for Report 2 (£21,500) and Report 6 (£44,300). Both those reports contain sections of new access.

[redacted] are not able to comment on Report 2.

With regard to Report 6, the costs relate to particularly to the new fencing, gates and interpretation deemed necessary to mitigate the environmental impact of placing the path across the currently undisturbed Ramsholt Marshes.

While [redacted] have substantial concerns that such measures will be sufficient to prevent disturbance to protected species (see below), for the purposes of costs [redacted] note that:

- ♣ There would be minimal costs if an alternative route were to follow existing public rights of way.
- ♣ An alternative route travelling from Bawdsey via Alderton along PROW/highway would provide passing trade to businesses there.
- ♣ The public will have a very limited coastal experience while using any new path across Ramsholt Marshes; a more inland route following existing PROW/highway would provide open views of the marshes with little additional public cost;
- ♣ Aligning an alternative route along PROW would enhance those PROW.
- ♣ [redacted] also have concerns that the County Council will have the funds or the desire to maintain all this infrastructure going forward. The owners of the Estate should not have the burden of repairs and maintenance for the trail placed on them, but the fencing will require replacing every 10 – 15 years, which is a significant cost and not one they can foresee the council wishing to commit to.

iii) Legal availability

The Overview claims that “where new sections of trail would be created to link existing public rights of way, the paths provided to ‘fill the gaps’ in an alternative route would not legally be available at the times (i.e. the hours or months) when the ferry service was running”.

It claims this would be “confusing for the public, difficult to manage in practice, [and] a potential source of conflict with land managers”.

What is confusing is that such concerns have not been raised on other parts of the coast where an alternative route has been proposed as a diversion to a season/part-time ferry.

The report for the Yealm estuary (Cremyll to Kingswear: Report 3) has just been approved by the Secretary of State.

This proposes: “Alternative route: An alternative route is to operate as a diversion from the ordinary route between the landing stage at Warren Point and the steps at Ferry Wood near Noss Mayo. This ‘alternative’ route will make use of existing public highways, an existing walked permissive route and rights of way including parts of the Plym to Erme Trail and would be available at times when the ferry service is not running. It would extend to Wapplewell, Brixton and Yealmpton which are the first public foot crossings over the River Yealm and its tributaries. See maps CKW 3a to CKW 3j and table 3.3.1 below for more details. 3.2.11 The ferry operates a seasonal service from 1st April until 30th September and runs every day between 10 am – 4 pm

daily. The service may be restricted to the core hours of 10 am to 12 noon and 3 pm to 4pm each day, during bad weather or quieter times. Direct contact (a mobile number) with the ferry is available and well publicised”.

This quite clearly indicates that an alternative route is considered suitable and satisfactory where there is a seasonal/part-time ferry, notwithstanding that not all of the route passes along ways which are highways/public rights of way.

Notwithstanding this precedent, should concerns about legal availability remain, [redacted] suggest that

- a) The alternative route could easily be located along existing PROW/highway (see below).
- b) The route could have been made available for set periods/times, for example, October to April, rather than “when the ferry isn’t running”.
- c) Natural England could have explored with all relevant landowners around the estuary the options for an alternative route where there are no existing PROW, such as permission and dedication.

iv) Extent of improved access

The Overview says that providing an alternative route would offer “very limited” improvements to access around the estuary. [redacted] assume this refers to the provision of an alternative route which is limited to times when the ferry is not available.

This assessment ignores the overall context – which is that the provision of coastal access, in itself, provides improvement in access.

[redacted] note that there is no requirement in the legislation for access to be improved around estuaries. As noted above, estuarial access must be considered in the context of the ability for users to make an onward journey around the coast (in this context meaning a path next to the sea) and taking account of many other estuarial criteria.

However, perhaps the most pertinent point is that the Overview considers only the provision of an alternative route for when the ferry is not operational. An alternative route situated on PROW would offer the following benefits:

- ♣ It would be permanently available.
- ♣ It would offer clarity to users.
- ♣ It would provide additional public benefit being a defined alternative route should users not wish or be able to utilise the ferry. Walkers would not have to “navigate their way” around the estuary but could follow a signed alternative route.
- ♣ It would provide a fair balance for landowners and environmental interests.
- ♣ It would ensure that there was no risk of inadvertent/malicious disturbance to currently undisturbed marshes and fragile wildlife sites as, unlike the main trail, an alternative route does not have to be located adjacent to the shore and does not create management and disturbance issues with margin.
- ♣ An alternative route makes sense to users: the England Coast Path follows the ferry. If users are unable or do not want to use the ferry, then they can follow the 40km alternative route around the river.

4. Alternative route using PROW

The report does not consider any other options for an alternative route, such as using existing PROW.

The report also does not consider the benefits that having an alternative route offers over a main trail. In particular, an official alternative route enables undisturbed and highly sensitive areas to be avoided, as, unlike the main trail, the path does not have to be located adjacent to the shore and does not create management and disturbance issues with margin.

Just by taking an alternative route inland of the Ramsholt Marshes on existing PROW, costs would be reduced by more than half. Walkers would have a main route across the ferry and an optional alternative route around the estuary, while important species would remain undisturbed.

The legislation

[redacted] note that the effect of the current proposals will be to provide two trails between Bawdsey and Felixstowe.

This is contrary to the legislation and Coastal Access Scheme.

The proposal is that one trail will use the ferry.

A second trail is proposed around the estuary.

[redacted] note that the coastal access duty makes clear that there is “a” route for the English coast, not multiple routes.

That route may enable the public to make journeys on foot “or” by ferry. There is no provision for there to be a trail both by ferry and on foot.

Section 301 of the 2009 Act includes a requirement to consider the existence of a ferry. There is no provision either there or in the Coastal Access Scheme that indicates that an estuarial route would be in addition to a main route across the river.

If there is a need to provide an additional route around the estuary, then this can only be by way of identifying an “alternative route”.

As an aside, [redacted] note that East Suffolk Council sees the existence of the ferries along the coast as integral to its character and a key tourist feature. The current proposals undermine rather than support the ferries.

Impact of coastal access proposals on the Estate

Financial

The current proposal is for an enclosed path of approximately 4.5km. This represents the enclosure and loss of some 3.5 acres of the estate’s land. Although nominally still owned by the estate, in practical terms it will not be accessible, being an entirely fenced path. This loss – equivalent to over £26,000 of capital value (assuming a very conservative value of £7500/acre) – is uncompensated.

In addition, this land will have to be excluded from single farm payment claims, resulting in additional annual losses. It will also no longer form part of the coastal grazing land, and that too, represents a loss.

The proposed fence along the inland side of the sea wall currently has no provision for gates. This would mean that a further much greater area of our land, comprising all the land on the estuary side of the proposed fence, and amounting to 24 acres, would be entirely inaccessible. Clearly gates will need to be provided within the proposed fence. If such gates are not to be provided, then access to our own land will have been denied and the financial impact will be substantially greater.

[redacted] note that the current provision – which is effectively to create an enclosed route across the estate's land – is no different, in practical terms for us, to a public right of way. Indeed, if it were a right of way, [redacted] would have the ability to seek a diversion or extinguishment of the route, something not provided for under coastal access. Were the highway authority to propose a public right of way, it would be required to pay compensation for the loss of the land and impact caused. Coastal access proposals are supposed to provide a right of access across land without imposing an undue burden on us, as landowners. Just in terms of the impact on our land and the loss of our ability to farm and use several acres of land, results in a significant burden which [redacted] believe is incompatible with the legislation.

The proposal for 4.5km of fencing raises concerns as to whether the County Council will have the funds or the desire to maintain all this infrastructure in the future. The owners of the Estate should not have the burden of repairs and maintenance for the trail placed on them. The fencing will require replacing every 10 – 15 years. Current costs are around £30,000 which is a significant cost and not one [redacted] can foresee the council wishing to commit to.

Conservation

The land between Ramsholt and Bawdsey is currently completely undisturbed by public access.

The Overview notes that “Several individuals, (as well as the Suffolk Wildlife Trust and the Deben Estuary Partnership) expressed concern about the potential disturbance of sensitive bird species on the entire Deben Estuary in particular where there is currently no public access”.

The Nature Conservation Assessment states:

“This route section is approximately 5km long and is unique on the Felixstowe Ferry to Bawdsey stretch in having no existing PRoWs, either on the shoreline or inland.”

The effect of that lack of disturbance is immediately apparent:

“The absence of any significant land-based sources of disturbance has enabled a high level of conservation value to establish on this route section. It is primarily focused on the more-or-less continuous, 4.5 km long strip of saltmarsh (of variable width), but also applies to the extensive, low-lying farmland to landward, which reaches as far inland as Alderton (over 3 km from the shore), and is bisected by numerous wet channels. Most of the land between these channels is intensively managed arable, so their individual corridors of marginal, wetland vegetation are narrow, but they jointly comprise a substantial wildlife resource. Birds utilising the saltmarsh includes such key species as avocet and redshank, while Mason, Excell & Meyer (2014) recorded that, as well as brent geese, neighbouring fields are used by ‘good numbers of lapwing, curlew and, more recently, golden plover’. The specific areas used by waterbirds varies from year to year, according to the crops being grown and their stage of development.

“The areas of saltmarsh and farmland are separated by a continuous seawall, folding and borrowdyke, which are only lightly managed and, therefore, support good numbers of passerines,

small mammals and reptiles, making them attractive to birds of prey such as marsh harriers and short-eared owls.”

This site supports species of national and international importance and provides a rare undisturbed resource. It is baffling that Natural England, a body charged with protecting the environment, is proposing to allow the public, and their dogs, through this extraordinarily important site.

Natural England’s own Access Assessment (not made publicly available but referred to in the Nature Conservation Assessment) states that a “large increase” in access is predicted on the proposed path between Ramsholt and Bawdsey.

The consequence of this will be an influx of people onto a site that has previously provided a tranquil and undisturbed environment.

The Habitats Regulations and Nature Conservations Assessments propose compensatory measures to mitigate the impact of this new access on this undisturbed site.

These include locating the path on the landward side of the bank, fencing to prevent people from entering the seaward land (which will be subject to section 26(3)(a) direction to exclude access, as well as Section 25A directions to exclude access to salt marsh and mud-flat), and explanatory signage.

The Habitats Regulations Assessment does not assess the likely levels of use of the new access rights – it simply assesses whether the implementation of such rights is likely to have a significant adverse effect.

In the case of this section of the river, it concludes that dark bellied geese and avocet are indeed at risk of a likely significant effect. These risks come from a variety of possible sources, including disturbance from people using the proposed path, damage to or loss of supporting habitat and damage to functionally linked land.

It appears that there may be no minimum level for such possible disturbance. The assessment notes that:

“The level of risk will vary along the route and will be higher where the access proposals are likely to bring people close to places on which birds depend, including undisturbed high tide roost sites and important feeding areas. The risk of disturbance is increased on rising tides when birds are forced to feed closer to seawalls and the trail or footpaths.”

The appropriate assessment reinforces this concern that any level of disturbance may be detrimental. It states:

“The nature, scale, timing and duration of some human activities can result in bird disturbance, that is, any human-induced activity sufficient to disrupt normal behaviours and/or distribution of birds at a level that may substantially affect their behaviour, and consequently affect the long term viability of the population. Human disturbance associated with this proposal may take a variety of forms including noise, presence of people, animals and structures.”

The Habitats Assessment notes that:

“Birds use the estuary in particular ways, i.e. favouring certain areas for roosting on a high tide or when the feeding areas are completely covered moving on to surrounding arable land or wet grazing marshes. The ability to do this is fundamental to their success on the estuary and ultimately to their survival. Understanding the way that birds use the estuary allows most

accurate assessments of their susceptibility to disturbance and therefore the potential impact of a project. Extract from The Deben Estuary and its hinterland: Evaluation of key areas for birds, recreational disturbance issues and opportunities for mitigation and enhancement 2014”.

The primary favoured roost site for Avocet is along the saltmarsh and mudflat south of Ramsholt, adjoining the currently undisturbed section of coast through the estate.

The undisturbed estate land south of Ramsholt is similarly a large and significant roost site for dark-bellied geese.

The assessment states that “It is important that birds experience minimal disturbance on their roosting sites”.

It advises that: “Overwintering avocets and dark-bellied brent geese are vulnerable to visual and noise disturbance whilst feeding and roosting on the estuary, with the main causes of disturbance being walkers, dogs, light aircraft, watersports and nearby shoots. High levels of disturbance can lead to higher energy expenditure, reduced feeding time and the forced use of sub-optimal feeding areas [REF 22] Disturbance on the Deben Estuary is currently low and highly seasonal, with most disturbances occurring during spring and summer when recreational use of the estuary is high. Recreational usage, and therefore disturbance, is low during winter when avocet and dark-bellied brent geese are present upon the estuary. Whilst disturbance levels are currently low, populations of both species could be adversely impacted if recreational disturbance increases”.

The Nature Conservation Assessment suggests there will be little impact on breeding marsh harriers from the designation of the route in this area. It also suggests that they have not been present, due to Scottish Power’s cable route works taking place.

This is incorrect. Scottish Power have to stop work between April – August in each year on certain sections of the route. Ecologists have identified nesting marsh harriers being present for the last 2-3 years. In evidence of this, [redacted] attach a request from them dated 16 April 2020 seeking permission to establish an alternative access because of the Marsh Harrier exclusion zone (400m) around the nest. [redacted] also have a number of ecologist reports from Scottish Power showing that marsh harriers are present.

See, for example, the Ecological Mitigation Plan for the Deben estuary SPA contained within the Landscape and Ecological Management Strategy:

<http://content.yudu.com/web/2it8t/0A3zd2u/OutlineLandscapeandE/html/index.html?page=104>

This notes the presence of active marsh harrier nests and advises that where ecological surveys show active nests, “works in the area must halt” and an exclusion zone must be established. The scales of the exclusion zone varies according to the activity to be undertaken, but “activities that involve people outside of vehicles” require an exclusion zone of 400 metres.

Further, should marsh harriers nest closer than this, then Scottish power will explore additional measures or, as a final backstop, activities will cease “in order that the criminal offence is not committed of disturbing a Schedule 1 breeding species”.

[redacted] are concerned that, despite providing evidence of this to Natural England, this information has not been taken into consideration in the Nature Conservation Assessment.

[redacted] note the concerns of the Suffolk Wildlife Trust in respect of the impact of a route behind the seawall on protected species.

The SWT has stated:

“A breeding redshank survey in 2018 demonstrated the importance of the wall and saltmarsh area immediately adjacent for this breeding species and SSSI feature. Despite the offshore windfarm cabling construction site causing disturbance to the upper sections at the time, there were still 11 pairs of breeding redshanks close to the wall on the saltmarsh there (plus 8 pairs of oystercatcher, a pair of avocets and ringed plovers).

There are a number of other factors, principally potential and likely disturbance (and then abandonment) of the high water avocet roost that regularly occurs downstream of Ramsholt Quay (often they stand in the shallows at high tide just inside the saltings). This would constitute a detrimental impact to an overwintering SPA-qualifying species. Other SPA wader and waterfowl species would also be disturbed at high water linear roosts”.

The SWT notes that “This particular section of the estuary is unusually biodiverse – with undisturbed groupings of hinterland, borrow dyke/river wall complex, and saltmarsh habitats. This is something of a rarity these days, and the sheer number of waders and waterfowl (as well as notable species such as breeding marsh harrier in Queens Fleet – a Schedule 1 breeding species) using this region of the estuary is testament to very low levels of human and canine activity. As the estuary is narrow as well, having a walking route on the wall crest would create disturbance, especially in winter months, even with low volumes of pedestrian footfall. The skylining effect of a single person on the wall can be sufficient in pushing birds to flight, making them move to the opposite side of the estuary, which already has a path. The net result is increased disturbance and high chance of winter mortality for key species through energy wasting”.

Key points from this are that the estuary is “unusually biodiverse” and that the “undisturbed groupings of hinterland, borrow dyke/river wall complex, and saltmarsh habitats” represent “something of a rarity these days”.

The “sheer number” of waders and waterfowl is “testament to very low levels of human and canine activity”.

Further, the skylining effect “of a single person on the wall” can be sufficient to push birds to flight – increasing disturbance and winter mortality.

[redacted] also note that the proposed path is in a very low lying and wet area, next to a borrow ditch and at the bottom of a river wall.

Taken with the “large increase” in people which will use this path, it is inevitable that during the winter the track will become damaged and muddy. This will invariably result in people trying to spread out from the route and at that point people will be further encouraged to either spread on to the river wall or the arable land.

There is a proposal for fencing adjacent to the sea wall to prevent people spreading. However, this fencing will need to have gates installed to enable the land to continue to be grazed and managed by the estate.

Taken together with what would be a natural desire to explore the bank and view the estuary, and combined with necessary access points, [redacted] think it is highly likely that even small numbers of people will spread from the proposed path onto the wall. The disturbance effect from this is known to be substantial.

The conservation assessment recommends a number of mitigating measures. It concludes that where these are provided, and (it assumes) complied with, the likely significant effects will be reduced sufficiently to enable the project to go ahead. However, this assessment clearly does not include the impacts on the breeding Marsh Harriers as that information was not considered. [redacted] also do not think that it has considered the provision of fencing with gates

providing access points to the sea wall, which is a different proposition from a single 4.5km run of fencing.

Further, neither the habitats nor the nature conservation assessments appear to consider:

- ♣ The totality of the unusually biodiverse nature of the estuary;
- ♣ The very rare interconnection of the undisturbed grouping of hinterland, borrow dyke/river all and saltmarsh (and how that results in the unusually biodiverse nature of the estuary);
- ♣ The sheer numbers of waders and waterfowl, and how that is a consequence of the very low levels of human and canine activity;
- ♣ That the skylining effect of just one person can be sufficient to cause disturbance; and
- ♣ The likelihood that with a significant increase in numbers of people and dogs, their mere presence will itself be a cause of disturbance.

[redacted] note the following points:

- ♣ The Overview acknowledges that some “aspirations of users..... have not been addressed fully in our proposals”. These include “establishment of the trail along the top of the sea wall between Ramsholt and Bawdsey. See report FFB6”.
- ♣ That public compliance with measures cannot be relied upon, however compelling the rationale (as the last year has demonstrated).
- ♣ That both the Suffolk Wildlife Trust and the Deben Estuary Partnership “expressed concern about the potential disturbance of sensitive bird species on the entire Deben Estuary in particular where there is currently no public access”.
- ♣ That important information, for example about nesting Marsh Harriers, has not been included in the report, or assessed.
- ♣ That the undisturbed grouping of hinterland, borrow dyke/river all and saltmarsh represents a “very rare” interconnection – one that would be lost if the path were placed at the foot of the sea wall.

The compensatory measures indicated in the Habitats Regulations and Nature Conservation Assessments (fencing, signage, section 26(3)a direction to exclude access, location of path on landward side of bank) assume public compliance. Evidence, not least from the events of the past year, shows that public compliance cannot be relied upon, even with clear and simple explanation of the rationale for certain measures. In the absence of compliance, those compensatory measures must be considered as null and void, in which event, those same assessments make clear that there would be significant adverse effects on many conservation features and species.

[redacted] request that the current proposals are modified in one of the ways proposed below.

[redacted] also note that Natural England is permitted to make comments on this objection to an Appointed Person. [redacted] request that we have sight of those comments and an ability to fact check these. This will ensure transparency and fairness of process.

Proposed Modification Options:

1. The trail should use the Felixstowe to Bawdsey ferry. There is no need to use the estuary discretion beyond these points. (See sections 296(2)(a) and 296(7) of the 2009 Act).
2. The trail should use the Felixstowe to Bawdsey ferry. Natural England should fund additional ferry services, for example, over the winter.
3. The trail should use the Felixstowe to Bawdsey ferry. An alternative route could be provided around the River Deben either while the ferry is not available (see Secretary of State decision for the River Yealm), or for a specified period of time (e.g. October to April). Should this option be followed, the proposed route across the Ramsholt Marshes (Sections FFB-6-S001 to

FFB-5-S006) should be relocated to existing public rights of way. This addresses the point about cost/benefit of a seasonal alternative route which was raised in the report.

4. The trail should use the Felixstowe to Bawdsey ferry. An alternative route could be provided around the River Deben solely making use of existing public rights of way or newly dedicated land. This would enable such a route to be continuously available year-round.

Summary of the objector's key points, with Natural England's comments

1. There are better options than putting the ECP through the previously undisturbed land that the objector owns – especially since the public won't benefit, because they will be fenced in behind the flood bank, unable to see the river they are walking around.

1. Although on the objector's land the public will need to keep to the folding for the clear reasons set out in our report, this part of the proposed trail will connect with others benefiting from spectacular estuary views that would not be forthcoming from the route options the objector prefers. People using this part of the route will know this is so and will sense and appreciate the proximity of the estuary, not least because of the sounds and smells of the coast they experience along the folding and its array of coastal plants.

2. NE predict a large increase in public use, and this will cause new disturbance to this rare interconnection of salt marsh, flood bank and hinterland.

1. Along this stretch between Ramsholt and Bawdsey there are no established visitor facilities and no intersecting public footpaths. There is a pub and car park at Ramsholt and a car park and public toilets at Bawdsey, as well as a seasonal (April-October) ferry to Felixstowe Ferry. These will attract some additional walkers who may leave a car at each end and walk this section, but this is not at this stage thought to be significant.

2. The overall lack of attractors here combined with the length and remote nature of much of this section means that overall, it's likely to be a lightly walked part of the trail, similar to that nearby on the opposite bank (between Felixstowe Ferry and Hemley). On the opposite bank we found that although visitor numbers to both Felixstowe Ferry and Waldringfield are quite high, our observations were that most people tend to stay within the vicinity of both locations. Aside from the area close to Felixstowe Ferry and that around Waldringfield, we found this section is relatively lightly used by walkers with the sections around Hemley and Falkenham Creek particularly quiet.

3. So although we do expect the objector's land to experience a large increase in public use relative to its current baseline of zero, we do not expect these visitor numbers to be substantial in absolute terms.

4. A full assessment of any potential impacts of our proposals on wildlife and habitats of local and national importance, and also on the sites and designated features of European importance, was undertaken as part of the preparation of our proposals. Our detailed findings in relation to FFB 5: Ferry Cliff to Ramsholt were published alongside our proposals in the following documents:

- Felixstowe Ferry to Bawdsey Nature Conservation Assessment
- Felixstowe ferry to Bawdsey Habitats Regulations Assessment

5. We note in our Nature Conservation Assessment (NCA) for this stretch that the absence of any significant land-based sources of disturbance has enabled a high level of conservation value to establish on this route section. This is primarily focused on the more-or-less continuous, 4.5 km long strip of saltmarsh (of variable width), but also applies to the extensive, low-lying farmland to landward, which reaches as far inland as Alderton (over 3 km from the shore) and is bisected by numerous wet channels. Most of the land between these channels is intensively managed arable, so their individual corridors of marginal, wetland vegetation are narrow, but they jointly comprise a substantial wildlife resource.

6. Accordingly, we designed the route to minimise any disturbance, and to include appropriate mitigation. For example, we propose that the ECP follows a new access route almost entirely at a low level along the seawall folding, and adjacent to the borrowdyke. The only exception is the first few hundred metres, at Ramsholt, which is on the seaward edge of an elevated arable field. We do not propose any spreading room or accessible areas landward of the trail. The trail will be tightly constrained between the borrowdyke and a new fence all the way between Ramsholt and Bawdsey, with management signage raising awareness of the area's conservation importance and sensitivity of wildlife to disturbance and asking that dogs are kept under effective control at all times.

7. In respect of local and national sites and features of nature conservation concern, the assessment found that in developing the new access proposals the appropriate balance has been struck between Natural England's conservation and access objectives, duties and purposes. In respect of the conservation objectives of European sites, the assessment found that our proposals are fully compatible with the relevant European site conservation objectives and that taking into account the measures summarised above, they will not have an adverse effect on site integrity.

3. Marsh harrier nest on that land and Scottish Power observe a 400 metre exclusion zone at those times in order to avoid the offence of disturbing a Schedule 1 breeding species. The HRA failed to address this point.

1. We have taken Marsh Harrier into consideration when making our proposals - they are discussed in section D.7 of the NCA. Regarding the cabling works having to stop for certain months of the year and the 400m exclusion zone referred to, this is due to the high levels of disturbance caused by the use of heavy machinery. This distance is determined by the type of work being undertaken and the season. There is nothing in law which states what Marsh Harrier exclusion zone should be implemented more widely.

4. NE mitigation measures relied upon by the HRA/NCA assume a level of public compliance that can't in fact be assured.

1. Walkers do not like conflict with landowners and consequently a well waymarked path such as the England Coast Path (ECP) is an attractive prospect. For that reason, we expect that the vast majority of people using coastal access rights in the area will stick to the line of the trail. Experience on national trails and other footpaths has shown that careful positioning of waymarker arrows at key locations on the trail greatly helps walkers to stay on the path and away from areas that they should not venture into.

2. In our experience, the vast majority of people will only deliberately detour from the path if:

- it is easy;
- they feel that their actions aren't causing any harm;
- the landowner doesn't really mind.

3. As well as waymarkers, we are proposing a combination of stock fencing, lockable gates, and information signs detailing the importance of the site and why it's imperative to stay on the path and control dogs. We believe that this combination will be sufficient to ensure public compliance. There are many examples of this kind of approach working well in practice, with measures carefully designed to suit the particular circumstances.

5.

5a. NE made up its mind from the outset to go around the Deben instead of weighing up whether the status quo required any change.

5b. It failed to undertake a cost benefit analysis to test whether an estuary route would be justified.

5c. It also gave its continuity objectives undue weight, compared with the other statutory criteria in 2009/s297 and the estuary criteria in s301.

1. It is incorrect to assert that NE made its mind up from the outset that there must be a route around the Deben. When considering whether any particular estuary should have such an ECP route proposed for all or part of it, it is by definition necessary for us to consider the sort of route that would be possible, taking into account the statutory criteria, before deciding whether it in fact makes sense for us to propose such a route. Otherwise, it would be impossible for us to judge fairly and objectively whether and to what extent use of the estuary discretion makes sense in all the circumstances.

2. Our deliberations are strongly guided by the helpful and detailed guidance on all of this in the Coastal Access Scheme. That guidance explains the relationship between the various statutory considerations, and it seeks to ensure that fair balance is achieved on the ground in all the circumstances.

3. There are several aspects to this balance:

- the fair balance which section 297(3) of the 2009 Act requires us to aim to strike between the interests of the public in having rights of access over coastal land (which are considered in chapter 4), and the interests of owners and occupiers of land over which coastal access rights would be conferred (considered in chapter 5);
- the balance between the recreational factors described in chapter 4, which we are required to consider under section 297(2) of the 2009 Act in determining the route we propose, for example the balance between its convenience and its proximity to the sea;

- the balance between all the recreational factors described in chapter 4 (including the availability of spreading room and the need for our proposals to be responsive to coastal change), and the environmental objectives described in section 4.9; and
- the balance between the various estuary criteria set out in section 301(4) of the 2009 Act. Section 10.2 onwards of the Scheme set out in more detail “how we will interpret [these criteria]” when delivering the Coastal Access programme. It is therefore these sections to which we must have regard in this respect, alongside the other considerations above.

4. The Scheme does not say that we will do a cost benefit analysis before deciding whether and to what extent to engage with an estuary. In fact, while the legislation contemplates that at the national scale there may be some breaks in the trail, it makes clear at 2009/s297(2)(c) that so far as reasonably practicable, these must be kept to a minimum. It is clear from other fields of law that a duty to do something so far as reasonably practicable is an exacting one. The classic definition of the term was set out by the Court of Appeal (in its judgment in *Edwards v. National Coal Board*, [1949] 1 All ER 743), in a safety at work case:

" 'Reasonably practicable' is a narrower term than 'physically possible' ... a computation must be made by the owner in which the quantum of risk is placed on one scale and the sacrifice involved in the measures necessary for averting the risk (whether in money, time or trouble) is placed in the other, and that, if it be shown that there is a gross disproportion between them – the risk being insignificant in relation to the sacrifice – the defendants discharge the onus on them."

5. Applying that principle to the context of an estuary which interrupts the continuity of the open coast, the duty on NE and the Secretary of State at s297(2)(c) is a duty to avoid the estuary causing a break in the open coast route unless the cost, time and trouble of securing a viable route around or across the estuary is grossly disproportionate to the benefit to the public of doing so. We say that in the present situation, that is clearly not the case.

6. This is fully consistent with paragraph 10.1.5 of the Scheme, which says “*We always give careful consideration to extending the trail as far as the first bridge or tunnel with pedestrian public access. This is in keeping with our duty under the 2009 Act to have regard to the desirability of ensuring, so far as is reasonably practicable, that interruptions to the trail are kept to a minimum and the additional requirement, in deciding whether and how to exercise our discretion on estuaries, to consider any other recreational benefits that would accrue from doing so*”.

7. It is true that where an estuary is served by a full-time ferry service, NE’s usual practice is to propose that ECP users should continue around the coast by using the ferry, and not to propose any route between the ferry points via the first public foot crossing - even where such an additional route would have delivered additional public benefit. However, the Deben, to which this objection relates, has only a seasonal ferry service.

6. Even if some change to the status quo were needed, it could have taken less impactful forms – for example:

6a. NE could have financed an enhanced ferry service, based on the successful trial some years ago.

1. In developing our proposals for this stretch of coast we explored the trial dial a ride service undertaken to extend the ferry’s operation through the winter and early spring of 2017/18. Section 5, part e of our Overview document talks about this and notes the limitations of the service that led us to conclude it would not resolve the core issue here.

2. Any proposals to extend the service would require the agreement of the highway authority, which is the holder of the necessary powers to provide or operate a ferry service or make an agreement with a ferry operator for this kind of purpose. The highway authority supported our conclusion.

6b. NE’s proposed estuary route could have been classified as an alternative route, for use when the ferry service is not running – thereby avoiding creation of seaward coastal margin.

3. We set out in our report Overview on pages 21 and 22 the reasons why we did not classify the proposed estuary route as an alternative route.

6c. As on the River Yealm in Devon, an alternative route intended for use when the ferry service was not running could have been aligned well away from the river, using existing highways. This would have reduced impacts and costs, and resolved NE’s point that an alternative route is only available for part of the time.

4. Our adoption of this approach on the Yealm estuary was driven by the particular and unusual circumstances there. The Yealm has a pronounced ‘crow’s foot’ appearance, and the majority of its shoreline is characterised by steep gradients and dense tree and scrub coverage on the steeper lower

slopes. The lack of existing access and the convoluted crow's foot nature of the shoreline and difficult wooded terrain would make the establishment of a waterside trail challenging and costly. In addition, detours would be necessary in places where gardens and historic parkland extend to the riverbank and there would be limited views of the estuary due to the woodland along the shoreline. Given these constraints it was decided that the creation of a bespoke estuarial trail would not, in this instance, justify the substantial additional cost to the national implementation programme. Accordingly, we proposed an alternative route that makes use of existing inland public rights of way.

5. By contrast, the Deben estuary is a key component of the complex of estuaries which largely defines the fundamental character of the Essex and Suffolk coastline. It is fairly uniform in shape with a width of circa 500-750m only narrowing significantly in its upper reaches as it passes through Woodbridge. This width, together with the presence of sizeable areas of saltmarsh and mudflat, all contribute to the coastal character of the estuary. The estuary valley sides are broad and gently sloping, and while wooded in places, the estuary has a generally open aspect. There is existing shoreline public access in large part (though increasingly fragmented by erosion), and no extensive areas of excepted land requiring significant detours from the shoreline – with the associated loss of coastal feel. For these reasons, we proposed a continuous walking route around the estuary as the main ECP route, while aligning it past the two ferry points to allow users to take the ferry if they wish to at times when it is running.

6. [redacted] note that East Suffolk Council sees the existence of ferries as integral to its character and a key tourist feature and suggest that our proposals undermine this. This is untrue. Whilst we are not proposing using the ferry crossing, we have indeed connected the ECP to both sides of ferry crossing to allow users to easily navigate to them, should they wish to cross the estuary in this way. Furthermore, during the planning stage, we regularly consulted with East Suffolk Council to ensure that they were happy with our proposal.

7. **NE's proposals would mean there being two routes between Bawdsey and Felixstowe – one following the ferry, the other going around the estuary. This is inconsistent with the legislation and the Coastal Access Scheme.**

1. Under our proposals there is a single route for the estuary, which is deliberately aligned past the two ferry points so that at times when the ferry is running, walkers have the option (which many will take) to use the ferry and continue on around the open coast.

8. **It's hardly direct and convenient to expect people to walk 40 km around the estuary rather than using the ferry to continue their walk around the coast.**

1. Whenever the ferry service across the Deben is running, ECP users will be able to use it rather than continue around the estuary, and experience suggests that many will do exactly this. To facilitate this happening, the proposed route links directly to the ferry quays at Bawdsey and Felixstowe Ferry.

9. **9a. The newly-fenced path area on the objector's land would equate to some 3.5 acres in all – uncompensated, unusable by the objector, and ineligible for Single Farm Payment.**

9b. If gates are put in this new fence, the public will then walk along the top of the flood bank – but if there are no gates for this reason, the objector would lose the use of a further 24 acres of grazing land seaward of the fence.

9c. The new fence will need regular maintenance, plus replacement every 10 to 15 years. The access authority will not have the resources to do this.

1. The 'trail land' along the folding will remain owned and available for use by the objector. The new fence seaward of it is intended to reinforce the need for walkers to avoid walking along the crest of the bank. Lockable gates in the fence will equally ensure that the objector can continue to use and manage the bank, and we are happy to discuss the number and location of gates for this purpose. We will use signage at these gates to reinforce the public messaging about not walking along the top of the bank.

2. Implementation of the England Coast Path will therefore have no impact on a landowner's ability to claim basic farm payments.

3. Ongoing management and maintenance of the trail and any infrastructure associated with it, including the proposed mitigation measures, will be undertaken by Suffolk County Council who are the local Access Authority. As a National Trail, the England Coast Path will receive a contribution towards this work from Natural England in accordance with the national funding arrangements in place at the time.

[redacted] have referenced the documents in Appendix A and B. To avoid repetition please refer to our comments made in response to the representation made by the Deben Estuary

Partnership in the Whole Stretch representation comments with reference MCA/FFB Stretch/R/45/FFB0466.

Relevant appended documents (see Section 6):
 Appendix A: Deben Estuary Partnership response to the consultation
 Appendix B: Proposals from the Deben Estuary Partnership – in conjunction with Estuary Landowners

Representation ID:	MCA/FFB5/R/20/FFB0566
Organisation/ person making representation:	[redacted]
Name of site:	Ferry Cliff to Ramsholt
Report map reference:	Maps FFB5 a – e
Route sections on or adjacent to the land:	Proposed route on Maps FFB5a/5b/5c/5d and 5e from points S001 to S050 inclusive
Other reports within stretch to which this representation also relates	FFB4

Summary of representation:
 [redacted] feels that there are some wildlife matters Natural England appear to have missed or ignored.

[redacted] is a retired Public Health Inspector / Environmental Health Officer with 42 years' working experience in my profession, the last 25 years of which were spent in the employ of Suffolk Coastal District Council (now part of East Suffolk Council). He has been responsible during that time for inspections, investigations (including accident investigations) and statutory enforcement of The Health and Safety at Work Act 1974 (and the health, safety and welfare provisions of previous legislation including The Factory Act 1961 and Offices, Shops and Railway Premises Act 1963) and I was also the Trades Union Safety Representative for the local branch of "UNISON" at Suffolk Coastal District for 20 years.

He has lived in the Parish of Sutton for over 25 years. As a regular user of existing public footpaths to the south-west, north-west and north east of the crossing of the River Deben by the A1152 at Wilford Bridge and other existing public footpaths between Sutton Hoo and Ramsholt, he is very familiar with the area and of many changing "local trends".

In addition to Natural England's sources of information, [redacted] can confirm that in 2020, summer visiting Turtle Doves were present on the part of the proposed path between MapFFB5a/5b/5c/5d & 5e from reference points S001 to S050, as were Cuckoos and Nightingales during their breeding seasons; Bullfinches, Marsh Harriers, Barn Owls and Tawny Owls are present all year round. There are numerous badger setts all along the areas from Maps FFB4a to FFB5e. The comments at D6.2.5 of Natural England's "Nature Conservation Assessment", states for parts of the path other than the areas mentioned on Maps FFB4a – FFB5e, "In the areas where badgers, and particularly badger setts, are most likely to be found, we also propose that the trail sticks to existing PRow, or nearby walked routes, to seaward. This, combined with the small anticipated increase in human activity and the badgers' largely nocturnal habits, mean that we don't expect our proposals to have a measurable effect on them." Simply not noting their presence in the large areas covered by Maps series 4 & 5, is no

excuse for ignoring these animal and bird's needs for protection – some critically or seriously endangered species amongst them!

Natural England's comment:

We thank [redacted] for the bird information he provided but can confirm that the designated SPA/SSSI species have been fully considered in the Habitats Regulations Assessment/Nature Conservation Assessment/ Nature Conservation Assessment. Some of the other species mentioned (such as cuckoo and barn owl) are of interest but would be very unlikely to be directly affected/disturbed by the England Coast Path.

With regards to Badgers, as noted in the NCA we have acknowledged their presence but have explained that “In the areas where badgers, and particularly badger setts, are most likely to be found, we also propose that the trail sticks to existing PRow, or nearby walked routes, to seaward. This combined with the small, anticipated increase in human activity and the badgers' largely nocturnal habits, mean that we don't expect our proposals to have a measurable effect on them”.

Relevant appended documents (see Section 6):

Representation ID:	MCA/FFB5/R/38/FFB0008
Organisation/ person making representation:	The Disabled Ramblers, [redacted]
Name of site:	<ol style="list-style-type: none"> 1. Report FFB 5: All route sections generally 2. Map FFB 5a: Route sections FFB-5-S001 and FFB-5-S008 3. Map FFB 5e: Route section FFB-5-S055
Report map reference:	<ul style="list-style-type: none"> • Map FFB 5a Ferry Cliff to Methergate Hall • Map FFB 5b Methergate Hall to Nettle Hill • Map FFB 5c Nettle Hill to Rockhall Wood • Map FFB 5d Rockhall Wood to Cragpit Plantation • Map FFB 5e Cragpit Plantation to Ramsholt
Route sections on or adjacent to the land:	FFB-5-S001 to FFB5-S055
Other reports within stretch to which this representation also relates	

Summary of representation:

Comment 1

Report FFB 5: All route sections generally

There is a significant and steadily increasing number of people with reduced mobility who use all-terrain mobility scooters and other mobility vehicles to enjoy routes on rugged terrain in the countryside, including uneven grass, bare soil or rocky paths, foreshore areas and some sea walls and beaches. Slopes of 1:4, obstacles 6” high, water to a depth of 8” are all challenges that users of all-terrain mobility scooters are used to managing. Modern batteries are now available that allow a range of up to 60 miles on one charge.

Disabled Ramblers is concerned in particular that Natural England may not have considered that this group of people may want to access sea walls where they are of sufficient width

(mobility vehicles being up to 85cm wide and often 173cm in length), so to enable them to do this Disabled Ramblers requests that slopes/ramps are provided either instead of, or alongside, steps where the height of the sea wall is not prohibitive (in which case an alternative access point, or alternative route, should be identified where possible to enable these users to progress along the route).

Modern mobility vehicles are large, and many man-made barriers that will allow access to a manual wheelchair are not large enough for all-terrain mobility vehicles or for some 'pavement' scooters, and prevent legitimate access even though users of mobility vehicles have the same rights of access that walkers do.

Wherever possible man-made infrastructure should be replaced or adapted to enable these users to have the same, legitimate, use and enjoyment of the main route of the England Coast Path that walkers have. Suitability of all structures should always be considered with the assumption that a person with reduced mobility will be going out without more-mobile helpers, so will need to operate the structure on their own, seated on their mobility vehicle. Man-made infrastructure should not be a barrier to access.

Disabled Ramblers requests

- that new structures to be installed should be suitable for those who use large mobility vehicles, and should comply with British Standard BS5709: 2018 Gaps Gates and Stiles.
- that where existing man-made structures are a barrier to those who use mobility vehicles, these should be reviewed, and where necessary removed and replaced with suitable structures to allow access to the England Coast Path.
- compliance with the Equality Act 2010 (and the Public Sector Equality Duty within this act)
- compliance with the Countryside Rights of Way Act 2000
- adherence to the advice from Disabled Ramblers in the attached document Man-made Barriers and Least Restrictive Access

Comment 2

Map FFB 5a: Route sections FFB-5-S001 and FFB-5-S008

There are 2 existing barriers, at section FFB-5-S001 and section FFB-5-S008 , which should be reconsidered. If they prevent progress by a user of a large mobility vehicle they should be replaced with a suitable alternative.

Comment 3

Map FFB 5e: Route section FFB-5-S055

The proposed gap in the fence at section FFB-5-S055 should be large enough and suitably positioned to allow a large all-terrain mobility vehicle to leave the carpark at this point to pass along the trail.

Natural England's comment:

Comment 1

Natural England welcomes the Disabled Ramblers comments regarding infrastructure that may present as a barrier to many users of the England Coast Path. Natural England will work with Suffolk County Council as the access authority who have responsibility for establishing and maintaining the trail to ensure all users are considered and structures and surfacing meets all necessary legislation, including that designed to protect wildlife and the protection of the flood defence systems.

Natural England acknowledges its duties under the Equality Act 2010 and the Countryside and Rights of Way Act 2000, and also the extra responsibilities conferred by the Public Sector Equality Duty, under the former. Section 4.3.8 of the Scheme outlines that Natural England follow the principles set out in our publication “By All Reasonable Means” to make the trail as easy to use as Natural England reasonably can for disabled people and others with reduced mobility, whilst accepting that such opportunities will often be constrained by practical limitations, such as the rugged nature of the terrain or the availability of visitor transport and facilities.

An important element of equality law is that the needs of those with constrained or restricted mobility are considered throughout the planning, design and implementation processes, and that they are not simply treated as an ‘add on’. Natural England have endeavoured to achieve this as they have developed our proposals for the Bawdsey to Aldeburgh stretch, and, if our proposals are approved, will continue to do so through the implementation phase, working alongside Suffolk County Council, which shares the same responsibilities and duties.

Natural England also recognise the importance of satisfying the relevant British Standards, and the desirability of complying with the advice contained in the Disabled Ramblers Notes on Infrastructure and will also be focusing on these documents as Natural England work with the access authorities.

Natural England also note the Disabled Ramblers advice regarding the larger mobility vehicles and will ensure this is considered.

Comment 2

The two barriers mapped at sections FFB-5-S001 and FFB-5-S008 are both existing wooden bollards which stand next to the existing Public Right of Way, which we propose adding waymarker disks to. These should not prevent progress by users of large mobility vehicles.

Comment 3

Natural England propose to work with Suffolk County Council to ensure that the gap created at FFB-5-S055 is wide enough and suitably positioned to accommodate as wide a range of different abilities as possible within the constraints of the surrounding terrain.

Relevant appended documents (see Section 6):

Appendix C: The Disabled Ramblers Document: Man-made Barriers and Least Restrictive Access

Representation ID:	MCA/FFB5/R/57/FFB0589
Organisation/ person making representation:	[redacted]
Name of site:	Ramsholt
Report map reference:	FFB 5e
Route sections on or adjacent to the land:	FFB-5-S047 to FFB-5-S050

Other reports within stretch to which this representation also relates	FFB6
<p>Summary of representation:</p> <p>[redacted] has spent his whole life on the River Deben, most of it at Ramsholt. He was in the Coastguard for over 30 years and has been a charter skipper for the last 20+ years.</p> <p>Because of recent publicity, the car park at Ramsholt has been overfull at weekends leading to cars being parked all along the narrow approach road and on the roadside verge with resulting damage to the verges and making access more difficult for emergency and other vehicles. Having a connecting public footpath to the south will make this situation worse. This past autumn and winter, increasing numbers of walkers along the paths on the 2 sections of wall to the north have resulted in these river walls becoming extremely muddy and are being eroded as a result. The proposed footpath to the south can only add to, and result in, such problems. This once idyllic area could be spoilt forever.</p>	
<p>Natural England's comment:</p> <p>Natural England thanks [redacted] for his comments.</p> <p>For this section of England Coast Path, which stretches from Ferry Cliff to Ramsholt, we have proposed the route along existing Public Rights of Way and Walk routes. There is one small section of roughly 150m where we are creating new, more direct access. But because we are following a route which has existing access, we anticipate that there will only be a small increase in access numbers.</p> <p>The flood walls to the north of Ramsholt becoming muddy in winter is, from our understanding, a normal occurrence and something which we took into consideration during our decision making.</p> <p>The increase in visitor numbers due to recent publicity was not something that we were able to predict in our access assessment. Section 4.3.12 of the approved Coastal Access Scheme 2013 states that Natural England “.. are not required to consider additional visitor facilities such as car parks, toilets or public transport as part of our proposals to the Secretary of State, In practice we expect local businesses and communities to decide what additional visitor facilities are appropriate. These do not form part of the proposals in our report.”</p>	
<p>Relevant appended documents (see Section 6):</p>	

Length Report FFB6

Full representations

Representation number:	MCA/FFB6/R/65/FFB0625
Organisation/ person making representation:	Royal Society for the Protection of Birds
Route section(s) specific to this representation:	<p>Report – FFB 6</p> <p>Map – FFB 6a, 6b and 6c</p>
Other reports within stretch to which this representation also relates:	NA
Representation in full	

This proposed section of the coast path between the picnic area at Bawdsey and the Ramsholt pub opens up an approx. 3 mile stretch of the Deben Estuary that has not previously been accessible by the public. The saltmarsh west beyond the sea wall is the location of the estuary's key avocet roost, which is a feature of the Deben Estuary SPA. This stretch also is a stronghold for saltmarsh-breeding redshank (amber-listed), which are increasingly rare on the Suffolk coast and undoubtedly have benefitted from lack of disturbance. The fields landward of the borrow dyke support up to 10,000 lapwing (red-listed) and golden plover, 50+ curlew (red-listed) at high tide as well as breeding marsh harrier (amber-listed). See Mason, Excell and Meyer (2014) for further detail on the site's importance.

The RSPB is very reluctant to support opening up this stretch of the Deben Estuary to public access. It is particularly concerning that either side of the stretch (Bawdsey picnic area and Ramsholt pub) are hotspots for human activity and it is therefore plausible that this relatively short stretch could become a hotspot for recreational use.

It is however understood that Natural England have had productive conversations with Suffolk Wildlife Trust about this stretch, relocating it from the sea wall, and making steps to minimise potential impacts, including fencing off access to the sea wall and to the landward fields. It is also appreciated that alternative routes inland could have the potential to cause greater disturbance to birds in the landward fields or would need to use narrow roads that would be unsafe for walkers.

Although the RSPB's view is that it would be preferable if this stretch of the Deben Estuary is not opened up for public access at all, it acknowledges the above considerations and strongly recommends the following measures should the stretch be opened:

- That the entire stretch has a 'dogs on leads all year round to protect sensitive wildlife' as part of its Section 26(3)(a) exclusion to prevent dogs escaping through fencing into sensitive wildlife areas
- That the fencing type and materials used to prevent access to the sea wall are designed to deter people from climbing over it
- That considerable effort and necessary funding is provided to work with the Suffolk Coast and Heaths AONB and Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) to provide rangers at key times (i.e. weekends) at either side of this stretch where public access the path from Ramsholt and Bawdsey to educate and inform users about the importance of the site for wildlife and behaviour that can minimise disturbance. This will be especially important when the trail is first opened to ensure local and regular users are targeted before becoming accustomed to using the route in ways that could undermine the conservation value of the area
- That monitoring is undertaken to understand the change in recreational use in the area so any further actions needed to protect wildlife can be taken quickly and efficiently.

Natural England's comments

Natural England thanks the RSPB for their comments on the proposals and their broad support for our choice of route between Bawdsey and Ramsholt.

Natural England's statutory purpose is to conserve, enhance and manage the natural environment for the benefit of present and future generations. In keeping with this we aim to strike the right balance in each circumstance between securing opportunities for the public to enjoy the natural environment and ensuring appropriate protection of it when developing our proposals for the England Coast Path.

A full assessment of any potential impacts of our proposals on wildlife and habitats of local and national importance, and also on the sites and designated features of European importance, was undertaken as part of the preparation of our proposals. Our detailed findings in relation to FFB6: Ramsholt to Bawdsey Quay were published alongside our proposals in the following documents:

- Assessment of Coastal Access Proposals between Felixstowe Ferry and Bawdsey on sites and features of nature conservation and geological importance concern December 2020,
- Habitats Regulation Assessment of England Coast Path proposals between Felixstowe Ferry and Bawdsey on the Deben Estuary Ramsar site December 2020. January 2020.

In respect of local and national sites and features of nature conservation concern, the assessment found that in developing the new access proposals the appropriate balance has been struck between Natural England's conservation and access objectives, duties and purposes. In respect of the conservation objectives of European sites, the assessment found that our proposals are fully compatible with the relevant European site conservation objectives and that taking into account any incorporated avoidance and mitigation measures, will not have an adverse effect on their integrity.

The measures we have taken to protect the environment between Ramsholt and Bawdsey Quay are listed in Coastal Access Report FFB 6 at section 6.2.4. In addition to these we have also proposed to exclude access to the saltmarsh and mudflat as specified in section 6.2.10.

These assessments did not require special measures to be introduced such as a ranger to educate and inform users or monitoring to understand the change in recreational use in the area.

Under the coastal access legislation, a person who brings a dog with them must keep it under "effective control", which means they must: keep the dog on a lead; or keep it within sight, remain aware of its actions and have reason to be confident that the dog will return reliably and promptly to them on command; and in either case, keep the dog on land with coastal access rights or other land to which the person has a right of access. In addition, we have also proposed a stock proof fence on the folding between the trail and the flood defence wall (sections FFB-6-S003 to FFB-6-S008) as a physical barrier to people and dogs, plus gates to prevent dogs accessing the arable fields landward of the trail. As a result, it is felt a "dogs on leads" restriction won't be necessary.

Our proposals also include information signs to ensure that people are aware of the nature conservation sensitivities of the area and act accordingly. Not only will this identify key species such as avocet to be protected on the estuary side of the trail but also those species which can be found feeding on the arable fields landward of the trail such as dark bellied brent geese, curlew and lapwing. These information signs are to ensure that people are aware of the need to prevent disturbance to key species such as avocet and dark bellied brent geese by dogs. This combination the stock proof fencing and information signs was felt to be sufficient to deter people from accessing the flood wall.

With respect to the Coast Path, the route will benefit by being managed to National Trail quality standards, that include regular monitoring of trail condition and associated signage or other new infrastructure. Should wider circumstances affecting the site change at any time in the future, Coast Path management can be adapted as necessary to avoid or reduce any possible negative impacts on sensitive sites. A key feature of ongoing National Trail management is to work closely with relevant landowners and managers to identify and resolve any issues that might arise at an early stage.

Relevant appended documents (see section 6):

Representation number:	MCA/FFB6/R/17/FFB0058
Organisation/ person making representation:	Suffolk County Council, [redacted]
Route section(s) specific to this representation:	FFB 6 Ramsholt to Bawdsey Quay
Other reports within stretch to which this representation also relates:	<i>FFB4</i>

	<i>Whole stretch</i>
Representation in full	
<p>Suffolk County Council supports the proposed alignment from Ramsholt to Bawdsey Quay, accepting that the trail should be aligned in the folding to protect the sensitive wildlife features on this part of the estuary.</p> <p>However, the County Council would like to see those works proposed as mitigation to fulfil the objectives of the Habitat Regulations, included in the National Trail maintenance funding formula. These works include 15 gates, 2 interpretive panels and a stock fence of approximately 1000m for controlling dogs and walkers.</p> <p>In addition, we would like to see this section of the trail (FFB6-002 to FFB6 010) which is immediately adjacent to SSSIs and not just within the boundary, included in the uplift. It seems particularly unfortunate the funding formula neither recognises the necessity of ongoing funding for the mitigation works that enable the trail to be opened, nor the proximity of the SSSI and SPA which requires those additional works.</p> <p>As a public body the County Council must have regard to the purpose of conserving biodiversity (NERC Act 2006), so this will result in disproportionate pressure on the use of the maintenance funding for this stretch.</p>	
Natural England's comments	
<p>Natural England welcomes the support of Suffolk County Council in the use of estuary discretion for the proposals and the alignment around the Deben Estuary that improves the current PRoW provision.</p> <p>Suffolk County Council mention 1000km of fencing in the representation but for clarity this fencing is expected to be roughly 4500km.</p> <p>Natural England funds all the costs associated with the establishment of the trail and any associated mitigation works identified in both our Habitats Regulation Assessment and Nature Conservation Assessments. Thereafter we make a regular contribution to the ongoing management and maintenance of the trail and any infrastructure associated with it. This contribution is made in accordance with the national funding arrangements in place at the time.</p> <p>Natural England don't 'specify' how National Trail maintenance funding should be spent and in the early years we are not expecting newly installed infrastructure to need much maintenance. As the Access Authority, Suffolk County Council can therefore use their contributions in the early years to stockpile materials that could be used to replace structures such as this fencing.</p> <p>The current funding formula is due to be reviewed in the light of the experiences of developing the England Coast Path and given the need to maintain mitigation works associated with Habitat Regulation Assessments. Natural England expect this to happen next year which means it would coincide with the completion of England Coast Path establishment.</p> <p>In relation to the comments regarding a financial uplift for those sections of the trail that run immediately adjacent to Sites of Special Scientific Interest (SSSI), NE acknowledge that the Suffolk County Council has concerns in this area. As noted, the current uplift applies only where the trail runs directly through a SSSI. This is to recognise the potential for additional maintenance costs to be incurred and this element of the current funding formula was originally agreed by a stakeholder group representing all the established National Trails in England following a review of funding that was completed in 2013. A subsequent review by a group representing all the trails was carried out in 2015. It is NE's intention to undertake a further</p>	

review of the funding formula as the England Coast Path (ECP) is completed so that we can look to see if there are any changes that should be made. This process will begin later this year and will be carried out with the involvement of ECP managers. Suffolk County Council's constructive input will be welcomed as part of this process, although we are not making any assumptions at this time as to how this review may change the existing formula.

Relevant appended documents (see section 6):

Other representations

Representation ID:	MCA/FFB4/R/8/FFB0541
Organisation/ person making representation:	[redacted]
Name of site:	Ramsholt to Bawdsey Quay
Report map reference:	Maps 6a, 6b, 6c
Route sections on or adjacent to the land:	FFB 6: Ramsholt to Bawdsey Quay
Other reports within stretch to which this representation also relates	FFB 4

Summary of representation:

The proposals are a very welcome addition to the access and enjoyment of this special environment.

Natural England is to be congratulated on formulating all FFB proposals which will give great benefits to the enjoyment of the walkers without compromising the essential quality of the precious and fragile environment of the Deben estuary.

(originator and Autor of 'East Suffolk Line Walks' publications detailing walks from the stations along rail routes between Ipswich, Lowestoft and Felixstowe.)

Natural England's comment:

Natural England thanks [redacted] for his praise and support of our proposals.

Relevant appended documents (see Section 6):

Representation ID:	MCA/FFB6/R/4/FFB0449
Organisation/ person making representation:	[redacted]
Name of site:	Ramsholt to Bawdsey

Report map reference:	FFB 6C
Route sections on or adjacent to the land:	Between FFB 6-S008 and FFB 6-S010. Close to Bawdsey picnic site
Other reports within stretch to which this representation also relates	FFB4
Summary of representation: The new coast path route around the Deben often follows in the lee of a sea wall. the estuary itself cannot be seen from the path. This is designed to prevent birds from being disturbed. [redacted] was expecting some raised viewpoints to be incorporated along the route to view the estuary to be able to study birds with a telescope. It had been suggested that these viewpoints could be made wheel chair accessible. He has chosen Bawdsey picnic site as a suggested place. He cannot find any reference to these viewpoints in the reports.	
Natural England's comment: Natural England thanks [redacted] for his comments. Viewing platforms were considered at a very early stage in the planning process, however, on balance we felt it wasn't appropriate to include them. We felt that their input would lead to skylining and bird disturbance and in turn a negative impact on the designated features of the site.	
Relevant appended documents (see Section 6):	

Representation ID:	MCA/FFB6/R/63/FFB0627
Organisation/ person making representation:	Suffolk Wildlife Trust
Name of site:	FFB 6 Ramsholt to Bawdsey Quay
Report map reference:	FFB 6a, 6b and 6c
Route sections on or adjacent to the land:	FFB-6-S001 to FFB-6-S019
Other reports within stretch to which this representation also relates	NA
Summary of representation: As noted within the Nature Conservation Assessment for Felixstowe Ferry to Bawdsey, this section does not have existing PRow so is vulnerable to increased risk of disturbance to any species that utilise this section of the estuary. This relative isolation has meant that important species such as avocet use the saltmarsh to roost (Mason, Excell & Meyer, 2014). Avocet are a qualifying feature of the Deben Estuary SPA and Ramsar. The fields inland of the path are used by lapwing, curlew and golden plover as well as brent geese. Dark-bellied brent geese are also a qualifying feature of the Deben Estuary SPA and Ramsar. Short eared owls and marsh harriers are also recorded within this area. Suffolk Wildlife Trusts understand that it is difficult to avoid this section for use as the coastal path however, due to the route connecting the picnic area at Bawdsey and the public house at Ramsholt they believe there is the potential for a large amount of footfall. They believe that there is a high risk of potential disturbance to qualifying species of the Deben Estuary SPA and Ramsar as well as other important bird species. Consequently, if coastal access is granted to this part of the route, Suffolk Wildlife Trust request that the following measures are included: They welcome proposals to locate the route along the folding, rather than the sea wall and that fencing will be used along the length of the path to discourage encroachment onto sensitive areas. They request that in order to fully safeguard these areas, the fence is carefully designed to physically prevent people from climbing over, should they be inclined to want to access the sensitive areas. Collaboration with the Suffolk Disturbance Recreational Avoidance Mitigation Strategy (RAMS) and Suffolk Coast and Heaths AONB should be sought for employment of 'educators' at parking areas either end of the section to inform users of the importance of the area for wildlife and the behaviour that is required to ensure no disturbance. This includes	

accompanying dogs being kept on a short lead in this section to prevent escape through fencing and disturbance of roost sites and sensitive features.

They request that monitoring of this area is undertaken to ensure possible threats to the sensitivities, including disturbance is recorded and further measures to protect wildlife that are subsequently required are implemented quickly.

Natural England’s comment:

Natural England thanks Suffolk Wildlife Trust for their comments and their advice given during the planning process.

Regarding the fencing, page 63 of the Habitats Regulations Assessment proposed a stock proof fence along with information signs explaining the importance of keeping dogs under close control.

These assessments did not require special measures to be introduced such as a ranger to educate and inform users or monitoring to understand the change in recreational use in the area.

We note the comment from SWT that additional monitoring should be undertaken to check possible threats to the sensitivities, including disturbance between Ramsholt and Bawdsey that could have an adverse effect on wildlife.

We sometimes attach specific monitoring conditions to our proposals, however; in this situation, Coastal Access Rights will be excluded from the saltmarsh and the flood wall and we see no need for additional monitoring.

With respect to the Coast Path, the route will benefit by being managed to National Trail quality standards, that include regular monitoring of trail condition and associated signage or other new infrastructure. Should wider circumstances affecting the site change at any time in the future, Coast Path management can be adapted as necessary to avoid or reduce any possible negative impacts on sensitive sites. A key feature of ongoing National Trail management is to work closely with relevant landowners and managers to identify and resolve any issues that might arise at an early stage.

Relevant appended documents (see Section 6):

Representation ID:	MCA/FFB6/R/57/FFB0589
Organisation/ person making representation:	[redacted]
Name of site:	Ramsholt to Bawdsey
Report map reference:	Maps FFB 6a, b and c
Route sections on or adjacent to the land:	FFB-6-S001 to FFB-6-S019
Other reports within stretch to which this representation also relates	NA

Summary of representation:

[redacted] has spent his whole life on the River Deben, most of it at Ramsholt. He was in the Coastguard for over 30 years and has been a charter skipper for the last 20+ years.

With respect to the proposed footpath on the river wall Ramsholt to Bawdsey, he feels that in its current state it would be foolhardy to allow the public anywhere near it. In December 2013 a tidal surge burst through the tidal wall just north of Ramsholt Quay flooding the meadowland beyond. On this same night the stretch of wall to the south was overtopped but did not give way. He witnessed this himself.

As a Coastguard he has seen the public flock to see unusually high tides. The wall in question is almost 3 miles long and there are areas behind where the land is up to eight feet below sea level. He would hate to think somebody was on it if it did break through. The last time it went it reached Alderton!

As a charter boat operator [redacted] took many bird watchers for many river trips particularly during winter. There is no doubt in his mind that the stretch of river between Ramsholt and Bawdsey held the best variety of birdlife as well as the most. There is an assortment of birds of prey as well as Avocets, etc.. Last autumn there was a Crane. Having this stretch of river wall open to the public will have an adverse effect on this existing undisturbed area of natural and unspoilt, wildlife habitat.

Because of recent publicity, the car park at Ramsholt has been overfull at weekends leading to cars being parked all along the narrow approach road and on the roadside verge with resulting damage to the verges and making access more difficult for emergency and other vehicles. Having a connecting public footpath to the south will make this situation worse. This past autumn and winter, increasing numbers of walkers along the paths on the 2 sections of wall to the north have resulted in these river walls becoming extremely muddy and are being eroded as a result. The proposed footpath to the south can only add to, and result in, such problems. This once idyllic area could be spoilt forever.

Natural England's comment:

Natural England thanks [redacted] for his comments.

Natural England wants to clarify that the route between Ramsholt and Bawdsey does not follow the top of the flood wall as [redacted] notes, but instead is aligned along the folding. Access to the sea wall adjacent to the trail in the coastal margin will be excluded between Ramsholt and Bawdsey all year round, next to route sections FFB-6-S003 to FFB-6-S008. This restriction is to prevent 'skylining' by walkers on the seawall and consequent disturbance to breeding and roosting birds such as redshank, oystercatcher, ringed plover, lapwing and avocet on the sea wall and estuary side of the trail. See map FFB E6 in the Overview, the Habitat Regulations Assessment and the Nature Conservation Assessment accompanying this report for further detail.

Regarding the safety of this stretch between Ramsholt and Bawdsey, there are existing PRoW along most of the other flood walls around the estuary, including the opposite side of the estuary where the landscape is similar – with a flood wall and low-lying fields behind the flood wall. Natural England have not been made aware of any occasions when the public have got into difficulty here. Section 4.2.1 of the Coastal Access Scheme says that “Most people already understand that the coast can be a dangerous environment, and are aware of many of the inherent risks. Our key principle is that visitors should take primary responsibility for their own safety when visiting the coast and for the safety of any children or other people in their care, and should be able to decide for themselves the level of personal risk they wish to take” Suffolk County Council will be responsible for managing the route and they have the ability in the legislation to close, or temporarily divert a route if it becomes unsafe. Section 6.4.4 of the Scheme notes that “Some concerns about coastal access rights over a particular area of land may apply infrequently, or only for part of the year. In these circumstances we may:

- *provide a temporary or alternative route for people to use at times when the 'ordinary' route is unsuitable”.*

In line with this principle, land subject to coastal access rights benefits from the lowest level of occupiers' liability known under English law – considerably lower than the duty of care owed towards trespassers on private land, and this applies to both natural and man-made features. This makes it extremely unlikely in normal circumstances that an occupier could successfully be sued in relation to injury on land with coastal access rights. However, as elsewhere, liability still applies in relation to reckless or deliberate acts or omissions by the occupier, and in some circumstances to injury caused by the condition of physical infrastructure such as gates or steps installed by the occupier, but in other respects the level of liability is uniquely low. Our approach to risk management on the trail is therefore light-touch, aiming to minimise any safety measures that would be restrictive on public access or enjoyment, or that would conflict with land management or environmental objectives. We may monitor safety at locations where we have specific concerns, normally working through the access authority.

Natural England's duty under Part 9 of the Marine and Coastal Access Act 2009 (“the 2009 Act”)¹ aims to improve public access to, and enjoyment of, the English coastline by creating clear and consistent public rights along the English coast for open-air recreation on foot. It allows existing coastal access to be secured and improved and new access to be created in coastal places where it did not already exist. Section 296 of the 2009 Act places a duty on Natural England and the Secretary of State to use their powers to secure twin objectives:

- The first objective is to secure a route around the whole of the English coast, which the 2009 Act refers to as “the English coastal route”. This route is an approved mapped line, rather than a physical path.

- The second objective is to secure an associated “margin” of land for the public to enjoy, either in conjunction with their access along the route line, or otherwise.

The provision or improvement of facilities, such as car parks, is not within the remit of the Coastal Access Scheme.

The length of path between Ramsholt and Bawdsey is rural and walkers are expected to wear appropriate footwear and clothing suited to the terrain. We did not observe any areas which were impassable when developing our proposals and have not therefore proposed any work to improve the path surface. We would however be open to doing this at implementation stage should it prove necessary, whilst ensuring we retain the essentially rural nature of the route. Suffolk County Council, will then take on the management and maintenance of the trail supported by Natural England who fund all the costs associated with the establishment of the trail and any associated mitigation works identified in both our Habitats Regulation Assessment and Nature Conservation Assessments. Thereafter Natural England make a regular contribution to the ongoing management and maintenance of the trail and any infrastructure associated with it. This contribution is made in accordance with the national funding arrangements in place at the time.

The current funding formula is due to be reviewed in the light of the experiences of developing the England Coast Path and given the need to maintain mitigation works associated with Habitat Regulation Assessments. Natural England expect this to happen next year which means it would coincide with the completion of England Coast Path establishment.

Suffolk County Council will monitor the trail and undertake any remedial work necessary in line with our published National Trail Standards which can be found here [National Trails: management standards - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

Relevant appended documents (see Section 6):

Representation ID:	MCA/FFB6/R/49/FFB0581
Organisation/ person making representation:	[redacted] and [redacted]
Name of site:	Ramsholt to Bawdsey
Report map reference:	FFB 6a, 6b, 6c
Route sections on or adjacent to the land:	FFB-6-S001 to FFB-6-S019
Other reports within stretch to which this representation also relates	NA
Summary of representation:	
<p>[redacted] and [redacted] are local residents who have contributed walks to their local magazine ‘Village Voices’ and continue to follow matters of interest to local walkers.</p> <p>They are regular walkers and authors of 2 books of local walks in conjunction with Suffolk Coasts and Heaths AONB. There is currently no public access to this part of the river bank. The cliffs along the coast between Bawdsey and Shingle Street are unstable. There are many visitors to the area and the Foot Ferry between Felixstowe Ferry and Bawdsey Quay and the sandy beach at Bawdsey are particularly popular. The only access to Bawdsey Quay is along the narrow, busy B1083. This is unsafe for pedestrians, in particular for families with children. The proposed path from Ramsholt would provide safe pedestrian access.</p>	
Natural England’s comment:	
<p>Natural England thanks [redacted] and [redacted] for their supportive comments on our proposals.</p>	

Please note that the section between Bawdsey and Shingle Street isn't covered in this report. For this information, please go to the web page for Bawdsey to Aldborough <https://www.gov.uk/government/collections/england-coast-path-bawdsey-to-aldeburgh>

Relevant appended documents (see Section 6):

20 Walks on the Deben Peninsula
 20 more walks around the Deben
www.VillageVoices.org.uk

Representation ID:	MCA/FFB6/R/41/FFB0575
Organisation/ person making representation:	[redacted]
Name of site:	Ramsholt Marshes to Bawdsey
Report map reference:	FFB 6c
Route sections on or adjacent to the land:	FFB-6-S001 to FFB-6-S019
Other reports within stretch to which this representation also relates	FFB2, Whole stretch

Summary of representation:

The detail is an alternative route.

The reason is less disturbance to birds especially in the winter

This proposal places the path on the landward side of the flood wall between it and the drainage ditch. In order to prevent disturbance to protected bird species there is an intention to separate the path from the embankment with a dog proof fence. This solution is considered unsatisfactory by the local community and dissatisfying as a landscape experience for the visiting public. There is also doubt over how this section will connect with the coastal stretch along the Bawdsey frontage, since this is an eroding and particularly hazardous location. Initial reflections on this suggest that this will need reconsideration.

The river wall path from Ramsholt to Bawdsey has not been used for generations so the wildlife has become used to no people. Developing a path along the river wall will disturb the wintering birds in this area.

The area inland called Queensfleet/ Ramsholt Marshes is an impassable marsh extending 2 miles inland from the river wall.

EA One built a temporary stone haul road from Bawdsey to Green Point (halfway to Ramsholt) but their website https://www.scottishpowerrenewables.com/pages/project_update.aspx indicates this has or is being removed. It says, " We have installed the EA ONE cables and have completed approximately 60% of reinstatement works along the 37km onshore cable route. Reinstatement includes removing our temporary stone haul road,..."

The route of this temporary stone haul road is shown on the drawings 1 to 3 of 22 at the link

<http://content.yudu.com/web/2it8t/0A3zd2u/LandPlansSheets15/html/index.html>

and I would like to suggest the footpath follows as an alternative route the stone haul road from Green Point to where the stone haul road crosses Queen's Fleet.

Natural England's comment:

Natural England thanks [redacted] for his comments. Regarding the dog proof fence, [redacted] has stated that "This solution is considered unsatisfactory by the local community" but has provided no evidence to support this statement.

Natural England are aware that walking in the folding isn't the perfect solution for walkers because it does not enable them to enjoy views across the estuary. However, it is the route which we believe provides the fair balance we are required to achieve in law between creating no negative impacts on sensitive features whilst creating access for the public along a large stretch of land which has previously had no access. Whilst users will not have

views of the estuary, they will still gain a sense of the coast with the sounds and smells of the coast along with seeing coastal plants within the folding.

Regarding the Bawdsey frontage and the connecting stretch of England Coast Path, please note that this isn't covered in this report. For this information, please go to the web page for Bawdsey to Aldborough section of the England Coast Path <https://www.gov.uk/government/collections/england-coast-path-bawdsey-to-aldeburgh>

[redacted] notes in his representation that "Developing a path along the river wall will disturb the wintering birds in this area". Natural England maintains that it's proposals ensure this is not the case. Natural England propose that that the path is aligned in the folding, rather than on top of the flood wall, to limit bird disturbance. The other proposals to avoid bird disturbance are outlined in table 6.2.4 in Report FFB6. For more information about how we came to this conclusion; see the following assessments of the access proposals that we have published separately:

- Assessment of Coastal Access proposals under regulation 63 of the Habitats Regulations 2017 (as amended) ('Habitats Regulations Assessment') between Felixstowe Ferry and Bawdsey relating to any potential impact on the conservation objectives of European sites.
- Nature Conservation Assessment for Coastal Access Proposals between Felixstowe Ferry and Bawdsey, in which we document our conclusions in relation to other potential impacts on nature conservation.

While we did not consider aligning the route along the EA One haul road we did consider various inland routes (listed in table 6.3.2 of Report FFB6) and many of the reasons for which they were deemed unsuitable also apply to [redacted] suggested route. The reasons include:

- It passes over, and creates spreading room through an important arable area for over wintering dark bellied brent geese. See our published Habitats Regulation Assessment.
- It is further away from the sea

Relevant appended documents (see Section 6):

Representation ID:	MCA/FFB6/R/88/FFB0611
Organisation/ person making representation:	[redacted]
Name of site:	Ramsholt to Bawdsey Quay
Report map reference:	FFB 6a, 6b and 6c
Route sections on or adjacent to the land:	FFB-6-S001 to FFB-6-S019
Other reports within stretch to which this representation also relates	FFB4
Summary of representation:	
It gives pedestrians and runners etc convenient and safe access to Ramsholt without the need to walk the public highways providing a safe, convenient and scenic route.	
Natural England's comment:	
Natural England thanks [redacted] for his supportive comments of this proposal	

Relevant appended documents (see Section 6):

Representation ID:	MCA/FFB6/R/39/FFB0008
Organisation/ person making representation:	Disabled Ramblers , [redacted]
Name of site:	Ramsholt to Bawdsey
Report map reference:	Map FFB 6a Ramsholt to Ramsholt Marshes Map FFB 6b Ramsholt Marshes Map FFB 6c Ramsholt Marshes to Bawdsey Quay
Route sections on or adjacent to the land:	All route sections
Other reports within stretch to which this representation also relates	

Summary of representation:

Comment 1

The Accessibility statement in *Report FFB 6: Ramsholt to Bawdsey Quay* states:

6.2.6 There are few artificial barriers to accessibility on the proposed route and surfaces and access furniture of the existing paths and footways are generally of a suitable standard for the trail. However, the natural coastal terrain is often challenging for people with reduced mobility and this is the case on sections of our proposed route because:

- *the trail would follow an uneven grass or bare soil path along a field edge at Ramsholt (map 6a, sections FFB-6-S001 and FFB-6-S002);*
- *the trail would follow an uneven grass path in places along the folding between Ramsholt and Bawdsey (maps 6a to 6c, sections FFB-6-S003 to FFB-6-S008);*
- *the trail includes a short road section at Bawdsey Quay (map 6c, sections FFB-6-S014 to FFB-6-S018).*

The Disabled Ramblers is concerned that Natural England has not recognised that there is a significant and steadily increasing number of people with reduced mobility who use all-terrain mobility scooters and other mobility vehicles to enjoy routes on rugged terrain in the countryside, including uneven grass, bare soil or rocky paths, foreshore areas and some sea walls and beaches. Slopes of 1:4, obstacles 6" high, water to a depth of 8" are all challenges that users of all-terrain mobility scooters are used to managing. Modern batteries are now available that allow a range of up to 60 miles on one charge.

Disabled Ramblers is concerned in particular that Natural England may not have considered that this group of people may want to access sea walls where they are of sufficient width (mobility vehicles being up to 85cm wide and often 173cm in length), so to enable them to do this Disabled Ramblers requests that slopes/ramps are provided either instead of, or alongside, steps where the height of the sea wall is not prohibitive (in which case an alternative access point, or alternative route, should be identified where possible to enable these users to progress along the route).

Modern mobility vehicles are large, and many man-made barriers that will allow access to a manual wheelchair are not large enough for all-terrain mobility vehicles or for some 'pavement' scooters, and prevent legitimate access even though users of mobility vehicles have the same rights of access that walkers do.

Wherever possible man-made infrastructure should be replaced or adapted to enable these users to have the same, legitimate, use and enjoyment of the main route of the England Coast Path that walkers have. Suitability of all structures should always be considered with the assumption that a person with reduced mobility will be going out without more-mobile helpers, so will need to operate the structure on their own, seated on their mobility vehicle. Man-made infrastructure should not be a barrier to access.

Disabled Ramblers requests

- that new structures to be installed should be suitable for those who use large mobility vehicles, and should comply with British Standard BS5709: 2018 Gaps Gates and Stiles.
- that where existing man-made structures are a barrier to those who use mobility vehicles, these should be reviewed, and where necessary removed and replaced with suitable structures to allow access to the England Coast Path.
- compliance with the Equality Act 2010 (and the Public Sector Equality Duty within this act)
- compliance with the Countryside Rights of Way Act 2000
- adherence to the advice from Disabled Ramblers in the attached document *Man-made Barriers and Least Restrictive Access*

Comment 2

It is anticipated that the terrain along these route sections will be suitable for all-terrain mobility vehicles, so the proposed infrastructure should take this into account.

The 13 proposed field gates along these sections need to be reconsidered, and should either have a pedestrian gate alongside, or be replaced with a York gate to allow progress along the route by users of all-terrain mobility vehicles.

The proposed footbridge on Map FFB 6a at section FFB-6-S001 should be sufficiently large for users of all-terrain mobility vehicles and should have ramps, not steps, at either end; and the gap in the fence at the beginning of section FFB-6-S003 should be of sufficient width too.

Natural England's comment:

Comment 1

Natural England welcomes the Disabled Ramblers comments regarding infrastructure that may present as a barrier to many users of the England Coast Path. Natural England will work with Suffolk County Council as the access authority who have responsibility for establishing and maintaining the trail to ensure all users are considered and structures and surfacing meets all necessary legislation, including that designed to protect wildlife and the protection of the flood defence systems.

Natural England acknowledges its duties under the Equality Act 2010 and the Countryside and Rights of Way Act 2000, and also the extra responsibilities conferred by the Public Sector Equality Duty, under the former. Section 4.3.8 of the Scheme outlines that Natural England follow the principles set out in our publication "By All Reasonable Means" to make the trail as easy to use as Natural England reasonably can for disabled people and others with reduced mobility, whilst accepting that such opportunities will often be constrained by practical limitations, such as the rugged nature of the terrain or the availability of visitor transport and facilities.

An important element of equality law is that the needs of those with constrained or restricted mobility are considered throughout the planning, design and implementation processes, and that they are not simply treated as an 'add on'. Natural England have endeavoured to achieve this as they have developed our proposals for the Bawdsey to Aldeburgh stretch, and, if our proposals are approved, will continue to do so through the implementation phase, working alongside Suffolk County Council, which shares the same responsibilities and duties.

Natural England also recognise the importance of satisfying the relevant British Standards, and the desirability of complying with the advice contained in the Disabled Ramblers Notes on Infrastructure and will also be focusing on these documents as Natural England work with the access authorities.

Comment 2

Natural England note the Disabled Ramblers advice regarding all-terrain mobility vehicles and will ensure this is considered.

The Disabled Ramblers appear to misunderstand the purpose of the 13 field gates proposed along these sections. These are not aligned on the path nor do they provide public access for walkers from adjoining paths. They are proposed to stop dogs accessing the fields landward of the trail across the existing bridges or culverts on the borrowdyke, whilst maintaining access for the landowners/landmanagers. As such it would not be appropriate for us to add pedestrian gates alongside them or replace them with York gates.

Natural England will work with Suffolk County Council to ensure that the footbridge on at section FFB-6-S001 and the gap at FFB-6-S003 can accommodate as wide a range of different abilities as possible within the constraints of the surrounding terrain.

Relevant appended documents (see Section 6):
Appendix A: Man-made Barriers & Least Restrictive Access

Representation ID:	MCA/FFB6/R/15/FFB0465
Organisation/ person making representation:	[redacted]
Name of site:	Ramsholt to Bawdsey Quay
Report map reference:	Maps FFB 6a, 6b, 6c
Route sections on or adjacent to the land:	FFB-6-S001 to FFB-6-S005
Other reports within stretch to which this representation also relates	FFB5

We have replicated the representation from [redacted] in full due to its length and complexity. Please note it refers to the proposals in two Coastal Access Reports, FFB5 and FFB6.

Summary of representation:

[redacted] do not believe that they set a fair balance. In summary:

- a) There is no justification for imposing a route across previously undisturbed land as other more suitable and fairer options are available.
- b) Natural England's Access Assessment (not made publicly available but referred to in the Nature Conservation Assessment) states that a "large increase" in access is predicted on the proposed path across Ramsholt Marshes.
- c) The undisturbed grouping of hinterland, borrow dyke/river wall and saltmarsh represents a "very rare" interconnection which has allowed huge numbers of waders and waterfowl to thrive. This undisturbed grouping would be lost if the path were placed at the foot of the sea wall.
- d) The compensatory measures indicated in the Habitats Regulations and Nature Conservation Assessments (fencing, signage, section 26(3)a direction to exclude access, location of path on landward side of bank) assume public compliance. Evidence, not least from the events of the past year, shows that public compliance cannot be relied upon, even with clear and simple explanation of the rationale for certain measures. In the absence of

compliance, those compensatory measures must be considered as null and void, in which event, those same assessments make clear that there would be significant adverse effects on many conservation features and species.

- e) The trail should have followed the existing Suffolk Coast Path and made use of the ferry crossing, as now.
- f) Natural England could have proposed enhancing the ferry service, based on the results of the trial that took place.
- g) Alternatively, Natural England could have considered instituting an “alternative route” in combination with the ferry. Unlike the trail, an alternative route is not constrained by the need to adhere closely to the coast and could have better avoided currently undisturbed important and significant wildlife areas.
- h) Natural England rejected the ‘ferry with alternative route’ option. Its rejection is based on just one scenario (that the alternative route would be operational solely at the times when the ferry was not available). This option has been used elsewhere on the coast and has not raised concerns about ‘legal availability’. But in any event, there are other options. For example, the alternative route could follow existing highways/public rights of way; or, the alternative route could be made available for set period(s) of time to avoid any alleged difficulties over ‘legal availability’; or sections of new route could be dedicated.
- i) Using an official alternative route enables undisturbed and highly sensitive areas to be avoided, as, unlike the main trail, the path does not have to be located adjacent to the shore and does not create management and disturbance issues with margin. The alternative route should follow existing public rights of way (PROW) inland around the Ramsholt marshes.
- j) The impact on the public of such a change would be minimal. The current proposal is for a contained path, fenced and on the inland side of the bank. There are no views of the river and therefore no coastal experience. Conversely, with the existing proposal, the potential damage from disturbance is great. If an inland route complementary to the ferry is deemed to be required, then aligning an alternative route along existing PROW (see the attached proposal previously provided to Natural England by the Deben Estuary Partnership) would provide the public with a route around the river and would also provide a fair balance to the estate.

Introduction

The River Deben is a narrow, long river. It has large undisturbed areas which have enabled important species to thrive. Its tranquillity is a key and prized characteristic. [redacted] are justly proud of the environment on the estate, such as the Ramsholt Marshes, which their management helps maintain and which provides habitat for rare species.

The Suffolk Coast Path currently follows the coast and walkers are able to cross the river using the ferry between Felixstowe and Bawdsey.

This combination of undisturbed, important habitat and existing river crossing means that [redacted] do not believe there is justification for extending the coastal trail on a 40km inland diversion around the estuary.

The legislation does not provide unfettered public access – there must be a fair balance. In the case of the Estate’s land, [redacted] believe that fair balance has not been achieved.

Fair balance

The objective of the legislation is to provide coastal access. The policy reason for this must be that there is deemed to be public benefit from the provision of coastal access.

If there were no requirement for fair balance, proposals for coastal access would seek to extend access as far as possible to provide as much public benefit as possible (subject, presumably, to cost-benefit).

This appears to be the argument for seeking to extend access around the Deben (Option 1). The Overview states: "Option 1 can be delivered at reasonable cost and would deliver significant user benefits".

Setting aside, for a moment, the point that any extension of access up an estuary must satisfy all the additional criteria under section 301 of the 2009 Act, not just s.301(4)(d), the proposals do not appear to have taken account of the need for fair balance.

[redacted] have had discussions with Natural England and, from the various proposals it has put forward to us over the course of those discussions, it has been clear that the starting point for coastal access proposals has always been from an assumption that the trail would extend around the estuary. [redacted] understand that Natural England NE had an internal meeting in November/December 2019 to determine whether they would use their discretionary powers. [redacted] repeatedly asked for input into this discussion and also for details of the internal meetings and their assessment of why their powers should be used in this case. [redacted] did not receive anything. [redacted] feel it is especially relevant that Natural England made this decision prior to undertaking the Nature Conservation and Habitats Regulations Assessments.

This approach has assumed the use of the discretion from the outset, and necessarily colours thinking towards that option. Had the legislation not included a requirement for fair balance, this might be a legitimate approach.

However, the requirement for fair balance means that a different approach should have been taken.

There must be a fair balance between the interests of the public in having rights of access over the land and the interests of any person with a relevant interest in the land.

How can that fair balance be assessed?

It is clear that the mere fact of creating coastal access weights the scales for the public interest, as that is the consequence of the policy decision to create coastal access.

Where that creation aligns with existing access adjacent to the sea, the burden on the landowner may not be very great.

However, where new access is created, or the access is some way from the sea, there is a much greater impact on the landowner. The scales weight heavily towards the public interest, and there is not a balance.

In that circumstance, the starting point cannot be – we want access to go here. Instead, there should be different questions:

- What coastal access is there already?
- What other access is available?
- Is there a need for changes?
- If so, how can this be done in a way that will cause least impact to landowners or the environment?

Approaching coastal access in this way, by considering the need for access with the intention of causing least disturbance to landowners, a very different conclusion is reached from that in the reports.

The questions would be something like this:

- o Does the ferry crossing provide access? Yes.
- o Is that sufficient? We believe that it is.

At that point [redacted] reach the conclusion that the existing route – as currently used by the Suffolk Coast Path and crossing the river by the ferry – is legitimate and meets the coastal access duty. That would be the proposal within these reports.

However, let us suppose, for a moment, that [redacted] accept Natural England’s argument that the ferry crossing is not sufficient. What alternatives are there?

From a fair balance perspective, which would seek to minimise the impact on landowners (bearing in mind that landowners bear the burden of access), consideration could be given to a number of different options. For example,

- making the ferry service more accessible over a longer period, or
- using the very flexible powers in the legislation which allow the creation of an alternative route. Such alternatives are not uncommon on long distance paths: the proposals offer a short route across the ferry, or a long route around the river. This type of solution has been proposed by Natural England for coastal access in other parts of the country (see, for example, the Secretary of State’s decision to approve an alternative route around the Yealm estuary).

As [redacted] explain in more detail below, any of these other outcomes could provide a fair balance for the estate.

Coastal Access and the River Deben

There are many different options which could have been proposed which would better meet the requirement for fair balance than the current proposals.

1. Ferry crossing

The Felixstowe Ferry to Bawdsey proposals relate solely to the extension of coastal access around the River Deben. In making these proposals, Natural England is therefore relying on the discretion available to it under section 301 of the Marine and Coastal Access Act 2009 (“the 2009 Act”).

There is no requirement for the trail to extend up any estuary further than the seaward limits of the estuarial waters. The coastal access duty (set out under Section 296 of the 2009 Act) provides for Natural England and the Secretary of State to secure:

- i) “one or more long-distance routes along which the public are enabled to make recreational journeys on foot or by ferry”, and
- ii) a margin of land in association with that route “accessible to the public for the purposes of its enjoyment by them in conjunction with that route or otherwise, except to the extent that the margin of land is relevant excepted land”.

Section 296(7) clarifies that “for the purposes of the coastal access duty, a person is to be regarded as enabled to make a journey by ferry even if that journey can be made at certain times, or during certain periods, only”.

The current Suffolk Coast Path uses the ferry.

There is no legitimate reason why the new trail could not also use the existing ferry crossing. The legislation specifically ensures that any type of ferry service is suitable for the purpose of meeting the coastal access duty. The purpose of the legislation is for coastal access, and interactions with estuaries are only required to the extent that the public is able to make an onward journey. The ferry enables that.

Cost-benefit

No cost-benefit assessment was published. However, the coastal access scheme notes that the cost of extending the trail to the first public bridge or tunnel should be proportionate to the “extra” public enjoyment of the coast that would result. The scheme notes that this might not be the case for example “where the first bridge or tunnel is very far from the sea” or “where a ferry downstream from the bridge or tunnel provides a convenient means for trail users to cross the estuary on foot”.

The Deben estuary already has public access along at least 80% of its length. That will remain available regardless of any coastal access proposals. Therefore, it is reasonable that any additional access should be assessed in terms of the additional benefit provided by that extra 20%.

At least half of the proposed new access will be on the landward side of the flood bank on the Ramsholt Marshes. There will be no views of the river and so any coastal experience will be extremely limited.

Further, the first bridge is extremely far from the sea, necessitating an inland diversion of 40km.

Finally, there is already a ferry which provides a convenient crossing point.

The cost of providing access around the Deben amounts to £80,400. Applying this cost to the 20% of new access rather than around the entire river (as 80% of access will remain regardless), half of which will have no views or coastal experience, suggests that the cost-benefit would be questionable.

Taking all this together, it would be expected that the trail would simply cross the river at the ferry.

2. Enhanced ferry services

The current ferry operates a daily seasonal service from May to September, and a weekend service in April and October.

The Coastal Access Scheme notes that “it would be open to us to include.....proposals relating to a ferry service, for example a plan to enable it to run more regularly or for extra days, weeks or months for the benefit of trail users”.

The trial winter service cost £7000 in local funding. [redacted] understand that its purpose was to establish the cost of running such a service and to gauge demand and its success. Many ferries do not run in the winter simply due to lack of demand. The results from this trial should inform the need for either an enhanced ferry service, or, alternatively, whether the lack of winter service is not actually a concern.

Our understanding of this trial and subsequent discussions is that a longer summer service may well be possible and that options could be explored for a winter service.

Should there be demand for ferry services over a longer period, the coastal trail could use the existing ferry crossing and Natural England could assist in funding an improved service.

Coastal access report “option 2”

The coastal access report lists as “option 2” the proposal to only extend the trail as far as the ferry.

Natural England rejected this option on the following grounds:

- a) the current service is seasonal
- b) when the service is unavailable walkers would have an “interrupted journey” along the trail
- c) walkers would have to “navigate themselves” to the next part of the trail and “determine their own route” around the estuary on existing PROWs
- d) Existing PROW are not as convenient or coastal and “many may not be available in perpetuity as coastal change would undermine them”.

These reasons are not valid, as [redacted] explain below.

The legislation specifically permits a seasonal ferry service. The natural consequence of allowing this – something clearly foreseen and accepted within the legislation – is that this would result in an interrupted journey at certain times of year or in users finding their own way around an estuary (or following an existing estuary path). It cannot, therefore, be a reason for rejecting the ferry route.

The references to existing PROW are those around the estuary. The coastal access proposals appear to have been approached from a presumption that a continuous route must be available at all times and that opportunities to extend coastal access as far inland as possible should also be taken. This is not the case. If it were so, then the legislation would not permit a part time or seasonal ferry service.

The report acknowledges that there are PROW for around 80% of the estuary. The parts of the estuary without such PROW are also, in the main, those parts with nationally important sites and species.

In judging balance, coastal access was not intended to be about taking the opportunity to create the most access possible. It was intended to allow a flexible approach to enable locally aligned solutions to be created which would take account of local factors, such as existing ferry services, important tranquil places and nationally important environments. It is disappointing to see that flexibility being used to propose a path which is likely to bring a very large increase in people into a highly sensitive environment, such as the Ramsholt Marshes.

The Overview report refers to the core criteria set out under section 297 of the Marine and Coastal Access Act 2009. It refers to the need to have regard, among other things, to the

desirability of ensuring that interruptions are kept to a minimum. The Overview does not refer to those other factors. The report does however, then go on to state that continuity is a “key consideration” and, further, that “the whole concept of the England Coast Path relies on delivering continuity of the route so far as reasonably practicable”. It then continues: “if the presence of an estuary would interrupt this continuity of access along the open coast, then this would constitute a strong prima facie reason for the trail to serve the estuary too, at least to the extent to enable users to continue their onward journey around the coast”.

The obvious conclusion to be drawn is that considerable weight has been given in this report to the question of continuity.

However, the legislation does not emphasise continuity over any other aspect. Indeed, it specifically allows that a ferry crossing, even if seasonal or part time, is sufficient. Such a crossing could not, therefore, be considered an interruption to continuity.

Further, the legislation actually gives greater weight to other criteria than continuity. Section 297 states that regard “must” be had to the safety and convenience of those using the route. Conversely, it is only “desirable” that interruptions are kept to a minimum, and it is also only desirable that the route adheres to the periphery of the coast and provides views of the sea.

The question of convenience is not specifically addressed in the report. However, in terms of the convenience of users making their way along the coast, it is obvious that the most convenient route for making an onward journey is by way of the ferry. A 40km inland diversion cannot in any way be described as convenient. The Coastal Access Scheme notes (para 4.3.) that “for the route to be convenient, it should be reasonably direct”. It adds, “the trail...needs to enable people to make reasonable progress if their key aim is an onward walk around the coast”.

A trail which diverts 40km inland to arrive at a point some 300m further along the coast cannot be considered to be convenient or “reasonably direct”.

In addition to these over-arching criteria, parliament included additional matters which should be considered where there is an estuary (section 301 of the Act). There is no obligation to provide access along an estuary, but Natural England must consider these additional matters (as well as any others that might be relevant) if it wishes to exercise its discretion to extend access up an estuary.

The purpose of these additional criteria was to encourage consideration of the character of the estuary. Parliament recognised that estuaries were different from the coast. There were various means of crossing estuaries and enabling an onward journey; there would be environmental considerations; estuaries varied enormously in character with some having a very coastal character and others being much more river-like. It was not enough to consider safety, convenience, continuity, proximity and the fair balance. The nature of the land, the topography, the width of the river, the recreational benefit, the amount of excepted land, physical features and the existence of a ferry were all matters which were also required to be considered.

The Explanatory Notes to the 2009 Act explain that s.301(4) sets out “certain matters to which Natural England must have regard”. For example, “(a) the nature of the land, for instance whether it bears a greater resemblance to either typical coastal land or typical riverine land....(c) the width of the river, which again would contribute to whether it is closer to typically coastal or to typically riverine land”.

The explanatory notes make clear that some assessment is required of these additional matters as to whether the estuary is sufficiently coastal and lacking in crossing points (such as a ferry) to cause Natural England to exercise its discretion.

The Overview provides some basic facts under each of these additional criteria. The Deben Estuary is “generally rather narrow”; there are mudflats but “sand and shingle features are relatively rare”; the estuary sits within a mix of rural landscapes and low density rural settlements; Sutton Hoo, near Woodbridge, is a popular attraction, as are some local pubs; there is the seasonal ferry which gives “impressive views of the estuary”; the estuary is “highly important for wildlife and is designated at national, European and international levels; there are “no large areas of excepted land”. The recreational benefit is dealt with separately and notes that approximately 80% of the estuary is served by shoreline public rights of way. The “gap” in access across Ramsholt Marshes (the estate’s land) is noted.

There is no assessment of these factors, nor of the impact that any proposals might have on affected land. It is therefore difficult to understand what relevance any of these factors had in the decision to propose the use of the discretion.

From the assessment of the estuary criteria, it is also entirely possible to draw the conclusion that the ferry service would be sufficient.

One of the report’s objections to using the ferry is that when no ferry service was available, walkers would have to “navigate themselves” to the next part of the coast path, and “determine their own route” around the estuary on existing PROWs.

The legislation permits a seasonal or part-time ferry service. Had parliament been concerned to maintain continuity at all times, or to ensure that walkers did not have to navigate themselves around an estuary, the legislation would have made it a requirement either that only a permanent ferry service would be sufficient, or, in the event of a part time ferry service, that a route around the estuary must be identified so that walkers are able to always follow a defined route.

That it did not do this reflects, not least, that requirement for fair balance.

3. Alternative route in combination with a ferry service.

The Overview lists as Option 3 the use of the seasonal ferry service in conjunction with an alternative route “following existing PROW and some new sections of trail (where there no existing PROW) for when the ferry service is not available. It notes that “this would allow continuous access along the open coast for walkers in the spring/summer utilising the ferry service, and a continuous walked route alternative during the autumn/winter”.

The Overview rules out option 3 on the following grounds:

- i) No spreading room would be created.
- ii) There would be disproportionate cost involved in establishing the trail as it would only be available for 5 months of the year.
- iii) New sections of trail (up to 8.2 km) would not “legally be available” at the times (i.e. the hours or months) when the ferry service was running. “This would be confusing for the public, difficult to manage”, “a potential source of conflict with land managers and poorer value...than securing these rights all year round”.
- iv) It would offer very limited improvements to existing access around the estuary.

[redacted] will deal with each of these in turn.

i) Spreading room

It is true that an alternative route does not create “spreading room”. However, they note that extensive directions to exclude access along all the estuary are proposed under either s25A (unsuitable for access due to salt marsh and mud flat) or s.26(3)(a) (exclusion of access for environmental protection).

There are some small sections where the path is located inland. However, they note that where this occurs the land is often arable land and therefore excepted from access rights.

The extent of any spreading room appears minimal, at best. In terms of this criterion, they can therefore see little practical difference for walkers whether the route is a coastal trail or an alternative route.

ii) Costs

The total cost of establishing the trail around the estuary is £80,400. Of that cost the greater part is required for Report 2 (£21,500) and Report 6 (£44,300). Both those reports contain sections of new access.

[redacted] are not able to comment on Report 2.

With regard to Report 6, the costs relate to particularly to the new fencing, gates and interpretation deemed necessary to mitigate the environmental impact of placing the path across the currently undisturbed Ramsholt Marshes.

While [redacted] have substantial concerns that such measures will be sufficient to prevent disturbance to protected species (see below), for the purposes of costs they note that:

- ♣ There would be minimal costs if an alternative route were to follow existing public rights of way.
- ♣ An alternative route travelling from Bawdsey via Alderton along PROW/highway would provide passing trade to businesses there.
- ♣ The public will have a very limited coastal experience while using any new path across Ramsholt Marshes; a more inland route following existing PROW/highway would provide open views of the marshes with little additional public cost;
- ♣ Aligning an alternative route along PROW would enhance those PROW.
- ♣ They also have concerns that the County Council will have the funds or the desire to maintain all this infrastructure going forward. The owners of the Estate should not have the burden of repairs and maintenance for the trail placed on them, but the fencing will require replacing every 10 – 15 years, which is a significant cost and not one they can foresee the council wishing to commit to.

iii) Legal availability

The Overview claims that “where new sections of trail would be created to link existing public rights of way, the paths provided to ‘fill the gaps’ in an alternative route would not legally be available at the times (i.e. the hours or months) when the ferry service was running”. It claims this would be “confusing for the public, difficult to manage in practice, [and] a potential source of conflict with land managers”.

What is confusing is that such concerns have not been raised on other parts of the coast where an alternative route has been proposed as a diversion to a season/part-time ferry.

The report for the Yealm estuary (Cremyll to Kingswear: Report 3) has just been approved by the Secretary of State.

This proposes: “Alternative route: An alternative route is to operate as a diversion from the ordinary route between the landing stage at Warren Point and the steps at Ferry Wood near Noss Mayo. This ‘alternative’ route will make use of existing public highways, an existing walked permissive route and rights of way including parts of the Plym to Erme Trail and would be available at times when the ferry service is not running. It would extend to Wapplewell, Brixton and Yealmpton which are the first public foot crossings over the River Yealm and its tributaries. See maps CKW 3a to CKW 3j and table 3.3.1 below for more details. 3.2.11 The ferry operates a seasonal service from 1st April until 30th September and runs every day between 10 am – 4 pm daily. The service may be restricted to the core hours of 10 am to 12 noon and 3 pm to 4pm each day, during bad weather or quieter times. Direct contact (a mobile number) with the ferry is available and well publicised”.

This quite clearly indicates that an alternative route is considered suitable and satisfactory where there is a seasonal/part-time ferry, notwithstanding that not all of the route passes along ways which are highways/public rights of way.

Notwithstanding this precedent, should concerns about legal availability remain, [redacted] suggest that

- a) The alternative route could easily be located along existing PROW/highway (see below).
 - b) The route could have been made available for set periods/times, for example, October to April, rather than “when the ferry isn’t running”.
 - c) Natural England could have explored with all relevant landowners around the estuary the options for an alternative route where there are no existing PROW, such as permission and dedication.
- iv) Extent of improved access

The Overview says that providing an alternative route would offer “very limited” improvements to access around the estuary. [redacted] assume this refers to the provision of an alternative route which is limited to times when the ferry is not available.

This assessment ignores the overall context – which is that the provision of coastal access, in itself, provides improvement in access.

[redacted] note that there is no requirement in the legislation for access to be improved around estuaries. As noted above, estuarial access must be considered in the context of the ability for users to make an onward journey around the coast (in this context meaning a path next to the sea) and taking account of many other estuarial criteria.

However, perhaps the most pertinent point is that the Overview considers only the provision of an alternative route for when the ferry is not operational. An alternative route situated on PROW would offer the following benefits:

- ♣ It would be permanently available.
- ♣ It would offer clarity to users.
- ♣ It would provide additional public benefit being a defined alternative route should users not wish or be able to utilise the ferry. Walkers would not have to “navigate their way” around the estuary but could follow a signed alternative route.
- ♣ It would provide a fair balance for landowners and environmental interests.
- ♣ It would ensure that there was no risk of inadvertent/malicious disturbance to currently undisturbed marshes and fragile wildlife sites as, unlike the main trail, an alternative route does

not have to be located adjacent to the shore and does not create management and disturbance issues with margin.

♣ An alternative route makes sense to users: the England Coast Path follows the ferry. If users are unable or do not want to use the ferry, then they can follow the 40km alternative route around the river.

4. Alternative route using PROW

The report does not consider any other options for an alternative route, such as using existing PROW.

The report also does not consider the benefits that having an alternative route offers over a main trail. In particular, an official alternative route enables undisturbed and highly sensitive areas to be avoided, as, unlike the main trail, the path does not have to be located adjacent to the shore and does not create management and disturbance issues with margin.

Just by taking an alternative route inland of the Ramsholt Marshes on existing PROW, costs would be reduced by more than half. Walkers would have a main route across the ferry and an optional alternative route around the estuary, while important species would remain undisturbed.

The legislation

[redacted] note that the effect of the current proposals will be to provide two trails between Bawdsey and Felixstowe.

This is contrary to the legislation and Coastal Access Scheme.

The proposal is that one trail will use the ferry.

A second trail is proposed around the estuary.

[redacted] note that the coastal access duty makes clear that there is “a” route for the English coast, not multiple routes.

That route may enable the public to make journeys on foot “or” by ferry. There is no provision for there to be a trail both by ferry and on foot.

Section 301 of the 2009 Act includes a requirement to consider the existence of a ferry. There is no provision either there or in the Coastal Access Scheme that indicates that an estuarial route would be in addition to a main route across the river.

If there is a need to provide an additional route around the estuary, then this can only be by way of identifying an “alternative route”.

As an aside, [redacted] note that East Suffolk Council sees the existence of the ferries along the coast as integral to its character and a key tourist feature. The current proposals undermine rather than support the ferries.

Impact of coastal access proposals on the Estate

Financial

The current proposal is for an enclosed path of approximately 4.5km. This represents the enclosure and loss of some 3.5 acres of the estate's land. Although nominally still owned by the estate, in practical terms it will not be accessible, being an entirely fenced path. This loss – equivalent to over £26,000 of capital value (assuming a very conservative value of £7500/acre) – is uncompensated.

In addition, this land will have to be excluded from single farm payment claims, resulting in additional annual losses. It will also no longer form part of the coastal grazing land, and that too, represents a loss.

The proposed fence along the inland side of the sea wall currently has no provision for gates. This would mean that a further much greater area of our land, comprising all the land on the estuary side of the proposed fence, and amounting to 24 acres, would be entirely inaccessible. Clearly gates will need to be provided within the proposed fence. If such gates are not to be provided, then access to our own land will have been denied and the financial impact will be substantially greater.

[redacted] note that the current provision – which is effectively to create an enclosed route across the estate's land – is no different, in practical terms for us, to a public right of way. Indeed, if it were a right of way, they would have the ability to seek a diversion or extinguishment of the route, something not provided for under coastal access. Were the highway authority to propose a public right of way, it would be required to pay compensation for the loss of the land and impact caused. Coastal access proposals are supposed to provide a right of access across land without imposing an undue burden on us, as landowners. Just in terms of the impact on our land and the loss of our ability to farm and use several acres of land, results in a significant burden which they believe is incompatible with the legislation.

The proposal for 4.5km of fencing raises concerns as to whether the County Council will have the funds or the desire to maintain all this infrastructure in the future. The owners of the Estate should not have the burden of repairs and maintenance for the trail placed on them. The fencing will require replacing every 10 – 15 years. Current costs are around £30,000 which is a significant cost and not one [redacted] can foresee the council wishing to commit to.

Conservation

The land between Ramsholt and Bawdsey is currently completely undisturbed by public access.

The Overview notes that “Several individuals, (as well as the Suffolk Wildlife Trust and the Deben Estuary Partnership) expressed concern about the potential disturbance of sensitive bird species on the entire Deben Estuary in particular where there is currently no public access”.

The Nature Conservation Assessment states:

“This route section is approximately 5km long and is unique on the Felixstowe Ferry to Bawdsey stretch in having no existing PRoWs, either on the shoreline or inland.”

The effect of that lack of disturbance is immediately apparent:

“The absence of any significant land-based sources of disturbance has enabled a high level of conservation value to establish on this route section. It is primarily focused on the more-or-less

continuous, 4.5 km long strip of saltmarsh (of variable width), but also applies to the extensive, low-lying farmland to landward, which reaches as far inland as Alderton (over 3 km from the shore), and is bisected by numerous wet channels. Most of the land between these channels is intensively managed arable, so their individual corridors of marginal, wetland vegetation are narrow, but they jointly comprise a substantial wildlife resource. Birds utilising the saltmarsh includes such key species as avocet and redshank, while Mason, Excell & Meyer (2014) recorded that, as well as brent geese, neighbouring fields are used by 'good numbers of lapwing, curlew and, more recently, golden plover'. The specific areas used by waterbirds varies from year to year, according to the crops being grown and their stage of development.

"The areas of saltmarsh and farmland are separated by a continuous seawall, folding and borrowdyke, which are only lightly managed and, therefore, support good numbers of passerines, small mammals and reptiles, making them attractive to birds of prey such as marsh harriers and short-eared owls."

This site supports species of national and international importance and provides a rare undisturbed resource. It is baffling that Natural England, a body charged with protecting the environment, is proposing to allow the public, and their dogs, through this extraordinarily important site.

Natural England's own Access Assessment (not made publicly available but referred to in the Nature Conservation Assessment) states that a "large increase" in access is predicted on the proposed path between Ramsholt and Bawdsey.

The consequence of this will be an influx of people onto a site that has previously provided a tranquil and undisturbed environment.

The Habitats Regulations and Nature Conservations Assessments propose compensatory measures to mitigate the impact of this new access on this undisturbed site.

These include locating the path on the landward side of the bank, fencing to prevent people from entering the seaward land (which will be subject to section 26(3)(a) direction to exclude access, as well as Section 25A directions to exclude access to salt marsh and mud-flat), and explanatory signage.

The Habitats Regulations Assessment does not assess the likely levels of use of the new access rights – it simply assesses whether the implementation of such rights is likely to have a significant adverse effect.

In the case of this section of the river, it concludes that dark bellied geese and avocet are indeed at risk of a likely significant effect. These risks come from a variety of possible sources, including disturbance from people using the proposed path, damage to or loss of supporting habitat and damage to functionally linked land.

It appears that there may be no minimum level for such possible disturbance. The assessment notes that:

"The level of risk will vary along the route and will be higher where the access proposals are likely to bring people close to places on which birds depend, including undisturbed high tide roost sites and important feeding areas. The risk of disturbance is increased on rising tides when birds are forced to feed closer to seawalls and the trail or footpaths."

The appropriate assessment reinforces this concern that any level of disturbance may be detrimental. It states:

“The nature, scale, timing and duration of some human activities can result in bird disturbance, that is, any human-induced activity sufficient to disrupt normal behaviours and/or distribution of birds at a level that may substantially affect their behaviour, and consequently affect the long term viability of the population. Human disturbance associated with this proposal may take a variety of forms including noise, presence of people, animals and structures.”

The Habitats Assessment notes that:

“Birds use the estuary in particular ways, i.e. favouring certain areas for roosting on a high tide or when the feeding areas are completely covered moving on to surrounding arable land or wet grazing marshes. The ability to do this is fundamental to their success on the estuary and ultimately to their survival. Understanding the way that birds use the estuary allows most accurate assessments of their susceptibility to disturbance and therefore the potential impact of a project. Extract from The Deben Estuary and its hinterland: Evaluation of key areas for birds, recreational disturbance issues and opportunities for mitigation and enhancement 2014”.

The primary favoured roost site for Avocet is along the saltmarsh and mudflat south of Ramsholt, adjoining the currently undisturbed section of coast through the estate.

The undisturbed estate land south of Ramsholt is similarly a large and significant roost site for dark-bellied geese.

The assessment states that “It is important that birds experience minimal disturbance on their roosting sites”.

It advises that: “Overwintering avocets and dark-bellied brent geese are vulnerable to visual and noise disturbance whilst feeding and roosting on the estuary, with the main causes of disturbance being walkers, dogs, light aircraft, watersports and nearby shoots. High levels of disturbance can lead to higher energy expenditure, reduced feeding time and the forced use of sub-optimal feeding areas [REF 22] Disturbance on the Deben Estuary is currently low and highly seasonal, with most disturbances occurring during spring and summer when recreational use of the estuary is high. Recreational usage, and therefore disturbance, is low during winter when avocet and dark-bellied brent geese are present upon the estuary. Whilst disturbance levels are currently low, populations of both species could be adversely impacted if recreational disturbance increases”.

The Nature Conservation Assessment suggests there will be little impact on breeding marsh harriers from the designation of the route in this area. It also suggests that they have not been present, due to Scottish Power’s cable route works taking place.

This is incorrect. Scottish Power have to stop work between April – August in each year on certain sections of the route. Ecologists have identified nesting marsh harriers being present for the last 2-3 years. In evidence of this, [redacted] attach a request from them dated 16 April 2020 seeking permission to establish an alternative access because of the Marsh Harrier exclusion zone (400m) around the nest. [redacted] also have a number of ecologist reports from Scottish Power showing that marsh harriers are present.

See, for example, the Ecological Mitigation Plan for the Deben estuary SPA contained within the Landscape and Ecological Management Strategy:

<http://content.yudu.com/web/2it8t/0A3zd2u/OutlineLandscapeandE/html/index.html?page=104>

This notes the presence of active marsh harrier nests and advises that where ecological surveys show active nests, “works in the area must halt” and an exclusion zone must be

established. The scales of the exclusion zone varies according to the activity to be undertaken, but “activities that involve people outside of vehicles” require an exclusion zone of 400 metres.

Further, should marsh harriers nest closer than this, then Scottish power will explore additional measures or, as a final backstop, activities will cease “in order that the criminal offence is not committed of disturbing a Schedule 1 breeding species”.

[redacted] are concerned that, despite providing evidence of this to Natural England, this information has not been taken into consideration in the Nature Conservation Assessment.

[redacted] note the concerns of the Suffolk Wildlife Trust in respect of the impact of a route behind the seawall on protected species.

The SWT has stated:

“A breeding redshank survey in 2018 demonstrated the importance of the wall and saltmarsh area immediately adjacent for this breeding species and SSSI feature. Despite the offshore windfarm cabling construction site causing disturbance to the upper sections at the time, there were still 11 pairs of breeding redshanks close to the wall on the saltmarsh there (plus 8 pairs of oystercatcher, a pair of avocets and ringed plovers).

There are a number of other factors, principally potential and likely disturbance (and then abandonment) of the high water avocet roost that regularly occurs downstream of Ramsholt Quay (often they stand in the shallows at high tide just inside the saltings). This would constitute a detrimental impact to an overwintering SPA-qualifying species. Other SPA wader and waterfowl species would also be disturbed at high water linear roosts”.

The SWT notes that “This particular section of the estuary is unusually biodiverse – with undisturbed groupings of hinterland, borrow dyke/river wall complex, and saltmarsh habitats. This is something of a rarity these days, and the sheer number of waders and waterfowl (as well as notable species such as breeding marsh harrier in Queens Fleet – a Schedule 1 breeding species) using this region of the estuary is testament to very low levels of human and canine activity. As the estuary is narrow as well, having a walking route on the wall crest would create disturbance, especially in winter months, even with low volumes of pedestrian footfall. The skylining effect of a single person on the wall can be sufficient in pushing birds to flight, making them move to the opposite side of the estuary, which already has a path. The net result is increased disturbance and high chance of winter mortality for key species through energy wasting”.

Key points from this are that the estuary is “unusually biodiverse” and that the “undisturbed groupings of hinterland, borrow dyke/river wall complex, and saltmarsh habitats” represent “something of a rarity these days”.

The “sheer number” of waders and waterfowl is “testament to very low levels of human and canine activity”.

Further, the skylining effect “of a single person on the wall” can be sufficient to push birds to flight – increasing disturbance and winter mortality.

[redacted] also note that the proposed path is in a very low lying and wet area, next to a borrow ditch and at the bottom of a river wall.

Taken with the “large increase” in people which will use this path, it is inevitable that during the winter the track will become damaged and muddy. This will invariably result in people trying to spread out from the route and at that point people will be further encouraged to either spread on to the river wall or the arable land.

There is a proposal for fencing adjacent to the sea wall to prevent people spreading. However, this fencing will need to have gates installed to enable the land to continue to be grazed and managed by the estate.

Taken together with what would be a natural desire to explore the bank and view the estuary, and combined with necessary access points, [redacted] think it is highly likely that even small numbers of people will spread from the proposed path onto the wall. The disturbance effect from this is known to be substantial.

The conservation assessment recommends a number of mitigating measures. It concludes that where these are provided, and (it assumes) complied with, the likely significant effects will be reduced sufficiently to enable the project to go ahead. However, this assessment clearly does not include the impacts on the breeding Marsh Harriers as that information was not considered. [redacted] also do not think that it has considered the provision of fencing with gates providing access points to the sea wall, which is a different proposition from a single 4.5km run of fencing.

Further, neither the habitats nor the nature conservation assessments appear to consider:

- ♣ The totality of the unusually biodiverse nature of the estuary;
- ♣ The very rare interconnection of the undisturbed grouping of hinterland, borrow dyke/river all and saltmarsh (and how that results in the unusually biodiverse nature of the estuary);
- ♣ The sheer numbers of waders and waterfowl, and how that is a consequence of the very low levels of human and canine activity;
- ♣ That the skylining effect of just one person can be sufficient to cause disturbance; and
- ♣ The likelihood that with a significant increase in numbers of people and dogs, their mere presence will itself be a cause of disturbance.

[redacted] note the following points:

- ♣ The Overview acknowledges that some “aspirations of users..... have not been addressed fully in our proposals”. These include “establishment of the trail along the top of the sea wall between Ramsholt and Bawdsey. See report FFB6”.
- ♣ That public compliance with measures cannot be relied upon, however compelling the rationale (as the last year has demonstrated).
- ♣ That both the Suffolk Wildlife Trust and the Deben Estuary Partnership “expressed concern about the potential disturbance of sensitive bird species on the entire Deben Estuary in particular where there is currently no public access”.
- ♣ That important information, for example about nesting Marsh Harriers, has not been included in the report, or assessed.
- ♣ That the undisturbed grouping of hinterland, borrow dyke/river all and saltmarsh represents a “very rare” interconnection – one that would be lost if the path were placed at the foot of the sea wall.

The compensatory measures indicated in the Habitats Regulations and Nature Conservation Assessments (fencing, signage, section 26(3)a direction to exclude access, location of path on landward side of bank) assume public compliance. Evidence, not least from the events of the past year, shows that public compliance cannot be relied upon, even with clear and simple explanation of the rationale for certain measures. In the absence of compliance, those compensatory measures must be considered as null and void, in which event, those same assessments make clear that there would be significant adverse effects on many conservation features and species.

[redacted] request that the current proposals are modified in one of the ways proposed below.

[redacted] also note that Natural England is permitted to make comments on this objection to an Appointed Person. They request that we have sight of those comments and an ability to fact check these. This will ensure transparency and fairness of process.

Proposed Modification Options:

1. The trail should use the Felixstowe to Bawdsey ferry. There is no need to use the estuary discretion beyond these points. (See sections 296(2)(a) and 296(7) of the 2009 Act).
2. The trail should use the Felixstowe to Bawdsey ferry. Natural England should fund additional ferry services, for example, over the winter.
3. The trail should use the Felixstowe to Bawdsey ferry. An alternative route could be provided around the River Deben either while the ferry is not available (see Secretary of State decision for the River Yealm), or for a specified period of time (e.g. October to April). Should this option be followed, the proposed route across the Ramsholt Marshes (Sections FFB-6-S001 to FFB-5-S006) should be relocated to existing public rights of way. This addresses the point about cost/benefit of a seasonal alternative route which was raised in the report.
4. The trail should use the Felixstowe to Bawdsey ferry. An alternative route could be provided around the River Deben solely making use of existing public rights of way or newly dedicated land. This would enable such a route to be continuously available year-round.

Summary of the objector's key points, with Natural England's comments

9. **There are better options than putting the ECP through the previously undisturbed land that the objector owns – especially since the public won't benefit, because they will be fenced in behind the flood bank, unable to see the river they are walking around.**

1. Although on the objector's land the public will need to keep to the folding for the clear reasons set out in our report, this part of the proposed trail will connect with others benefiting from spectacular estuary views that would not be forthcoming from the route options the objector prefers. People using this part of the route will know this is so and will sense and appreciate the proximity of the estuary, not least because of the sounds and smells of the coast they experience along the folding and its array of coastal plants.

10. **NE predict a large increase in public use, and this will cause new disturbance to this rare interconnection of salt marsh, flood bank and hinterland.**

1. Along this stretch between Ramsholt and Bawdsey there are no established visitor facilities and no intersecting public footpaths. There is a pub and car park at Ramsholt and a car park and public toilets at Bawdsey, as well as a seasonal (April-October) ferry to Felixstowe Ferry. These will attract some additional walkers who may leave a car at each end and walk this section, but this is not at this stage thought to be significant.

2. The overall lack of attractors here combined with the length and remote nature of much of this section means that overall, it's likely to be a lightly walked part of the trail, similar to that nearby on the opposite bank (between Felixstowe Ferry and Hemley). On the opposite bank we found that although visitor numbers to both Felixstowe Ferry and Waldringfield are quite high, our observations were that most people tend to stay within the vicinity of both locations. Aside from the area close to Felixstowe Ferry and that around Waldringfield, we found this section is relatively lightly used by walkers with the sections around Hemley and Falkenham Creek particularly quiet.

3. So although we do expect the objector's land to experience a large increase in public use relative to its current baseline of zero, we do not expect these visitor numbers to be substantial in absolute terms.

4. A full assessment of any potential impacts of our proposals on wildlife and habitats of local and national importance, and also on the sites and designated features of European importance, was undertaken as part of the preparation of our proposals. Our detailed findings in relation to FFB 5: Ferry Cliff to Ramsholt were published alongside our proposals in the following documents:

- Felixstowe Ferry to Bawdsey Nature Conservation Assessment

5. We note in our Nature Conservation Assessment (NCA) for this stretch that the absence of any significant land-based sources of disturbance has enabled a high level of conservation value to establish on this route section. This is primarily focused on the more-or-less continuous, 4.5 km long strip of saltmarsh (of variable width), but also applies to the extensive, low-lying farmland to landward, which reaches as far inland as Alderton (over 3 km from the shore) and is bisected by numerous wet channels. Most of the land between these channels is intensively managed arable, so their individual corridors of marginal, wetland vegetation are narrow, but they jointly comprise a substantial wildlife resource.

6. Accordingly, we designed the route to minimise any disturbance, and to include appropriate mitigation. For example, we propose that the ECP follows a new access route almost entirely at a low level along the seawall folding, and adjacent to the borrowdyke. The only exception is the first few hundred metres, at Ramsholt, which is on the seaward edge of an elevated arable field. We do not propose any spreading room or accessible areas landward of the trail. The trail will be tightly constrained between the borrowdyke and a new fence all the way between Ramsholt and Bawdsey, with management signage raising awareness of the area's conservation importance and sensitivity of wildlife to disturbance and asking that dogs are kept under effective control at all times.

7. In respect of local and national sites and features of nature conservation concern, the assessment found that in developing the new access proposals the appropriate balance has been struck between Natural England's conservation and access objectives, duties and purposes. In respect of the conservation objectives of European sites, the assessment found that our proposals are fully compatible with the relevant European site conservation objectives and that taking into account the measures summarised above, they will not have an adverse effect on site integrity.

11. Marsh harrier nest on that land and Scottish Power observe a 400 metre exclusion zone at those times in order to avoid the offence of disturbing a Schedule 1 breeding species. The HRA failed to address this point.

1. We have taken Marsh Harrier into consideration when making our proposals - they are discussed in section D.7 of the NCA. Regarding the cabling works having to stop for certain months of the year and the 400m exclusion zone referred to, this is due to the high levels of disturbance caused by the use of heavy machinery. This distance is determined by the type of work being undertaken and the season. There is nothing in law which states what Marsh Marrier exclusion zone should be implemented more widely.

12. NE mitigation measures relied upon by the HRA/NCA assume a level of public compliance that can't in fact be assured.

1. Walkers do not like conflict with landowners and consequently a well waymarked path such as the England Coast Path (ECP) is an attractive prospect. For that reason, we expect that the vast majority of people using coastal access rights in the area will stick to the line of the trail. Experience on national trails and other footpaths has shown that careful positioning of waymarker arrows at key locations on the trail greatly helps walkers to stay on the path and away from areas that they should not venture into.

2. In our experience, the vast majority of people will only deliberately detour from the path if:

- it is easy;
- they feel that their actions aren't causing any harm;
- the landowner doesn't really mind.

3. As well as waymarkers, we are proposing a combination of stock fencing, lockable gates, and information signs detailing the importance of the site and why it's imperative to stay on the path and control dogs. We believe that this combination will be sufficient to ensure public compliance. There are many examples of this kind of approach working well in practice, with measures carefully designed to suit the particular circumstances.

13.

5a. NE made up its mind from the outset to go around the Deben instead of weighing up whether the status quo required any change.

5b. It failed to undertake a cost benefit analysis to test whether an estuary route would be justified.

5c. It also gave its continuity objectives undue weight, compared with the other statutory criteria in 2009/s297 and the estuary criteria in s301.

1. It is incorrect to assert that NE made its mind up from the outset that there must be a route around the Deben. When considering whether any particular estuary should have such an ECP route proposed for all or part of it, it is by definition necessary for us to consider the sort of route that would be possible, taking into account the statutory criteria, before deciding whether it in fact makes sense for us to propose such a route. Otherwise, it would be impossible for us to judge fairly and objectively whether and to what extent use of the estuary discretion makes sense in all the circumstances.

2. Our deliberations are strongly guided by the helpful and detailed guidance on all of this in the Coastal Access Scheme. That guidance explains the relationship between the various statutory considerations, and it seeks to ensure that fair balance is achieved on the ground in all the circumstances.

3. There are several aspects to this balance:

- the fair balance which section 297(3) of the 2009 Act requires us to aim to strike between the interests of the public in having rights of access over coastal land (which are considered in chapter 4), and the interests of owners and occupiers of land over which coastal access rights would be conferred (considered in chapter 5);
- the balance between the recreational factors described in chapter 4, which we are required to consider under section 297(2) of the 2009 Act in determining the route we propose, for example the balance between its convenience and its proximity to the sea;
- the balance between all the recreational factors described in chapter 4 (including the availability of spreading room and the need for our proposals to be responsive to coastal change), and the environmental objectives described in section 4.9; and
- the balance between the various estuary criteria set out in section 301(4) of the 2009 Act. Section 10.2 onwards of the Scheme set out in more detail “how we will interpret [these criteria]” when delivering the Coastal Access programme. It is therefore these sections to which we must have regard in this respect, alongside the other considerations above.

4. The Scheme does not say that we will do a cost benefit analysis before deciding whether and to what extent to engage with an estuary. In fact, while the legislation contemplates that at the national scale there may be some breaks in the trail, it makes clear at 2009/s297(2)(c) that so far as reasonably practicable, these must be kept to a minimum. It is clear from other fields of law that a duty to do something so far as reasonably practicable is an exacting one. The classic definition of the term was set out by the Court of Appeal (in its judgment in *Edwards v. National Coal Board*, [1949] 1 All ER 743), in a safety at work case:

"'Reasonably practicable' is a narrower term than 'physically possible' ... a computation must be made by the owner in which the quantum of risk is placed on one scale and the sacrifice involved in the measures necessary for averting the risk (whether in money, time or trouble) is placed in the other, and that, if it be shown that there is a gross disproportion between them – the risk being insignificant in relation to the sacrifice – the defendants discharge the onus on them."

5. Applying that principle to the context of an estuary which interrupts the continuity of the open coast, the duty on NE and the Secretary of State at s297(2)(c) is a duty to avoid the estuary causing a break in the open coast route unless the cost, time and trouble of securing a viable route around or across the estuary is grossly disproportionate to the benefit to the public of doing so. We say that in the present situation, that is clearly not the case.

6. This is fully consistent with paragraph 10.1.5 of the Scheme, which says *"We always give careful consideration to extending the trail as far as the first bridge or tunnel with pedestrian public access. This is in keeping with our duty under the 2009 Act to have regard to the desirability of ensuring, so far as is reasonably practicable, that interruptions to the trail are kept to a minimum and the additional requirement, in deciding whether and how to exercise our discretion on estuaries, to consider any other recreational benefits that would accrue from doing so"*.

7. It is true that where an estuary is served by a full-time ferry service, NE's usual practice is to propose that ECP users should continue around the coast by using the ferry, and not to propose any route between the ferry points via the first public foot crossing - even where such an additional route would have delivered additional public benefit. However, the Deben, to which this objection relates, has only a seasonal ferry service.

14. **Even if some change to the status quo were needed, it could have taken less impactful forms – for example:**

6a. NE could have financed an enhanced ferry service, based on the successful trial some years ago.

1. In developing our proposals for this stretch of coast we explored the trial dial a ride service undertaken to extend the ferry's operation through the winter and early spring of 2017/18. Section 5, part e of our Overview document talks about this and notes the limitations of the service that led us to conclude it would not resolve the core issue here.

2. Any proposals to extend the service would require the agreement of the highway authority, which is the holder of the necessary powers to provide or operate a ferry service or make an agreement with a ferry operator for this kind of purpose. The highway authority supported our conclusion.

6b. NE's proposed estuary route could have been classified as an alternative route, for use when the ferry service is not running – thereby avoiding creation of seaward coastal margin.

3. We set out in our report Overview on pages 21 and 22 the reasons why we did not classify the proposed estuary route as an alternative route.

6c. As on the River Yealm in Devon, an alternative route intended for use when the ferry service was not running could have been aligned well away from the river, using existing highways. This would have reduced impacts and costs, and resolved NE's point that an alternative route is only available for part of the time.

7. Our adoption of this approach on the Yealm estuary was driven by the particular and unusual circumstances there. The Yealm has a pronounced 'crow's foot' appearance, and the majority of its shoreline is characterised by steep gradients and dense tree and scrub coverage on the steeper lower slopes. The lack of existing access and the convoluted crow's foot nature of the shoreline and difficult wooded terrain would make the establishment of a waterside trail challenging and costly. In addition, detours would be necessary in places where gardens and historic parkland extend to the riverbank and there would be limited views of the estuary due to the woodland along the shoreline. Given these constraints it was decided that the creation of a bespoke estuarial trail would not, in this instance, justify the substantial additional cost to the national implementation programme. Accordingly, we proposed an alternative route that makes use of existing inland public rights of way.

8. By contrast, the Deben estuary is a key component of the complex of estuaries which largely defines the fundamental character of the Essex and Suffolk coastline. It is fairly uniform in shape with a width of circa 500-750m only narrowing significantly in its upper reaches as it passes through Woodbridge. This width, together with the presence of sizeable areas of saltmarsh and mudflat, all contribute to the coastal character of the estuary. The estuary valley sides are broad and gently sloping, and while wooded in places, the estuary has a generally open aspect. There is existing shoreline public access in large part (though increasingly fragmented by erosion), and no extensive areas of excepted land requiring significant detours from the shoreline – with the associated loss of coastal feel. For these reasons, we proposed a continuous walking route around the estuary as the main ECP route, while aligning it past the two ferry points to allow users to take the ferry if they wish to at times when it is running.

9. [redacted] note that East Suffolk Council sees the existence of ferries as integral to its character and a key tourist feature and suggest that our proposals undermine this. This is untrue. Whilst we are not proposing using the ferry crossing, we have indeed connected the ECP to both sides of ferry crossing to allow users to easily navigate to them, should they wish to cross the estuary in this way. Furthermore, during the planning stage, we regularly consulted with East Suffolk Council to ensure that they were happy with our proposal.

15. NE's proposals would mean there being two routes between Bawdsey and Felixstowe – one following the ferry, the other going around the estuary. This is inconsistent with the legislation and the Coastal Access Scheme.

2. Under our proposals there is a single route for the estuary, which is deliberately aligned past the two ferry points so that at times when the ferry is running, walkers have the option (which many will take) to use the ferry and continue on around the open coast.

16. It's hardly direct and convenient to expect people to walk 40 km around the estuary rather than using the ferry to continue their walk around the coast.

2. Whenever the ferry service across the Deben is running, ECP users will be able to use it rather than continue around the estuary, and experience suggests that many will do exactly this. To facilitate this happening, the proposed route links directly to the ferry quays at Bawdsey and Felixstowe Ferry.

9. 9a. The newly-fenced path area on the objector's land would equate to some 3.5 acres in all – uncompensated, unusable by the objector, and ineligible for Single Farm Payment.

9b. If gates are put in this new fence, the public will then walk along the top of the flood bank – but if there are no gates for this reason, the objector would lose the use of a further 24 acres of grazing land seaward of the fence.

9c. The new fence will need regular maintenance, plus replacement every 10 to 15 years. The access authority will not have the resources to do this.

4. The 'trail land' along the folding will remain owned and available for use by the objector. The new fence seaward of it is intended to reinforce the need for walkers to avoid walking along the crest of the bank. Lockable gates in the fence will equally ensure that the objector can continue to use and manage the bank, and we are happy to discuss the number and location of gates for this purpose. We will use signage at these gates to reinforce the public messaging about not walking along the top of the bank.

5. Implementation of the England Coast Path will therefore have no impact on a landowner's ability to claim basic farm payments.

6. Ongoing management and maintenance of the trail and any infrastructure associated with it, including the proposed mitigation measures, will be undertaken by Suffolk County Council who are the local Access Authority. As a National Trail, the England Coast Path will receive a contribution towards this work from Natural England in accordance with the national funding arrangements in place at the time.

[redacted] have referenced the documents in Appendix A and B. To avoid repetition please refer to our comments made in response to the representation made by the Deben Estuary Partnership in the Whole Stretch representation comments with reference MCA/FFB Stretch/R/45/FFB0466.

Relevant appended documents (see Section 6):

Appendix B: Deben Estuary Partnership response to the consultation

Appendix C: Proposals from the Deben Estuary Partnership – in conjunction with Estuary Landowners

5. Supporting document

Length FFB1

Appendix A: "Man-made barriers and least restrictive access" supporting document sent from the Disabled Ramblers. Links with MCA/FFB1/R/34/FFB0008



Disabled Ramblers Ltd

Company registered in England Number 05030316

Registered Office: 7 Drury Lane, Hunsdon, Ware, Herts SG12 8NU

<https://disabledramblers.co.uk>

Registered Charity Number 1103508

Man-made Barriers & Least Restrictive Access

There are a significant and steadily increasing number of people with reduced mobility who like to get off tarmac onto natural surfaces and out to wilder areas to enjoy great views and get in touch with nature whenever they are

able to. There are many ways they achieve this, depending on how rough and steep the terrain is. A determined pusher of a manual wheelchair can enable access to a disabled person across grass and up steep hills. An off-road mobility scooter rider can manage rough terrain, significant slopes, cross water up to 8" deep, and depending on their battery type and the terrain they are on, they can easily run 8 miles or more on one charge. Modern batteries are now available that allow a range of up to 60 miles on one charge!

Many more people too are now using mobility vehicles in urban areas, both manual and electric. 'Pavement' scooters and powerchairs often have very low ground clearance, and some disabilities mean that users are unable to withstand jolts, so well placed dropped kerbs and safe places to cross roads are needed.

Modern mobility vehicles can be very large, and many man-made barriers that will allow a manual wheelchair through are not large enough for all-terrain mobility vehicles, or for 'pavement' scooters and prevent legitimate access.

Users of mobility vehicles have the same rights of access that walkers do. Man-made structures along walking routes should not be a barrier to access for users of mobility vehicles. New structures should allow convenient access to mobility vehicle riders as standard, and should comply with British Standard BS5709: 2018 Gaps Gates and Stiles which places the emphasis on Least Restrictive Access. Suitability of structures should always be considered on the assumption that a person with reduced mobility will be going out without more-mobile helpers, so will need to operate the structure on their own, seated on their mobility vehicle.

When it is impossible to avoid man-made structures which are a barrier to mobility vehicles, wherever feasible a nearby alternative should be provided. For example, a slope adjacent to steps or a signed short diversion.

Whilst BS5709:2018 does not automatically apply retrospectively to most existing structures, Disabled Ramblers would like to see existing structures removed and replaced if they prevent access to users of mobility vehicles. Some structures can have a 'life' of 15 years – it would be a crying shame if those with limited mobility have to wait this long before they can be afforded the same access that walkers have to those areas where the terrain is suitable for mobility vehicles.

Disabled Ramblers campaign for:

- Installation of new structures that are suitable for those who use large mobility vehicles, and that comply with British Standard BS5709: 2018 Gaps Gates and Stiles.
- Review of existing man-made structures that are a barrier to those who use mobility vehicles, and where possible removal and replacement with suitable structures to allow access to these people
- compliance with the Equality Act 2010 (and the Public Sector Equality Duty within this act)
- compliance with the Countryside Rights of Way Act 2000
- adherence to the advice from Disabled Ramblers as set out below.

Useful figures

- **Mobility Vehicles** ○ **Legal Maximum Width of Category 3 mobility vehicles: 85cm.** The 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

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-forhttps://centrewire.com/products/easy-latch-for-2-way-gate/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 access 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, yellow handles and EASY LATCH.

Bristol gates

(Step-over metal gate within a larger gate: <https://centrewire.com/?s=bristol>) These are a barrier to mobility vehicles as well as to pushchairs and 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-2https://centrewire.com/products/york-2-in-1/in-1/> could be an alternative, with a self-closing, two-way opening, 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. Some 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 only recommend the [Centrewire Woodstock Large Mobility](#) kissing gate. This is fitted with a RADAR lock which can be used by some users of mobility vehicles. NB this is the only type of 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 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 being listed by Historic England, 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 a suitable alternative structure. If there are good reasons to retain the stile, such as it being listed by Historic England, then 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 path follows a footway (e.g. 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 path passes over a kerb, a dropped kerb should be provided.

Disabled Ramblers March 2020

Length FFB4

Appendix A

Disabled Ramblers

Man -made Barriers & Least Restrictive Access

There are significant and steadily increasing number of people with reduced mobility who like to get off tarmac onto natural surfaces and out into wilder areas to enjoy great views and get in touch with nature whenever they are able to. There are many ways they achieve this, depending on how rough and steep the terrain is. A determined pusher of a manual wheelchair can enable access to a disabled person across grass and up steep hills. An off-road mobility scooter rider can manage rough terrain, significant slopes, cross water up to 8" deep, and depending on their battery type and the terrain they are on, they can easily run 8 miles or more on one charge. Modern batteries are now available that allow a range of up to 60 miles on one charge!

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Whilst BS5709:2018 does not automatically apply retrospectively to most existing structures, Disabled Ramblers would like to see existing structures removed and replaced if they prevent access to users of mobility vehicles. Some structures can have a 'life' of 15 years – it would be a crying shame if those with limited mobility have to wait this long before they can be afforded the same access that walkers have to those areas where the terrain is suitable for mobility vehicles.

Disabled Ramblers campaign for:

- ? Installation of new structures that are suitable for those who use large mobility vehicles, and that comply with British Standard BS5709:2018 Gaps, Gates and Stiles.
- ? Review of existing man-made structures that are a barrier to those whose mobility vehicles, and where possible removal and replacement with suitable structures to allow access to these people
- ? compliance with the Equality Act 2010 (and the Public Sector Equality Duty within this act)
- ? compliance with the Countryside Rights of Way Act 2000
- ? adherence to the advice from Disabled Ramblers as set out below.

Appendix B: [redacted] critique of the two Road Safety Reports.

My critique of the two Safety Reports and final comments are as follows:-

1. “Document 1 appended” (report given below in Appendix C)

[REDACTED]’S SAFETY REPORT TO NATURAL ENGLAND

Whilst the grammar of the second paragraph of the section headed **“Scheme details/purpose”** on page 1 of [redacted] report, makes it difficult to tell exactly what the brief was, it seems to mean that he was requested by Natural England to give “Expert Opinion” as Principal Highways Engineer at Suffolk County Council, as to whether the track (known as ‘Lower Track’) was “a safe route on which to align the England Coast Path”, from the point where it joins the A1152 at Wilford Bridge (that is, at its northern extremity) to the point where it joins the public Footpath (at its southern end) and further included a request for him to identify reasons why this length of track was safe or not and to advise Natural England on what work could be done to make safe any sections that were not so.

Beginning with Picture 1 on page2 of [redacted] report – this claims that there was “room for pedestrians to step to one (east) side so cars can pass on this section”, whereas the photograph clearly shows an uneven and very limited space on one side of the road, restricted by a fence, (presumably the west side) offering refuge to a single pedestrian but leaving them in very close contact with any passing vehicle. If there were more than one pedestrian involved, such as a parent with child or children and particularly if using a pushchair/pram, or a wheelchair user with or without helper, it would be very difficult and in some cases, impossible for them to get safely out of the way of a passing car, let alone a larger vehicle. The other “open side of the track” shows the very uneven land falling away from the track, also making any necessary evasive pedestrian manoeuvres difficult or impossible. Any impatience, lack of concentration or anything above a very slow speed from the driver, or a pedestrian with balance problems, visual, hearing, or walking difficulties, would make this passing even more hazardous – even on this seemingly clear stretch of the track.

This track, if opened as a public footpath, would without doubt be used by many local people - myself included! The above-mentioned difficulties and no doubt, many others, must be expected considering the local demography. Elderly, less able and people with physical or other forms of disability will use this track if it is opened. Parents or other carers of children will use the path. Schools and other organisations may use the path with large numbers of people – and all will have varied degrees of concentration and reaction rates. Consequences of this “to be expected” situation, must be taken into account when assessing relevant safety factors. It must also be expected that vehicles will not be driven slowly, or even brought to a halt to allow pedestrians to pass, but will be subjected to declining standards as the number and nature of pedestrian obstructions increase.

Pictures 2, 3, 4 & 5 also show walkers on the track – including 2 very young children. Such children would take some considerable organising to stay safe on the narrow verge where they were. with a vehicle passing close, especially a large tanker vehicle as shown in the later pictures with all its projecting parts.

The track is also used by farm vehicles and machinery. These often have more projecting and/or trailing parts and are less stable (thereby more hazardous) than other road vehicles when driving along a track like this. Needless to say, they are almost always attractive to young children!

Pictures 4 & 6 include a statement that there is adequate space to create a “parallel path” to link the two bends – one of the bends already having a “parallel path” associated with it. Any such created parallel path must also be suitable for the safe use by the expected users – not just the comparatively low numbers of people undertaking the Coastal Path walk, either in total or a section. Leaving an uneven, overgrown verge for people to agilely leap into when threatened is not in any way suitable to be considered safe. Absolutely no account has been taken of pedestrians general inability to take into account hazards that they are not prepared for. To encounter a vehicle, perhaps travelling at speed does not give pedestrians time to evaluate the situation and react, especially when they are on a part of the

track they thought was within National Trust property and would not be expected to have vehicles there at all. Many people in general as well as those high numbers visiting Sutton Hoo, have hearing difficulties and are not necessarily aware of vehicles approaching them.

Picture 7 shows a non-standard sign, purporting to warn drivers to be aware of pedestrians. It is unlikely that a driver would be able to read and assimilate such a sign in the time taken to pass it whilst concentrating of driving along a narrow and hazardous track! This picture and also picture 9, also clearly shows how unsuitable it is for pedestrians and vehicles to share this space as there is no facility to allow either to take evasive action when they meet. The length of track between picture 7 to the point where it joins the A1152 public highway, is some 350m long and as shown in pictures 7 & 9 is unsuitable to create a parallel path on, especially where it passes by the property "The Lodge". This point where the track joins the A1152 (a very busy road with 60mph National Speed Limit!) is particularly hazardous when vehicles enter and leave it. Even a small number of walkers will make this stretch of the track very hazardous when vehicles pass and without major remedial works to create a safe pathway for walkers to separate them from all these vehicles, serious accidents must be foreseen. The statement that "it would be reasonable to expect drivers to be aware of pedestrians in such circumstances, slow their speed and drive accordingly." Is quite out of touch with reality. It has to be accepted that the Lower Track is not a highway, or Byway – nor even a Road used as a Public Path (RUPP): it is a private driveway only recently metalled to a reasonable standard – although upkeep to that standard is not enforceable. Consequently, standards that we all accept as being essential for Highways and Byways to ensure they remain capable of being driven over at speeds within certain limits do not apply to this track. There is no requirement to keep it free of surface detritus - and in an area where high levels of blown sand are often approaching and surpassing dangerous levels on adopted A and B Class public highways, this and other important factors many take for granted such as the amount of "Grip" between tyres and the actual surface of the road, can affect braking conditions very severely. It has to be accepted by Natural England that vehicles using this stretch of track may not be able to stop when needed. The 15mph advisory "Speed Limit" is meaningless. It is not only unenforceable but also, in some places too high to achieve safety standards needed. Speed limits as low as 10mph, or even lower, are not able to be adhered to by drivers because of vehicle speedometers inaccuracy at low levels and the high level of control and discipline needed by a driver to attempt to keep to them. Parts of this track need a 0-mph speed limit when passing pedestrians – that it is, stopped – and that is just never going to happen! There should also be a need to take into account the access needed by emergency vehicles – with these, speed is often essential and even when warning lights and sounds are there, it doesn't help a disabled pedestrian to get out of the way on a very narrow track.

The 40m or so of 'very narrow' track close to The Lodge, is not very easily passed when driving a vehicle because of all the difficult to see hazards along its length. Where pedestrians are involved, 40m is a long stretch of track to walk and 350m very much more so, even for the agile and able bodied. The delay caused by not being able to pass pedestrians on this stretch of The Lower Track will test the patience of most drivers, particularly those delivering to a tight schedule. For drivers, any obstruction to being able to turn into the track off the A1152 freely, will cause considerable congestion – as is often currently witnessed even with the limited vehicular access encountered at present.

The effect of poor weather or lighting conditions, including unexpected sun-dazzle when driving, add to the hazards. Similarly, the condition of the Track's surface is not regulated and vehicles will have difficulty in stopping during periods of ice or leaf/blossom fall. Assessing the effects of an out-of-control vehicle on this track have not even been considered by Natural England.

The assessments made with regard to all these pictures need to be carefully re-evaluated and amended accordingly to fully reflect the risk factors, including several made by [redacted] that have been completely discounted by National England, in spite of their protestations that they have complied with all the safety issues [redacted] raised. This is especially so with regard to the first section of The Lower Track from the point where it joins with the A1152 – Map FF4a points S001 – S002. [redacted] clearly implies that it is not possible to provide ANY mitigating safety works here and glibly suggests that vehicles will see people on the track and drive slowly. Even if vehicles were to stop on this section of the track, it would not mitigate the safety of pedestrians trying to pass them as there is clearly insufficient space to do so. No County Council Highways work-person would be allowed to walk or work along a highway so close to moving traffic! This section of The Lower Track has been dangerously and negligently overlooked from the Safety aspect.

The concluding “**Road Safety Recommendations**” fail to advise on the size, number and positioning of “further advisory signage” – and must bear in mind the impact of these, not only in an Area of Outstanding Natural Beauty, but with the very real and dangerous distraction factor in a driver having to try to read and assimilate the content of such signs whilst waiting to enter the track or driving along it. This is why “Official” Road signs are of a size and clarity that permit this.

Another suggestion made by [redacted], is to cut back vegetation (trees and bushes): this may slightly improve visibility short term, but is a minor factor compared to the other points mentioned above and under some circumstances such as sun-dazzle situations, may even make the matter worse!.

The recommendation of Natural England creating some lengths of a parallel path does not go nearly far enough. Specifically, for this section of the Coastal Track, there is a need to create a suitably structured and surfaced path, able to completely separate pedestrians from vehicles, of sufficient dimensions and position either along the entire length of The Lower Track or, preferably, taking a completely separate route. This should be seen as the absolute minimum precaution needed to reduce the risk of serious injury or death on this length of track. With vision, Natural England could link with other bodies (statutory and non-statutory) to create/improve the existing public footpath and even separate cyclists from traffic (another major local hazard) on the B1083 “Wilford Rise” Highway. The current proposals are completely inadequate to make any part of The Lower Track “Safe”.

[REDACTED] & ASSOCIATES

This report was commissioned by the owners/occupiers of the 5 residential properties who rely on the Track for access and services.

Much of the report refers to non-safety matters on which I make no comment.

page 4:-

Point 5 The photographs and comments clearly show why the track is not suitable for use as a public footpath at this point near the junction with the A1152. I am not familiar with County Council Highway standards for safety to comment, but the conclusions drawn in this part of the report seem reasonable to me.

Point 7 This introduces the possibility of using alternative routes to that proposed. The 3rd part of point 7 however, misses out what I consider to be two major and one lesser factor when proposing vehicles and pedestrians share this space: -

Children: Where children are concerned (and especially young children and toddlers) their actions are, to say the least unpredictable and can be at a speed that adults do not always anticipate. Their supervision and control by responsible persons are often inadequate and notices warning of dangers are seldom understood or remembered when the excitement of play overrules all else – again, this is especially so in areas of open space such as the National Trust Land through which the proposed footpath / The Lower Track traverses. Safeguarding Children is a difficult matter for all of us and none can ignore their responsibilities to Children when proposing changes like the ones being considered here. Not all users of the footpath are responsible, sensible adults with many years’ experience of assessing life’s hazards.

Dogs: Wherever dogs are permitted there will always be control problems. Natural England go as far as making some lengths of their proposed path on the west side of the estuary, to require dogs to be on leads and/or under close control. It is well documented in this local “Country” area that dogs are not always kept under close control and more often than not, not kept on leads whilst walking. The length of track being considered here, known as The Lower Track, has not even been considered by Natural England for any controls to be required for dogs and as such, dog/dog (or any other animal), dog/person or dog/vehicle incidents will happen. Drivers of vehicles tend to swerve to avoid a dog and on a narrow track whose surface may not reach Highway safety standards, doing so could have serious consequences.

Badgers: There are at least 2 Badger Setts adjacent to The Lower Track – one immediately abutting it, the other very close to it. These will undoubtedly become attractive to people that recognise what they are and also to any dogs passing. Both will be distracted from approaching vehicles. As badgers are active at dusk and night-time, people are likely to visit the area to see them when they are active. These are very high-risk conditions for the track to be used by vehicles and pedestrians.

Page 13

Point 6 The footfall comments are valid – most users of the part of the track proposed to be used as part of the Natural England footpath will be either local short-walkers or visitors to the area especially to Sutton Hoo, often travelling by train to Melton Station or by public bus service stopping at the station. These visitors are frequently seen, often in large numbers, walking up the side of the very busy B1083 from Wilford Rise roundabout to Sutton Hoo Drive on a footpath that is narrow and partially obstructed by progressive land slippage down the steep slope into which it has been cut. This is not a pleasant walk and given an alternate public footpath to gain access to Sutton Hoo, almost all would take it. This B1083 footpath is another footpath that needs to be totally separated from the traffic and could include a cycle lane to reduce yet another hazard. Natural England claims a vision for great things, but producing a very glossy, shallow report of many thousand empty words is not “vision”.

Pages 13 – 15

Point 6b page – 14 – “Genuine visitors to the NT (National Trust) entering the Lower Track from A1152”

The current, existing public footpath meets the proposed coastal path route and crosses the NT land at Sutton Hoo - directly past the Visitor Centre. The NT could not therefore, prohibit entry to the site from the public footpath route. Giving public access to the NT site by creating a public footpath on Lower Track from the A1152 will simply open the route for the many pedestrian visitors to the Sutton Hoo site. The suggested estimate of 50+ pedestrian visitors per hour to the NT Site is not inconceivable. As a site of international importance, Sutton Hoo would also be a factor encouraging walkers travelling the Coastal Path to take the Deben Estuary detour and visit the site in passing.

Point 6c – other pedestrians (local walkers). This point has already been covered and is a significant factor in assessing numbers. The figures quoted here in this report for pedestrians passing through the existing footpath from the south-west side of the river/A1152 are not unreasonable.

Pages 15 - 18

Point 7 – relates to the “[redacted] Report” referred to in 1 above - which I have already covered.

Pages 18 - 24

Point 8 & 9 – Assessment of Safety on the Lower Track

The comments and photographs expand on the safety implications of mixing pedestrians and vehicles on a narrow track with poor visibility and little “escape room”. The use of the track by bicycles (and other forms of wheeled transport) reinforces the unpredictability factor of a Risk Assessment. Similarly, the comments on Suffolk County Councils standards for widths of drives and other access roads to single and multiple properties are also relevant and should not be airily dismissed as Natural England seem to have done.

Pages 25 - 29

Point 12 – Assessment of alternative routes.

The availability of alternative routes that minimise or remove the problem of mixing vehicles and pedestrians has been “considered” and rejected by Natural England. **THIS IS A GRAVE MISTAKE.** To dismiss many, significant safety factors – of which Natural England have been made aware, for reasons of diminished “views of the river”, or of extending the length of an approximately 38 km walk by at most, about 1km, or even on cost factors is – or should be - criminally

negligent. This part of Natural England’s proposal should be immediately re-assessed. All the suggested alternative routes should be reconsidered, this time, by people suitably qualified to undertake such an assessment.

In conclusion: Natural England have failed in their duty of care to assess this proposal, both in line with their own standards and in particular with regard to the safety of all users of the proposed path.



**ENGLAND COASTAL PATH-SUFFOLK
'ECP'**

**PROPOSED ROUTE
BETWEEN BAWDSEY QUAY AND FELIXSTOWE FERRY**

**HIGHWAY SAFETY CONSIDERATIONS
IN RELATION TO**

**THE LOWER TRACK, Sutton Hoo, Woodbridge
From the A1152 at Wilford Bridge to Little Sutton Hoo House**

Prepared for the Residents of the Lower Track

By **[Redacted]** C.Eng., M.I.C.E.
February 2019
GHB Reference: 272-2018-HA0

[Redacted]
[Redacted] M.I.C.E. [Redacted] M.I.H.T. V.A.T. Reg. No. 460 461171

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SUMMARY AND CONCLUSIONS

1. The ECP route between Felixstowe Ferry and Bawdsey should be the ferry:

- This route meets all the statutory criteria stated in the Coastal Access Duty section of the Marine and Coastal Act - the Estuarine Path fails all of them.
- Choosing the estuarine path will not be '*pursuant to, and for the purpose of discharging, the coastal access duty*' – as defined in the Act.
- Any suggestion that the ferry will not provide an adequate service is unsupportable.

2. The Ferry Route will be used by most ECP walkers by default anyway:

- NE's recommendation is likely to be 'academic'.
- Common sense suggests that over 90+% of coastal walkers will arrive at the mouth of the Deben when a ferry is available - and use it.
- The alternative is a 2 day, 38km walk – and not by the sea. An ECP sign showing a 38km detour when the destination is 250 metres away and there is a ferry sitting at the pontoon is nonsense.

3. The Estuarine Path proposal has nothing to do with the ECP:

- It fails to meet all coastal access duty criteria for the coastal path – adhering to the periphery/ views of the sea/ minimum interruptions – and cannot be justified when the ferry route meets them all and will work.
- It will pass through a uniquely unspoilt area that is environmentally sensitive, with gold standard environmental accreditations, the implications on which need to be considered with a greater emphasis on 'striking a balance' and not driven by the Coastal Access legislation powers.
- The route chosen through the Sutton Hoo estate makes no sense from the perspective of coastal path walkers - it only makes sense if the underlying objective is to open access to local walkers.
- The route chosen through the Sutton Hoo estate mixes vehicles and walkers for the entire length, includes an unsafe section of the Lower Track, and will increase risk, conflict and right of way issues on the sections of the Lower Track already shared by walkers and vehicles. It also callously destroys the amenity of the residents of the Lodge.
- There are alternatives which are simple, safe, avoid vehicle/pedestrian conflicts and in some cases provide better views and a shorter distance. The choice of route, even given the powers of the coastal path legislation, suggest a total lack of interest in striking a fair balance between conflicting interests. And these powers should not be relevant anyway.

4. The main negative impacts of the Estuarine Path arise from local walkers:

- The Deben Estuary Partnership submission clearly points out the potential serious impact on the environment of people taking short walks from the Bawdsey end of the route – and provides evidence in support of the potential number of such walkers.
- This assessment shows that the same is true at the Sutton Hoo end of the route. NE have not acknowledged, let alone taken account of, the impact of local walkers disgorging onto the Estuarine Route from the public footpath that arrives on the northern side of the Wilford Bridge. Our analysis shows that the potential numbers are material and will have an unacceptable impact along the entire length of the Lower Track.

Under the guise of a Coastal Path the proposed route will impact on environment, safety, rights of way and amenity by encouraging local walkers to use inappropriate routes through the Sutton Hoo estate. The route has nothing to do with the needs of coastal path walkers.

The assessment shows that genuine coastal path walkers choosing to use the Estuarine Path would be better served by the proposed alternative routes through Sutton Hoo.

5. The initial 400m section of the Lower Track from the A 1152, currently not a public right of way, is unsafe as a public footpath and should be rejected.

- It fails to meet - by a long way – Local Highway Authority safety guidelines for access to 5 properties.
- It has many unsafe characteristics and a history of safety related incidents even when the public was not supposed to use it.
- The safety 'assessment' by SCC Highways contained in the proposal should be disregarded – it is unprofessional, inaccurate and misleading.



SCC Highways consider there is room for pedestrians with prams or wheelchairs. See larger versions and more photos in main body of document and Appendices.

6. The massive amenity impact on the residents of The Lodge of opening this initial section of the Lower Track cannot be justified given the alternatives available. It is callous.

7. The route proposed using the rest of the Lower Track should be rejected.

- NE's proposed route chooses to mix walkers with vehicles for the entire length – with alternatives available this contradicts S297 (2) (a) of the Coastal Access Duty section of the Marine and Coastal Act: '*... with regard to the safety of those using the English Coastal Route.*'
- There are alternative and in some cases better routes that avoid this dangerous mix, provide better views and are in some cases shorter. NE have stated that most genuine coastal path walkers would visit the NT Visitor Centre and yet the proposed routes do not go there – the alternatives do.
- Any material footfall increases on the public footpath and NT Permissive path sections of the Lower Track – with prams, wheelchairs and dogs – will increase safety risks, conflicts and right of way issues.

In summary:

- **the ECP route should be via the ferry;**
- **an Estuarine Path should not be subject to Coastal Path legislation,**
- **The Estuarine Path should avoid mixing walkers and vehicles and use sensible and available alternatives to the route proposed.**
- **NE should pay more attention to 'striking a fair balance' between conflicting interests.**

TERMINOLOGY

In this document the following terms have specific meanings:

- The Lower Track: the 1.7km long tarmac track (paid for by the residents) that leads from the A1152 at Wilford Bridge to Little Sutton Hoo.
- NE: Natural England
- ECP: England Coastal Path
- NT: National Trust
- NTVC: NT Visitor Centre: the front office, exhibition and café area
- DEP: Deben Estuary Partnership
- The Coastal Path: route using ferry between Felixstowe Ferry and Bawdsey Quay
- An Estuarine Path: route around the Deben estuary
- Genuine Coastal Path Walkers: those undertaking a serious walk along the England Coastal Path (say, 1 day or more in duration), including those who may also choose to walk an Estuarine Path
- Local Walkers: those undertaking short walks on local paths
- NT Walkers/ Visitors: those who are bona fide visitors to the NT
- The Residents: the clients of this report
- SCC: Suffolk County Council

1 **[REDACTED] and Associates**

The Practice of [REDACTED] & Associates was formed in 1987. Since then it has developed to be able to offer Civil Engineering solutions to a client base of local and national developers, Engineering Consultants, Architects, Solicitors and Local Authorities, as well as private non-engineering businesses.

The author of this report is [REDACTED] who is a Chartered Engineer with over 50 years' experience in Highway Engineering. Before forming the Practice of [REDACTED] & Associates he worked for over 20 years for Suffolk County Council, leading teams in the Highways department giving consultation advice to Suffolk Local Planning Authorities on the highway and safety implications of proposed developments generating pedestrian and vehicular traffic. He has also lead teams carrying out accident investigation and has represented Suffolk County Council, District Councils in Suffolk and private clients at numerous Planning Inquiries.

The author has visited the site on four recent occasions and has observed the practical issues on the ground which underly the concerns of the Residents. He has a detailed knowledge of the Deben estuary based on many years of sailing, often from Felixstowe Ferry, birdwatching and working on projects in the area.

2 THE CLIENTS

The Practice has undertaken the investigation and prepared this report at the request of [REDACTED] on behalf of all the residents (the Residents) living alongside the Lower Track at Sutton Hoo. This track is owned by the National Trust (NT) and runs for 1.7 km alongside the River Deben from the A1152 at Wilford Bridge to Little Sutton Hoo House.

The Residents own 5 properties. There is one property – The Lodge - adjacent to the A1152. The other 4 properties are at the other end of the track, one of which has a second house in the grounds which historically has been used as a separate residence. The Residents have unlimited rights of way on the track which is the only vehicular access to their properties. Waring Farms also have an unlimited right of way which provides a secondary access for agricultural vehicles and equipment to extensive farmland at Sutton Hoo.

In addition to use by their own and visitor's vehicles, the Residents rely on vehicles using the track to deliver services, including refuse collection, oil deliveries, septic tank guzzlers, postal services, parcel deliveries, garden contractors and so on.

The clients of the Practice are:

[REDACTED], Dairy Farm

[REDACTED], Little Sutton Hoo

[REDACTED], Dairy Farm Cottage

[REDACTED], Little Haugh

[REDACTED], The Lodge

3 THE BRIEF

Natural England (NE) are implementing the English Coastal Path (ECP) in Suffolk. To cross the River Deben, they are considering two broad options: the first is to use the ferry at the river mouth between Bawdsey Quay and Felixstowe Ferry and the second is an estuarine route around the Deben estuary.

The Residents have made it clear to NE that the use of the ferry is in their view outstandingly the best option, for reasons associated with broader environmental issues and not just the impact on them. The ferry option is also supported by other landowners, environmental organisations and the Deben Estuary Partnership (DEP) which has submitted a detailed case in support of the ferry option. The Deben Estuary Partnership is supported by the Environment Agency and the Suffolk Coast and Heaths AONB. The Lower Track Residents share the concerns of these other stakeholders in terms of the inevitable negative impact of the route through an environmentally sensitive area that has world class environmental accreditation. The benefits that might be associated with adopting the estuarine route are materially outweighed by its negative impact. Section 4 covers this issue in more detail. It argues that the estuarine route does not meet any of the criteria set in the Coastal Access section of the Marine and Coastal Access Act whereas the Ferry route meets all the criteria.

The Residents will provide the Secretary of State with their views on the rejection of the ferry option and the choice of route for the Estuarine Path. This document does cover the first point but does not attempt to restate the arguments, fully supported by the residents, already put forward by the DEP. It focuses more on the specific choice of the estuary route and the impact that will have on both Residents and pedestrian users of the lower track.

The proposed route of the estuarine path chooses to mix pedestrians and vehicles on the total length of the Lower Track – its entire route within the Sutton Hoo estate. The Residents are concerned that this will not only increase footfall on the sections of the track already used by pedestrians and vehicles but also – for the first time - mix pedestrians and vehicles on a narrow section of track that is not currently a right of way. This is the section that opens out onto the busy A1152.

The Deben Estuary Partnership submission identifies that the proposal will materially increase the number of local walkers, unrelated to the purpose of the coastal path, with a negative impact on the environment at the Bawdsey Quay end of the proposed ECP.

The proposal for the Estuarine Path route to use the full length of the Lower Track at Sutton Hoo will create a similar situation. By opening public access directly on to the A1152, there will be a massive increase in the footfall of pedestrians coming in that entrance and taking short walks. This increase in footfall will be unrelated to the coastal walk – it is probable that very few will choose to go further than the Little Sutton Hoo end of the track.

The Residents consider that the increased footfall generated by local walkers and, to a lesser extent, genuine coastal path walkers on the sections of the Lower Track already used by pedestrians will have material implications on safety and rights of way.

However, the proposal to open the currently private section of the track on to the A1152 is of most concern to the Residents. They regard it as a reckless decision, mixing vehicles and pedestrians in an unsafe environment, and showing no duty of care to the pedestrians that NE will be directing onto the path. The proposal shows no consideration for the Residents, putting them into a high-risk position. It is also very likely on occasions to lead to conflict, interference with their rights of way, possibly necessitating costly legal action, and will have an appalling and heartless impact on the residential amenity of the residents of the house alongside this section of the track.

The Residents have expressed all these concerns to NE during the consultation process, group meetings and individual meetings, supported by photos, dash cam film and examples of previous incidents. Despite these numerous safety examples NE have indicated that they have no intention to reconsider the proposal.

The Residents have also presented the obvious safer alternative routes, on existing footpaths or NT paths, avoiding conflicts between vehicles and pedestrians, and providing direct access to the NT Visitor Centre (NTVC) which NE have stated that all coastal path walkers – if they use the estuarine path - will want to visit.

There are existing routes that avoid vehicles completely, lead the walkers to and from the NT Visitor Centre (NTVC) and have views of the river that are equal to those from the Lower Track. To the extent that there are any advantages associated with the proposed route they do not justify taking the safety risks associated with mixing vehicles and pedestrians, the impact on the Residents right of way and the devastating amenity impact on the residents of the property adjacent to the A1152.

The Practice has been asked to assess the safety risks of opening the Lower Track to the A1152, and all other relevant issues associated with the NE proposal.

4 OVERVIEW OF COASTAL PATH ROUTE

Prior to focusing on the impact of the proposed route of the estuarine path this section provides some more thoughts on the overall project and the use of the ferry route.

The England Coast Path is due to be completed in 2020. NE are at present working on the proposed route around the Suffolk coast. The three local routes under consideration are: (i) Shotley Gate to Felixstowe Ferry; (ii) Felixstowe Ferry to Bawdsey Quay and (iii) Bawdsey to Aldeburgh. The section relevant to this report is Felixstowe Ferry to Bawdsey Quay, the route of a foot ferry crossing. Walkers on the coastal path from Aldeburgh will arrive at Bawdsey Quay and from Shotley Gate at Felixstowe Ferry - no detours are required to get to the ferry.

The NE sourced map (see Exhibit 1 below) – larger version in Appendices – shows this section and the Deben estuary. The stated aim as reproduced on this map is:

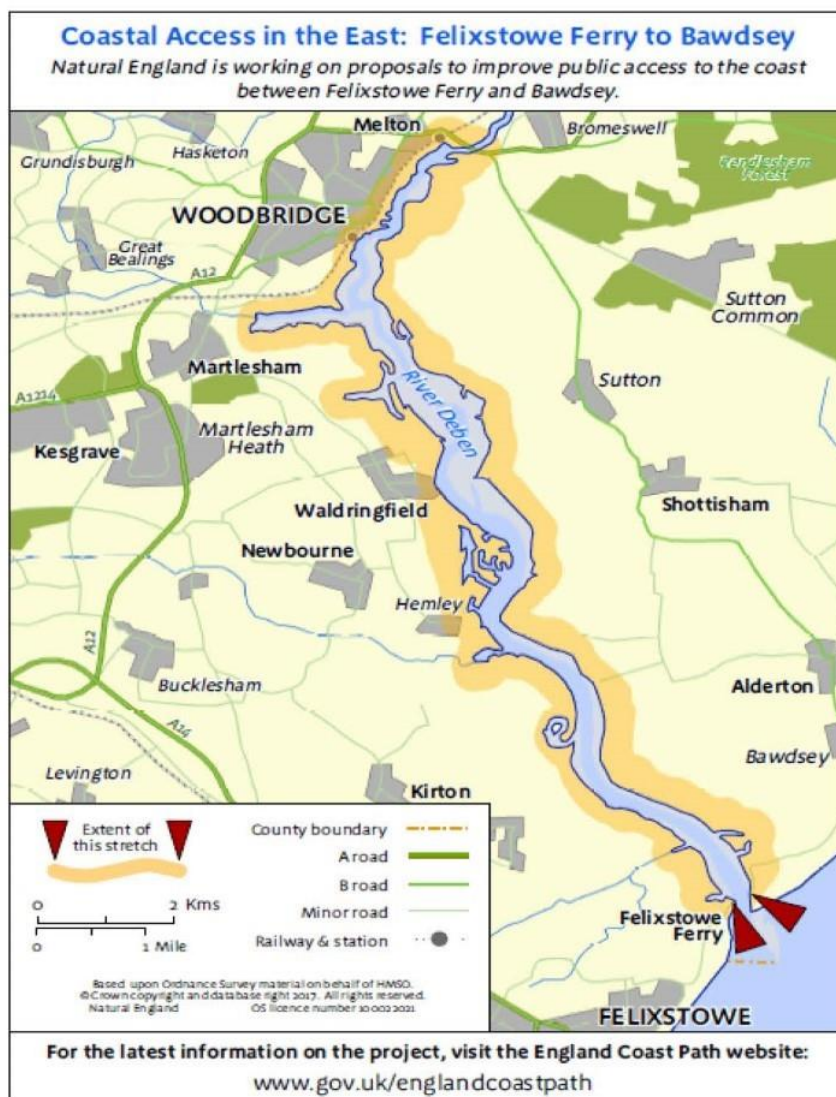
“Natural England is working on proposals to improve public access to the coast between Felixstowe Ferry and Bawdsey”.

The Coastal Access Act clearly defines the coast: ‘... the coast of England adjacent to the sea’. It does not include river estuaries in its definition of the coast. One look at the map shows that the obvious coastal route is 250m across the mouth of the Deben not approximately 38 km around the estuary.

The ferry has been regularly used by walkers for decades (plus their bikes, prams and other items that they might bring with them on a walk). During the Spring to Autumn period the ferry runs – without subsidy – an ‘on demand’ service, 7 days per week, averaging 7 hours per day, carrying 12 passengers per crossing and, as needed, runs 3 trips each way per hour

As documented in the Deben Estuary Partnership (DEP) submission to NE an all year service has been tested successfully and funded locally. The benefits to the local communities of Bawdsey Quay and Felixstowe Ferry are also documented by the DEP. There is strong local support to make it work.

Exhibit 1



The benefits to the local communities of Bawdsey Quay and Felixstowe Ferry are also documented by the DEP. The ferry crossing is about 250m across and takes less than 10 minutes. It has provided a reliable service for as long as most people can remember. To the extent that the ferry might not be available for a few days due to adverse conditions, this is likely to happen at a time of year when few people are walking and fits comfortably with the Coastal Access duty description of an acceptable ferry alternative.

Taking account of seasonality, it is probably no exaggeration to suggest that 90-95% of coastal path walkers will arrive when a ferry is available. It is also realistic to assume that 90% of these walkers will choose the ferry. It is a delightful trip, a bonus for walkers and links to cafes and toilets on both sides. A great rest-stop. The alternative is about 38km and 2 days around the estuary.

The ferry also meets precisely the criteria laid down in the Coastal access section of the Marine and Coastal Access Act. The key extracts are in italics:

- *The first objective is that there is a route for the whole of the English coast which consists of one or more long distance routes along which the public are enabled to make recreational journeys on foot or by ferry. [S296 (2)(a).*
- *.....a person is to be regarded as enabled to make a journey by ferry even if that journey can be made at certain time, or during certain period, only. S296(7)*
- *...must have regard to ... adhering to the periphery of the coast and providing views of the sea S297(b)*
- *...must have regard to ensuring that so far as reasonably practical interruptions to that route are kept to a minimum. S297(c)*
- *...the English coast means the coast of England adjacent to the sea. S300(1)*

What is clear is that every aspect of the ferry crossing meets these criteria. Establishing a new route around the estuary fails all these criteria.

In section 301 the Act covers the interruption of continuity by a river. Specifically, S301(2) refers to NE being able to exercise its functions 'including relevant upstream waters'. But S301(4)b makes it clear that NE must have regard to the existence of a ferry by which the public may cross a river.

However, S301(5) states that anything done pursuant to sub-section (2) is to be regarded 'as done pursuant to, and for the purpose of discharging, the coastal access duty'.

Whilst the use of the words 'is to be regarded' are ambiguous it appears that the exercise of discretion to adopt the estuarine route cannot be justified under the Coastal Access Act because it is not being done 'pursuant to or discharging the coastal access duty'. The estuarine route fails to meet any of the criteria stated in that duty. The ferry meets all of them – perfectly.

For most people the Coastal Path will be via the ferry whatever NE decide. It is perverse even to suggest that a 38km detour is the recommended route when a 250m ferry crossing delivers the solution.

It is recommended that the Secretary of State rejects the proposal to define the coastal path as an estuarine route around the Deben – it fails the statutory criteria

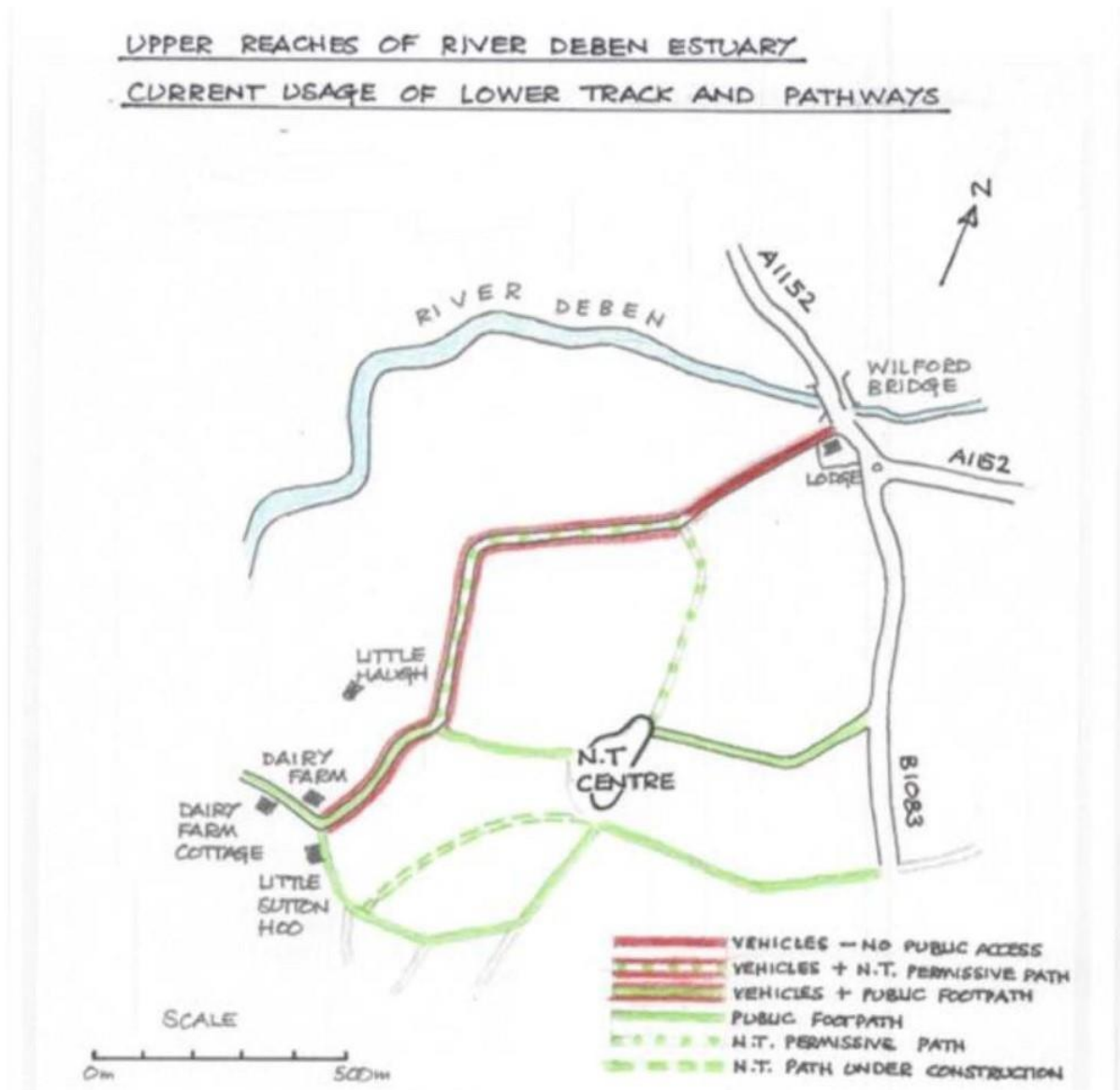
Should NE continue to recommend an estuarine path around the Deben then it should not be assessed in the context of the Coastal Access Act and more attention paid to the views of all stakeholders, particularly in relation to the environmental impact already explained in the Deben Estuary Partnership submission, other submissions and this assessment.

The rest of this document will focus mainly on the route proposed for the estuarine path.

5 THE SITE AND CURRENT USE OF LOWER TRACK

A plan of the Sutton Hoo section of the Deben estuary, as it is today, is below – Exhibit 2 with a larger version in Appendices. It shows the Lower Track, currently divided into 3 sections: (i) public footpath; (ii) NT permissive track; (iii) private – no public right of way. It also shows adjoining public footpaths, NT Permissive Paths and the new NT path about to be constructed.

Exhibit 2



Starting from the A1152 at Wilford Bridge, the track has 3 sections:

- The initial 0.4km from Wilford Bridge road junction is not currently a public right of way or a National Trust permissive path and is reserved only for use by the residents, their bona fide visitors, Waring Farms and any pedestrians specifically authorised by the National Trust. The Residents have reported a number of 'near misses' and conflicts over many years both when used by unauthorised pedestrians and between authorised and unauthorised vehicles. The characteristics of this section of the track are assessed later but the Residents regard the proposal to open the track as reckless and counter to any sensible principles of 'duty of care'.
- The next 0.9km of track is a National Trust permissive path. The Residents objected to the use of this track, on safety grounds, at the time of the original planning application for the NT site. Since the NT opened the Sutton Hoo site, they have always acknowledged that they share the concerns of the Residents about the mix of pedestrians and vehicles on this section of track. There have been many "near-misses" on the NT permissive path.
- The final 0.4km is a public footpath and as such the Residents accept that it is 'inviolable'. Whilst not ideal, to date the short length of track involved and the topography have meant that few problems have arisen. The track was surfaced approximately 3 years ago with bitumen bound material at the expense (well over £100,000) of the residents living along the track. It replaced a rough crag path and whilst not built for this reason it has enabled NT visitors to use wheel chairs and prams with associated conflicts and safety issues. The condition of the track prior to this investment was barely suitable for walkers as shown in the photograph below – Exhibit 3 with larger version in Appendices.



Condition of Lower Track prior to Residents investing over £120k in new surface

NT's lack of interest at the time in helping to fund these improvements was consistent with their view that eventually they would like to remove pedestrians from the Lower Track – see later.

6 THE FOOTFALL IMPACT OF NE's PROPOSAL

NE will not or have not provided any forecast numbers for potential coastal path walkers based on their experience of the completed sections of the ECP. At a presentation in Woodbridge by NE it was stated that the existence of a coastal path did not necessarily produce a material increase in numbers, an exception being when the coastal path also opened links between other local footpaths.

The most significant impact of the proposed route at Sutton Hoo will be caused by opening a link to another footpath – see later. The Residents have seen no evidence that NE have assessed any data on the potential, non- coastal walker, users of the track, namely NT visitors and local walkers taking advantage of the access to the A1152..

In the absence of any data the Residents have had to make their own assessment which the Practice has reviewed for common sense.

The proposed route for the ECP will increase pedestrian footfall in 3 ways:

- a. **Genuine ECP walkers (i.e. not local people just walking a short section) who have chosen to take a 38km diversion alongside the Deben Estuary.**

The ECP will arrive/ depart at the location of the ferry pontoons between Bawdsey Quay and Felixstowe Ferry. No detour up the Deben estuary will be required to reach them as the ferry provides a perfect continuation of the coastal path. The reliability, frequency, capacity and all year capability of the ferry were explained in detail in Section 2.

Given that NE have suggested that the number of genuine ECP walkers will not be overwhelming it seems clear that most of them will arrive when a ferry is available. Even if there is a queue occasionally it seems unlikely that a 2 day, 40km walk and a night in a hotel will be preferred to a 30-minute wait and a 5-minute ferry crossing. The few days on which the ferry may not be working will coincide with the time of year when few people are walking.

In summary:

- The number of genuine coastal path walkers who chose the estuarine path because the ferry isn't working will probably be so small as to be irrelevant in terms of impact on Lower Track residents.
- It is unlikely that many genuine coastal path walkers will choose the estuarine route if the ferry is working. However, if the ECP is signposted around the Estuarine Path then some may choose it because of the understandable desire to 'do the full route'. This might add substantially to numbers on the Lower Track, in direct contradiction to the statutory criteria for the coastal path
- The working assumption is that probably 80-90% of genuine coastal path walkers will use the ferry unless the estuarine route is conspicuously signed as the Coastal Path – a large caveat

The impact assessment of those genuine coastal path walkers who choose the Estuarine Path Route is summarised below:

- ***Coming from Bawdsey Quay***, once the coastal path reaches the Little Sutton Hoo end of the track it is assumed that most genuine coastal path walkers will want to take the shortest route to

the National Trust Visitor Centre (as advised by NE and logical). This is not achieved by the proposed route of the Estuarine Path which does not lead to the NTVC. There are alternative routes which will take them to the NTVC – see full assessment and maps of alternative Routes in Section 12.

If the Coastal Path walkers follow the proposed Estuarine Route they will contribute to increased footfall on the Lower Track – see impact assessment later. If the public footpaths and NT Permissive path signs are clear many will use the alternative route anyway. This route has not been proposed for the benefit of coastal walkers.

- ***Coming from Felixstowe ferry***, the proposed route is the Lower Track exit/ entrance on to the A1152. This is dangerous – see later assessment – and should not be used. There is already a perfectly safe path to the main entrance of the NT Exhibition. A very short alternative route could be constructed at minimal cost. The alternative routes have minimal, if any, downsides for genuine coastal path walkers. See full assessment and maps of alternative Routes in Section 12.

Overall, the impact of genuine coastal path walkers footfall on the sections of the Lower Track currently used by pedestrians is difficult to assess, not least due to the irrelevance of the route to them.

However, any increase in footfall on these sections must increase risks associated with mixing vehicles and pedestrians and ultimately interfere with the Residents right of way. If the 'do the full route' mentality prevails the numbers could be material. If NE signpost the Coastal Route as via the Ferry but with 'an alternative route' the impact would probably be reduced – but then why create an estuarine route for so few anyway?

b. Genuine visitors to the NT entering the Lower Track from the A1152

This would depend on NT's policy. If the NT permit authorised entry from that point it is reasonable to assume that visitors on foot would use it for both entry and exit. Even if the NT directed foot visitors to the main entrance on arrival it is reasonable to assume they would all leave by the A1152 exit.

There are currently 100,000+ NT visitors per annum and the recent investment and planned new activities are clearly aimed at increasing visitor numbers. Past data suggests 120,000 p.a. post investment is not unrealistic. It is assumed that most arrive by car and would not use the last section of track to the A1152. In the absence of information, and to attempt some quantification, the Residents have made a range of assumptions about the % that arrive on foot and choose to walk on the lower track. Assuming that May-September is the busiest period and that walkers are concentrated into weekends and a short period of the day, it is estimated conservatively that about 50+ NT visitors per hour could use the A 1152 exit at busy periods.

The Residents intend to collect more data once the NT re-opens.

c. Pedestrians entering the Lower Track from the A1152 (primarily with no intention to visit the NT but just to go for a walk)

It is common knowledge that a lot of people would like a stroll along the lower track from the A1152 entrance. The recent closure of the NT has – for the first time – enabled the Residents to be

confident that the signs pointing out that it is not a public right of way are broadly effective. There are exceptions but very few people have been on the Lower Track whilst the NT is closed.

NE have made no attempt to estimate the number of people who are likely to use this entrance under their proposal. The residents have attempted to make a sensible estimate.

The public footpath on the other bank of the Deben also exits at Wilford Bridge. The car park mainly used by walkers is accessible just 300m along the A1152. Observations by Residents on several days in September 2018 – not the height of the holiday season – indicated that, for around 3-4 hours, 125 people per hour walked in or out of the Wilford Bridge exit.

There is no reason why that would not be a good guide to the additional footfall on the Lower Track just from local short walks not involving any view of the coast. The impact of that is of huge concern to residents in terms of pedestrian safety, rights of way and the impact on privacy and amenity for the residents of the adjacent property. On the section near the A1152 this is totally unsafe.

Under the remit of Coastal Path legislation, NE are planning to implement the establishment of a new estuarine footpath, unrelated to both the needs of genuine coastal path walkers and unlikely to attract more than a handful of those walkers. The main impact at Sutton Hoo will be from local walkers, most taking a short stroll up and down the Residents right of way, because it will then have Public Footpath status.

7 NATURAL ENGLAND'S SAFETY ASSESSMENT

The NE proposal contains the following report on the safety implications of creating a public right of way on the Lower Track to the A1152. The Residents were advised that the site inspection took place on 6 September 2018 and was attended by:

██████████ (AR) Area Rights of Way Manager, Suffolk County Council

██████████ (GT) Principal Engineer, Suffolk Highways

██████████ (GM) Coast Path team, Natural England

The content is copied below together with the map attached to it:



SCC Highways visit – NE's Report/ Notes

"The proposed route at Sutton Hoo is shown on Map 2 below.

Natural England have provided "Notes of road assessments" for each stretch visited and their notes for Sutton Hoo are as follows: -

A possible alignment for the England Coast Path (highlighted in red below), could take the trail south from Wilford Bridge along a private tarmac lane owned by the National Trust for some 1500m (sic) The final 200m or so is also a public footpath. The lane is narrow with passing spaces for vehicles. It is used for access by the National Trust as well as by residents of the 5 or 6 properties along it with associated deliveries/ post etc.

It is lightly used by vehicles and we passed some walkers using the route.

GT considers the lane to be quiet and although narrow, there is space for walkers to step aside when vehicles approach. (The National Trust have put in a parallel path at one point for 100m or so). There is also plenty of signage to warn drivers of pedestrian's presence. A 15mph speed limit sign is in place.

GT considered that the road here would be suitable for the England Coast Path."

The Residents, who use the track almost every day, were extremely concerned when they read these notes bearing in mind their experiences over years.

The report implies that there is space for walkers to 'step aside' – the photos below suggest this is not an accurate statement. The track is the width indicated in these photos for 280m from the A1152 to the first passing place.





A detailed and accurate assessment of the Lower Track is provided in Sections 8.9 and 10. However, in broad terms this Suffolk Highways assessment, accepted by NE, is inaccurate, misleading and well short of any acceptable standard of safety assessment.

The comments are made as if applicable to the whole length of the track. Other examples are provided in this section of the report, but an example is the statement that there is 'space for walkers to step aside when vehicles approach'.

This is just not true for the first 400m that is currently not a public right of way. On most of this section it is very difficult for walkers to get past a car. It is impossible for a walker with a pram or someone in a wheelchair to get past a car. It is physically impossible for any one to get past a large vehicle. See photos.

Even on the NT Permissive Path section there is no space for walkers to pass a large vehicle for much of the length. It is difficult, in places impossible, to manoeuvre a pushchair or wheelchair off the permissive path.

There is no mention of bends with low driver forward visibility. The NT 'parallel path' is not for the full length, it is just a strip of land that is mown periodically, it is overgrown for most of the summer and even when clear pedestrians almost never use it. Again, it is completely impractical to expect people to push wheelchairs and prams on these so-called paths.

Ms [redacted], one of the residents, emailed Giles Merritt of NE on 11 October 2018 following his cover email to her stating Natural England's proposals and providing the notes of the site inspection. In her email Ms [redacted] stated that she was surprised that the track was the preferred option rather than to create a path to the south and pointed out the shortcomings of the proposal. The impression given by Giles Merritt was that Suffolk CC had carried out a proper Safety Audit but many requests by the Residents to see it have not been realised and it appears that these notes are the full extent of the assessment.

There is no assessment of forecast potential footfall. No acknowledgement of the impact of local walkers using it for purposes that have nothing to do with a coastal path. No sign of any understanding of the vehicular traffic associated with the residences. In this context how can the judgement be made that the track is lightly used by vehicles?

There is no analysis of safety. The highways department made no attempt to learn from the experience of the residents, some of whom have lived here for over 20 years. No local resident was invited to the site visit.

The statement that "GT considers the lane to be quiet" is crass. Another conclusion on that particular day at that particular time could have been that the NT doesn't have many visitors – and yet there are over 100,000 visitors annually.

The 'assessment' is based upon a single visit, at the end of the season, at a time when the Natural Trust activities at Sutton Hoo were being wound down in advance of additional facilities being provided, and two of the 4 houses at the far end of the track were temporarily unoccupied.

The assessment is not fit for purpose.

As a result of their concerns it was at this stage that the residents decided to seek Professional Highway Advice and the Practice of [redacted] & Associates was contacted.

Mr [redacted] have also sought advice from specialist, qualified safety auditors. However, they stated that it is impossible to undertake a proper safety audit without basic data, not least current and forecast footfall and vehicle movements, none of which NE have presented. Data on current pedestrian footfall and vehicle movements would need to be collected over a full season before an audit would be valid.

The NE safety assessment must be disregarded as well short of acceptable professional standards.

8 ASSESSMENT: SAFETY ON THE LOWER TRACK - General

Since the NT opened in 1999 the Residents have experienced many incidents along the Lower Track that could have resulted in accidents.

The Public Footpath section at the Little Sutton Hoo end of the track is of least concern. Whilst it has some bends with limited forward visibility it is otherwise straight and has more sections for pedestrians to step aside. However, more pedestrians on this section of track will make it less safe and as a basic principle of duty of care it would be expected that obvious alternative, safer routes should have been considered and proposed. The Residents accept this is a public footpath and acknowledge they cannot object on principle.

However, they are bemused as to why NE has chosen to route the Coastal Path along the Lower Track at all – there are two alternatives that avoid mixing pedestrians and traffic. These two routes will take walkers to their destination, have no vehicles, equally good or better views and in one case is materially shorter. To choose a sub-optimal route that mixes walkers with pedestrians seems perverse.

See Section 11 – Alternative Routes.

The NT permissive path section has bends with severely restricted forward visibility, sections with limited or no space for pedestrians to move out of the way and almost nowhere for prams or wheelchairs to go. There is one formal passing place covering 0.9 km and one muddy opening which can be used as a passing place. There are many places where children can appear out of the undergrowth. Families on walks do not take notice of signs – they expect a NT path to be safe - and from time to time young children are spread across the track, many metres from their guardians – on one occasion 4 children under 5 years of age playing in the road on a bend where approaching drivers would have little warning of their presence. Other incidents include small children on strider bikes apart from their guardians, children on Segway's, walking groups spread across the track and in a long line, and dogs off leads. In the winter and spring months the low sun often blinds drivers. Many incidents and conflicts that been witnessed by the Residents.



This is the permissive path. There is barely any room for people to step aside comfortably. Trams and wheelchairs cannot get out of the way at all. For a large vehicle there is an impasse. The cyclist was going too fast to stop and only passed the car (in the position it stopped) because the driver put the car into the hedge. An increase in users of the track will lead to safety and rights of way issues.

The Residents – in particular [redacted] who have lived at Dairy Farm since before the NT site was developed - objected to the use of the permissive path for pedestrians when the original planning application was presented. However, from the start, NT have shared the view of Residents that mixing vehicles and pedestrians was not ideal and that they would move people off the track (and on to paths at the side) as soon possible. The constraint has been the legal rights of a Shoot along the track. The Shoot has now closed permanently, and the legal rights are extinguished. Only recently NT confirmed that with this constraint removed they would be looking at new paths to take pedestrians off the permissive path. NT also confirmed that their new footpath structure, part of their current redevelopment, will reduce footfall on this section of track.



Permissive path again just after blind bend – people do not want to get off the tarmac. Cars must crawl past. Large vehicles?

The point where the permissive path becomes the current private section.

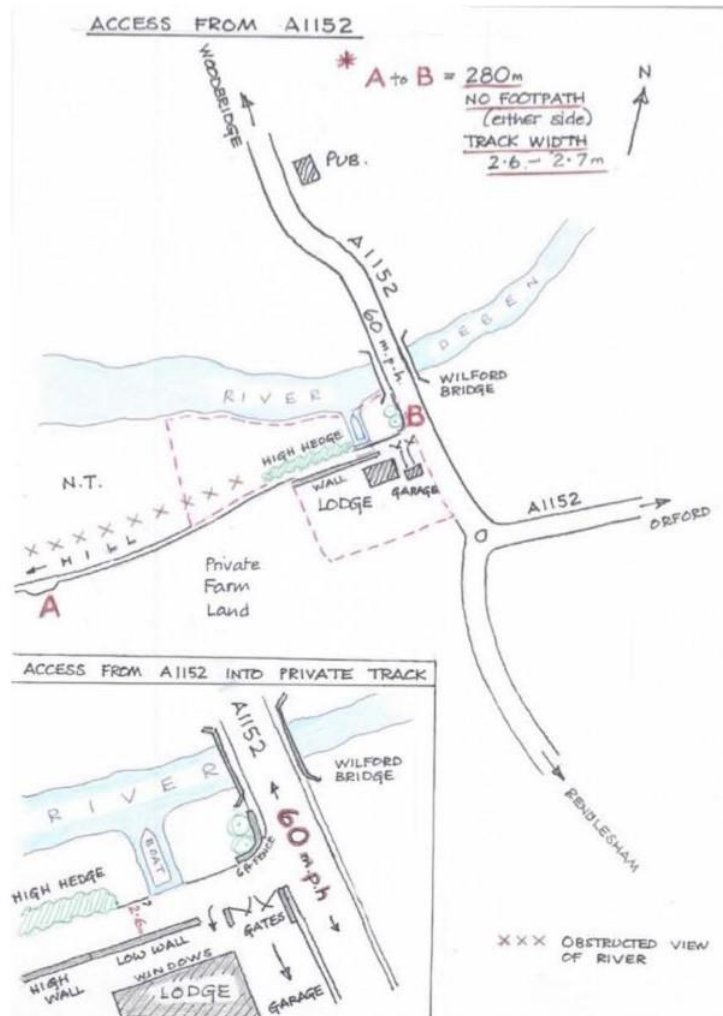
Against this background the Residents find a proposal to put more people on the track counter- intuitive. They are bemused as to why NE would recommend increasing footfall mixing with traffic when there are sensible and better alternatives. These alternatives have no vehicles, good views and lead to the NTVC. That is where the coastal path walkers will go - coastal walkers will probably use one of the alternatives anyway. See Section 11 – Alternative Routes.

All of NE's 'routes' appear to lead to the exit onto the A1152. The determination to open to the public this section of track appears to drive the proposal, not the coastal path. The proposal chooses to mix vehicles and traffic intentionally for the entire route around Sutton Hoo with no consideration of the intrinsic irrationality of such a decision, the impact on the safety of pedestrians and the impact on residents. There are sensible existing or potential alternatives to the A1152 exit with minimal downside – certainly not downsides that offset the safety and other considerations associated with opening the track to the A1152

9 ASSESSMENT: SAFETY ON THE SECTION OF THE LOWER TRACK JOINING THE A1152 (The A1152 Section)

The Residents reject as misguided NE's views that this section of track is safe for the Estuarine Path. It is also considered reckless when consideration is taken of a new entrance that could lead in some projected scenarios to as many as around 150-200 NT visitors and local people per hour, in addition to any footfall from genuine coastal path walkers choosing to use the Estuarine Path.

It is this section of the track that is of most concern to the Residents. They have witnessed numerous pedestrian/vehicles, cyclists/vehicle and vehicle/vehicle conflicts and near misses despite it not being a public right of way.



This section of track has a narrow entrance onto the busy A1152 passing over a pavement that is 'blind' on exit. Visibility turning in and out is not good and, due to late visibility entrance can often be hurried and risky for anyone near the end of the track. It is so narrow that pedestrians are unable to stand to one side if a large vehicle passes – there is barely room for a pedestrian and a car to pass. There are no passing places for vehicles for 280m. When 2 vehicles meet in this section one of them must reverse – if a large vehicle is coming out then a car must reverse onto the A1152.

a. Some relevant detail:

Track Surface

As previously noted the track was surfaced approximately 3 years ago with bitumen bound material

Rights of Way:

There are no Public Rights of Way. The Residents and Waring Farms have 24/7 unrestricted rights of way over the track.

Vehicle Movements:

Excluding the property adjacent to the A1152 the traffic is generated by 4 properties at the Little Sutton Hoo end of the track. If another house in the grounds of Little Haugh was re-instated as a separate house, and historically it has been rented, it would be 5 properties. The properties are large, and each would easily be home to families with 3-4 cars each. All the usual services are required involving substantial traffic movements of vehicles with third party drivers and no local knowledge. Many of these vehicles must be large – oil tankers, sludge gulpers, refuse collection, home deliveries, parcels – and both wide and difficult to manoeuvre in tight conditions.

The nature of the properties means that residents and – primarily - service providers use trailers frequently – these are difficult to reverse when faced with a large vehicle that should not reverse and with walker on the track.



Whilst not themselves heavy users of the length of the track, the residents living adjacent to the A1152 have to reverse their car in or out of their driveway and across the track every time they use it. They have a gated entrance opening directly on to the track.

Waring Farms use it as a secondary entrance to their extensive farmland beyond Little Sutton Hoo. It is not used often but in the event of need it would be used primarily by large farm vehicles and equipment..

Characteristics:

- The track starts at the A1152 and follows a broadly SW direction.
- Immediately on entry there is a property adjacent to the track. The land on the river side of the track is owned by the residents of this property. Their front windows are 4m from the track. The minimum allowed in the original coastal path legislation was 20m and whilst that restriction was subsequently amended it does suggest that 4m is unreasonable, particularly when there are alternatives.



- The track extends for 400m before 'becoming' the NT permissive path.
- The carriageway width is 2.7m initially, quickly reducing to 2.5m for about 100m and then averaging 2.7m.
- It is impossible for two vehicles to pass for 280m where there is a passing place that enables cars to pass each other but is not large enough for large vehicles to pass a car let alone another large vehicle. There is no space either side and when pedestrians do venture onto the track they are not able to stand at the side of a large vehicle. There is an impasse.



- If two cars meet on this section then depending on exact location one will reverse up to 280m or the other is likely to reverse onto the A1152 – the driver would have limited visibility and the A1152 is subject only to the national 60mph limit.
- If two large vehicles meet in this section there is no choice but for one to reverse onto the A1152.
- It is totally impossible for pedestrians to move wheelchairs or prams off this stretch of road if a large vehicle is involved. It is an energetic process if just a car and not suitable for anyone with a walking difficulty.
- Currently walkers should not be on this section of track - as they are advised by signs at the junction with the A1152 - but some do use it and are often advised not to do so by residents when trying to pass them. If walkers are caught between two large vehicles, one attempting to reverse, it is highly dangerous.
- The turn into the track from the A1152 from the south east is particularly difficult because of available forward visibility and the turn into the track from the north west can create conflicts if another vehicle is approaching the junction along the track or if there are pedestrians walking along the track and the sun

is low. Any driver has to turn in 'smartly' due to traffic conditions – people on the track will only be visible after the decision is taken.

- Residents acknowledge that emergency vehicles are unlikely to be a regular occurrence but on this section of track pedestrians – however willing they are to move – would not be able to step aside for them. Target response times for C1 incidents is about 9 minutes. If there are people on this section of track, particularly with wheelchairs and prams or large walking groups gathering for a walk, the potential delay could be 5 minutes or more - life threatening.

b. Assessment:

It is these situations that the Suffolk CC Engineer should be expected to have considered in depth before stating that a section of narrow track with vehicular use is suitable for pedestrians, which could include those with push chairs and by disabled users.

The Suffolk CC Engineer does not appear to be aware of national and his own highway authority's standards when development is proposed.

Suffolk CC have published a Design Guide. Whilst this is mainly used as a guide for new development its aims and objectives apply to all development. One of the stated objectives is:

'Ensure the provision of a road, cycle and footway network which is safe and convenient to use, and which does not detract from the attractiveness of the estate'

There is a section of the Design Guide that considers safety and is reproduced below:

Safety

1.2.1 Safety should be a primary concern with the following groups of users being considered.

Pedestrians

Pedestrians, especially the most vulnerable groups such as children, the elderly and people with disabilities, should feel secure in their immediate residential environment. Safe pedestrian routes, whether footways or separate footpaths need careful design, appropriate lighting, and attention to crime prevention. Design should facilitate movement, and where shared surfaced roads are provided, the safety of pedestrians should be paramount.

These considerations are more relevant at this rural location where pedestrians commonly do not expect vehicular traffic – this mindset is frequently observed when driving on the track with pedestrians looking amazed when a vehicle is seen..

To illustrate the degree to which the existing track does not reach accepted standards the following are recommended Suffolk CC access widths.

- The minimum access width standard for an access for just a single dwelling is 3.0m. This is 0.3m-0.5m more than the track width – a 10-16% shortfall to standard (*for one dwelling*)
- The recommended width for a drive serving up to 5 dwellings – ***appropriate for this location*** - is 4.5m. This is 1.8-2.0m. wider than the track - a 40-44% shortfall to the standard that should be applied to this section of track.
- For development of more than 5 dwelling units Suffolk CC recommend alternatives involving shared surfaces and minor access roads.
- Where roads serving the equivalent traffic generated by up to 25 dwellings a carriageway width of 4.8m is recommended with a separate footpath. A shared surface could be provided with a total surface width of 4.1m. but where additional pedestrian refuge will be available when two vehicles meet each other.
- However, these widths relate to a design where the road alignment is conducive to speeds of 30mph or lower. The existing track's alignment encourages speeds over 30mph in places.

- The likely numbers of pedestrians using the track must also be considered. There is no numerate assessment in the NE report. The Residents have made sensible attempts to estimate key numbers and they are included in various places in this report.
- On the northern side of the River Deben is a flood wall that is also a public footpath. This path can be viewed from The Lodge located adjacent to the track and its junction with the A1152. The owner of The Lodge has counted pedestrians using the existing path and even in September he has counted over 50 people in a 15 minutes period, or 200 people per hour.
- The occupancy rate of the car park adjacent to the path beside the A1152 is a testament to the popularity of the footpath on the northern side of the Deben. If the initial section of the Lower Track becomes a public footpath it will undoubtedly encourage substantially more local people to use it for walks where they cannot do so at present. It will also encourage organised walking groups who will unquestionably interfere with the Residents Right of Way.

This has nothing to do with the aims of the England Coast Path. One can imagine groups of walkers watching the water flowing under Wilford Bridge and the ensuing conflicts with vehicles. The vehicles using the track at present often include deliveries of items bought online. They will be driven by drivers who do not know the track and are on tight delivery schedules. They are likely to be travelling at speeds far greater than residents who are aware of the conditions.

10 ASSESSMENT: OTHER CONSIDERATIONS – NT PERMISSIVE PATH

- Although the NT Permissive Path section of the Lower Track is currently used by NT visitors it has the same characteristics as the A1152 section and therefore does not meet National and Local Safety Guidelines.
- The Residents (or predecessors) objected to the Permissive Path at the time of NT's original Planning Application. Since then there have been safety related issues (noted elsewhere) but in the absence of any agreed alternative arrangement the Residents and the NT have 'managed' the situation, each taking a balanced view of the risks. As stated previously the NT have acknowledged since the outset that mixing vehicles and pedestrians on this section of the Lower Track is not ideal. Now that the rights of the Shoot have been extinguished the NT has indicated that they will seek to reduce the number of pedestrians on this section of track by installing paths to the side of the track. In addition, the new paths currently under construction by the NT are considered likely to reduce the number of NT visitors using this part of the Circular Walk. The Residents have been encouraged by these developments.
- The proposal to open the A 1152 section to the public will have a material impact on the pedestrian footfall on the Permissive Path. The sources of the increased footfall, and sensible alternative routes are noted elsewhere, but the vast majority will be local people on a short walk, not coastal path walkers. These walkers are more likely to have prams, wheelchairs and dogs – not just logically but based on observation of the users of the footpath on the other side of the river. This increase in footfall can only increase the risks on an already unsafe path and may well raise serious issues related to interference with rights of way. The proposal is intrinsically unsafe.

11 ASSESSMENT: OTHER CONSIDERATIONS – Privacy/ Amenity

There is another essential consideration to be made into the use of the initial section of the track and that is the serious impact in terms of the residential amenity of the occupants of The Lodge.

Their property is adjacent to the track and faces the river. The main living room windows, including a large picture window specifically designed for enjoyment of the views over the River Deben, look out across the track to their garden and onwards to the river. At present they are not disturbed by pedestrians looking into their property as the track is private and no pedestrians are allowed. If the track becomes a Public Footpath literally hundreds of walkers with prams and children will be able to look straight into the property having a dramatic effect on their established privacy. Given the location there are likely to be large numbers of people

just standing outside their house – it will not just be people walking past. It will become a meeting place for walking groups, a photo stop and probably a rest place.

12 ASSESSMENT: ALTERNATIVE ROUTES

Please refer to map on page 26. The proposed route of the estuarine path whilst on the Sutton Hoo estate is along the full length of the Lower Track. In other words, NE are choosing to recommend walkers to use a route that is also a right of way for vehicles.

This flies in the face of all safety guidelines and the duty of care. If there were no sensible alternatives there might be some justification in looking at such a route *albeit the section joining on to the A1152 is simply not safe to be used at all.*

However, there are alternative routes. They all avoid mixing pedestrians with vehicles. They all exist apart from one – which would not be difficult or costly to create, and NE have the power to do it. Some of the claims and comparisons used by NE to justify not using the existing paths are simply incorrect – see later.

It appears that NE will not consider any option that doesn't open to the public the Lower Track directly on to the A 1152. That action – which should not even be considered because of the safety issues - will substantially increase the number of people on the Lower Track bringing potential issues of rights of way interference as well as safety, and a totally callous impact on the amenity of the residents of The Lodge, the property adjacent to the A 1152.

The increase in pedestrian footfall will be almost entirely driven by local people taking a short walk along the track, feeding off the footpath on the other side of the Deben at Wilford Bridge. The majority will not be genuine coastal path walkers. The unspoilt Deben valley will now have walkers on one side of the river looking at walkers on the other side – what is the point?

There is little to suggest that genuine coastal path walkers are going to use the estuarine path in great numbers. A reasoned view suggests that over 90% of them will arrive at the mouth of the River Deben when the ferry is working – why would they divert about 38 km if they want to complete a coastal walk.

The only conclusion that can be drawn is that that NE are creating a new estuarine path around the Deben, which has nothing to do with the Coastal Footpath. They are using their powers under the coastal footpath legislation to drive an estuarine path through a unique and sensitive environmental area that is supposed to be protected by gold standard environment accreditations.

In the process they are making judgements on the balance of argument between their perceived benefits of their route for the estuarine path and the environment and people who are adversely impacted. When challenged these judgements do not appear sound.

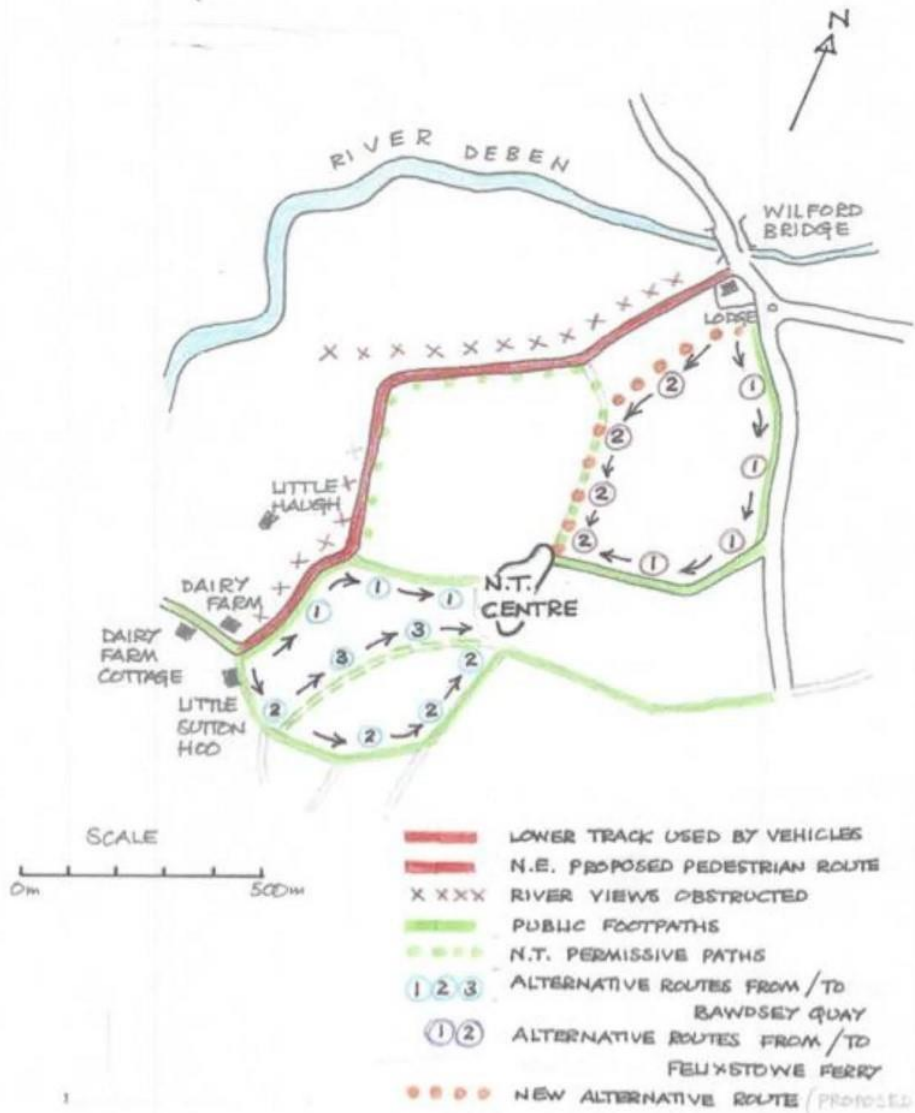
Options for walkers from Bawdsey Quay:

The NE Proposal

The estuarine path arrives at Sutton Hoo on a public footpath between Dairy Farm and Dairy Farm Cottage. The NE proposed route will sign coastal path walkers to turn left on to the public footpath section of the Lower Track – immediately mixing with vehicles.

After about 400m this public footpath turns right off the Lower Track and - without mixing pedestrians and vehicles - goes to the NE Visitor Centre. However, the proposed estuarine path will be signed straight ahead on the NT Permissive Path, again mixing vehicles and pedestrians.

UPPER REACHES OF RIVER DEBEN ESTUARY
PROPOSED AND ALTERNATIVE PEDESTRIAN ROUTES



NE have stated that based on their experience with other sections of the England Coastal Path that pass close to famous sites almost all users will visit that site. So, even if the estuarine path 'must' use the initial public footpath why not continue to route it on this path to the NT Visitor Centre This will avoid any further mixing of pedestrians with vehicles and increasing the safety risk on the NT Permissive Path - and it will take people where they want to go.



NE proposal: Exit FP between Dairy Farm and Dairy Farm Cottage. Turn left onto Lower Track with vehicles



Alternative: Exit FP but turn right and after about 10m turn left (all PF). No vehicles and leads to NT. Applies to Alternatives 2 and 3.

The Alternatives:

Alternative 1 - the least sensible:

Use the public footpath section of the Lower Track for about 400m but then stay on the footpath, bearing to the right, to the NT Visitor Centre.

Advantages:

- Limits the length of track with mixed pedestrian and vehicle use to about 400m.
- Based on previous comments by NT it may help them avoid non-paying visitors

Disadvantages:

- Mixes pedestrians and vehicles for 400m on the Public Footpath.
- There is no view of the river on this section of the Lower Track. Alternatives 2 & 3 will provide better views for walkers.

Alternative 2 – Better:

At the point of arrival on the Lower Track turn right on the Public Footpath, after 10m turn left on the same footpath. Follow this path up the slope, past the woods and left by the burial mounds – this leads directly to the NT Visitor Centre.

Advantages:

- Avoids mixing pedestrians and vehicles
- Pleasant walk up slope by woods.
- Excellent views of the river and the Sutton Hoo estate from top section
- As alternative 1 for NT.

Disadvantages:

- About 250m longer
- None (unless NT have a problem – hard to see why)

Alternative 3 – Best

Follow alternative 2 but after 200m up slope turn left on to NT Path currently being constructed. This path will lead across an open part of the estate and directly to the NT Visitor Centre.

Advantages:

- Avoids mixing pedestrians with vehicles
- Excellent views from new NT path
- Shorter
- As alternatives 1 and 2 for NT

General observations on the route into Sutton Hoo from Bawdsey Quay:

In the context of genuine coastal walkers, the route proposed by NE appears perverse. It seems to choose the only route that mixes pedestrians with vehicles, with inferior views and in one case is longer.

It appears that the proposal has more to do with opening the Lower Track for local walkers, using the coastal path legislation powers. This would be a misuse of Statutory Powers and is most concerning.

Options for walkers from Felixstowe Ferry via Woodbridge

The NE Proposal:

The estuarine path will leave Woodbridge on the public footpath to the north of the River Deben. This footpath ends at Wilford Bridge. The proposed route will cross the bridge and turn right immediately on to the A1152 section of the Lower Track.

Some repetition is inevitable. As previously stated: the first 400m of this track is unsafe and should not even be considered; the number of genuine coastal path walkers using the estuarine path will be minimal; the footpath from Woodbridge is very busy with local walkers who will inevitably use the Lower Track for short walks; the impact of this increase in pedestrian footfall will materialise in impact on the entire length of the Lower Track in ways already described.

There are two obvious alternatives. Our assessment suggests that not many genuine coastal path walkers will be using it but even if they do there is no real inconvenience to them associated with these two alternatives.

Alternative 1 – simple and it exists

After crossing the Wilford Bridge walk past the entrance to the Lower Track. Continue up the hill using the safe pavement alongside the B1083. After 600m enter the NT site via the main entrance and walk on wide track with a wide grass verge. This is the current pedestrian entrance to the NT Visitor Centre

Advantages:

- It is safe. It avoids mixing pedestrians and traffic on the Lower Track – not just the A 1152 section but for its entire length - with all the associated issues raised in this assessment.
- It avoids destroying the amenity of the residents of The Lodge.

Disadvantages:

- It does not have a view of the river – a disadvantage expressed by NE. In reality there is not much of a view of the river in winter from the A1152 section of the Lower Track and no view at all once there are leaves on the trees – this applies to most of the 'visitor season' and thus to most people using it.
- It is a longer route – a disadvantage expressed by NE. Using this route, the distance from the entrance of the Lower Track to the NT Visitor Centre entrance on the B1083 is 800m so about 1.4km to main site. Using the Lower Track route, via the first permissive path, the distance to the NT Visitor Centre is about 800m. The difference is about 600m which is immaterial when put into the context of genuine coastal path walkers who have chosen to divert around the estuary for about 38km rather than take the ferry.
- Local walkers may not find it as convenient – but reducing a walk by 600m, for people who have chosen to go on walk, cannot justify the negative safety, rights of way and amenity impact of the proposed route. There must be a sensible balance between local walkers' rights and other stakeholders - see comments on fair balance later.

Alternative 2 – the best and shortest route but needs to be constructed

After crossing the Wilford Bridge walk past the entrance to the Lower Track. After about 30m turn right on to a new path (to be constructed). This path will take walkers along the boundary of the property owned by The Lodge and the farm to the south. We understand that NE are aware of this potential route and have discussed it with the owners of the farm. The length of new path to be constructed is about 100m at which point it will join with an NT Permissive path that leads directly to the NT Visitor Centre.

Advantages:

- It is safe. It avoids mixing pedestrians and traffic on the Lower Track – not just the A 1152 section but for its entire length, with all the associated issues raised in this assessment.
- It avoids destroying the amenity of the residents of The Lodge.
- The views will be equal to, or better than, the views from the Lower Track route. It is a more attractive route than using Alternative 1. It is a more 'rural' walk than using Alternative 1.
- The distance to the NT Visitor Centre using this route is substantially shorter than Alternative 1 and about 100m shorter than the NE proposed route.

Disadvantages:

- A new path of about 100m needs to be constructed. Whilst fenced already there might be a need for some strengthening of the fence. In the context of the estuarine walk this does not appear to be a significant or costly project – at a presentation in Woodbridge and in discussions with Residents NE have stated that the funds are available, and the proposed project is 'very cost effective' compared to other stretches of the ECP.
- The farmer will have a path running alongside his field and we understand has expressed concerns to NE. See comments on fair balance later.

13 FAIR BALANCE

In the context of the estuarine walk the NE proposal implicitly contains judgements about the relative merits of alternative routes.

Ferry or Estuarine Path:

As per Section 3 this choice appears to fail the coastal access criteria whereas the ferry meets those criteria. The judgement is challenged.

Route of Estuarine Path:

All comments in this section should be read in the context that the A 1152 section of the Lower Track is unsafe and fails to meet national and local safety guidelines. Any comparisons that involve the use of this section of the Lower Track should not need to be discussed.

At the Little Sutton Hoo end of the track the NE proposal appears to have two judgements underpinning it.

Firstly, that it is more sensible to route the estuarine path along 1.7km of track that has all the issues described in this report (not repeated here) and does not lead to the NT Visitor centre, when there are three alternative routes, one of which only mixes vehicles and pedestrians for 400m, and two which are vehicle free, provide better views and in one case is materially shorter.

Secondly, that NE have judged their priority to be the opening of the A 1152 section of the Lower Track whatever the consequences. This is the only conclusion that can be reached given the perverse nature of the first judgement. Signing the path along the Lower Track from the Little Sutton Hoo end is clearly intended to create the impression of a 'natural' route on to the A 1152 - *if no account is taken of all the issues raised in this report.*

This is best considered with the alternative routes at the A 1152 end of the Lower Track.

At the A 1152 end of the Lower Track

The judgement taken by NE in relation to the route at the end of the A 1152 appears to be that all the issues raised in this report are less important than enabling a substantial number of walkers to access the Sutton Hoo estate this way. These will overwhelmingly be local walkers as explained elsewhere and nothing to do with the coastal path.

As stated previously there are two alternative routes. The existing pedestrian entrance to the NT site on the pavement by the B1083 and a potential new 100m starting just 30 m from the Lower Track and joining a NT Permissive Path leading directly to the NT Visitor Centre.

In the case of the current pedestrian route the NE judgement appears to be that that the Lower Track provides a 'safer' route than alongside the busy B 1083, better views and is shorter. The safety issue is errant nonsense when an SCC Highways approved pavement is deemed safer than the first section of the Lower Track which fails the safety criteria used by Suffolk Highways.. The better views are over- stated. For most of the year there are no views of the river on the first section of the Lower Track.

It is considered that the NE judgement is flawed. Each stated reason for the choice of route fails to outweigh the benefits of alternative routes.

The NE argument certainly does not justify the destruction of the amenity of the residents at the Lodge. In this context NE is valuing a marginal, probably barely noticed, difference for 10 minutes of the life of an individual as more important than the enjoyment for the rest of their lives by people who bought a property that was on a private track. Many walkers would probably disagree with their judgement if aware of the impact.

If NE want to improve marginally walker's enjoyment of this part of an estuarine path then the alternative of a new footpath is well within their capability. It will avoid mixing pedestrians and traffic, it will be shorter, it will have better views than the Lower Track and it will take people to the NT Site without walking alongside a

road.

We understand that NE do not want to impose this on the farmer whose land will be adjacent to the new path. The residents understand his concerns relate to the potential for dogs to worry the chickens that roam freely outside their sheds - albeit well fenced - for some of the time. However, NE do appear willing to impose the use of the A 1152 end of the Lower Track on the residents of the Lodge. If NE do not implement this alternative and insist on the A 1152 exit of the Lower Track, it would appear they value chickens more than the future life of two residents and pay no regard to the fact that walkers with dogs are always required to keep them under proper control.



Gerry Gwynne, C. Eng M.I.C.E

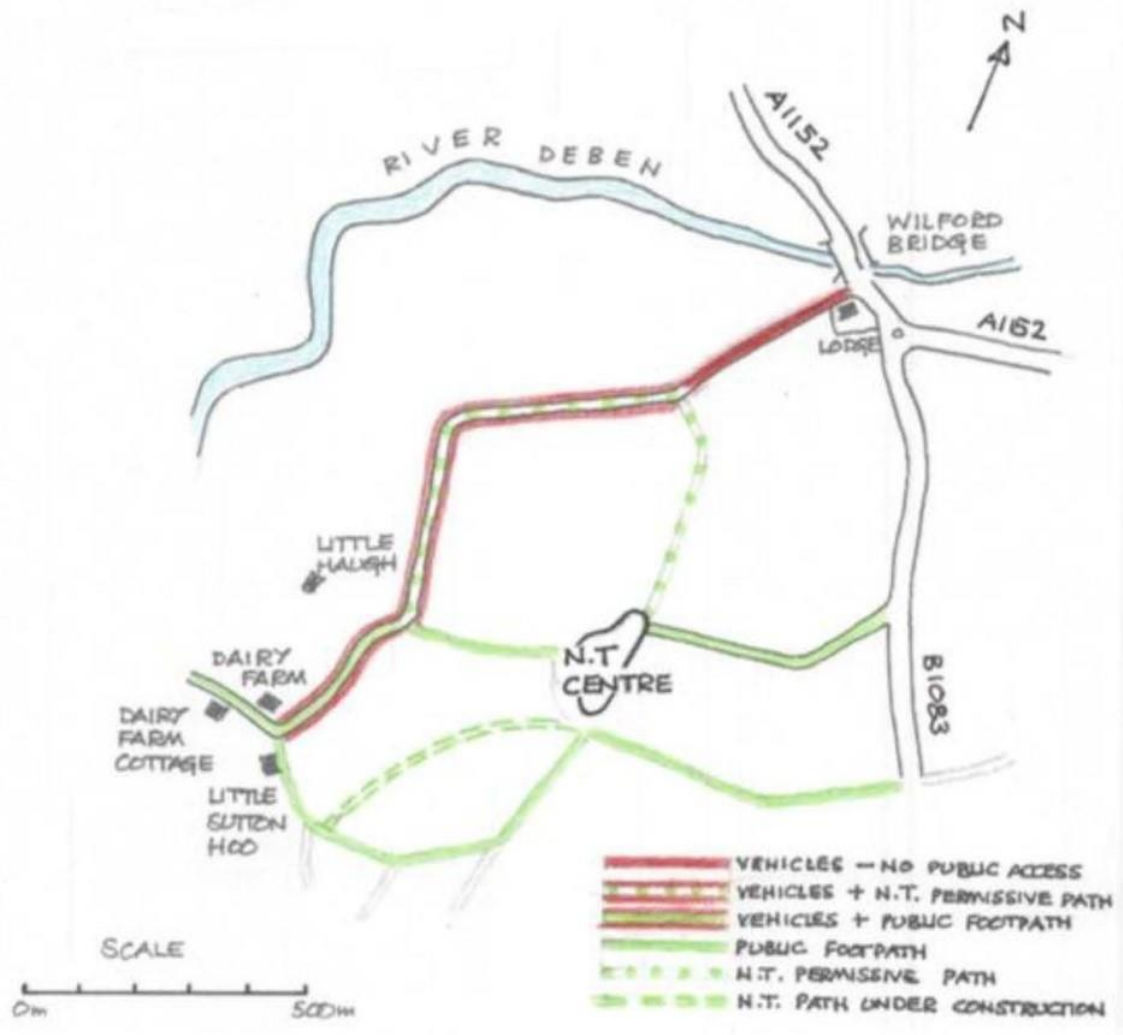
McPhee & Associates

GHB Ref: 272-2018-HA01.doc

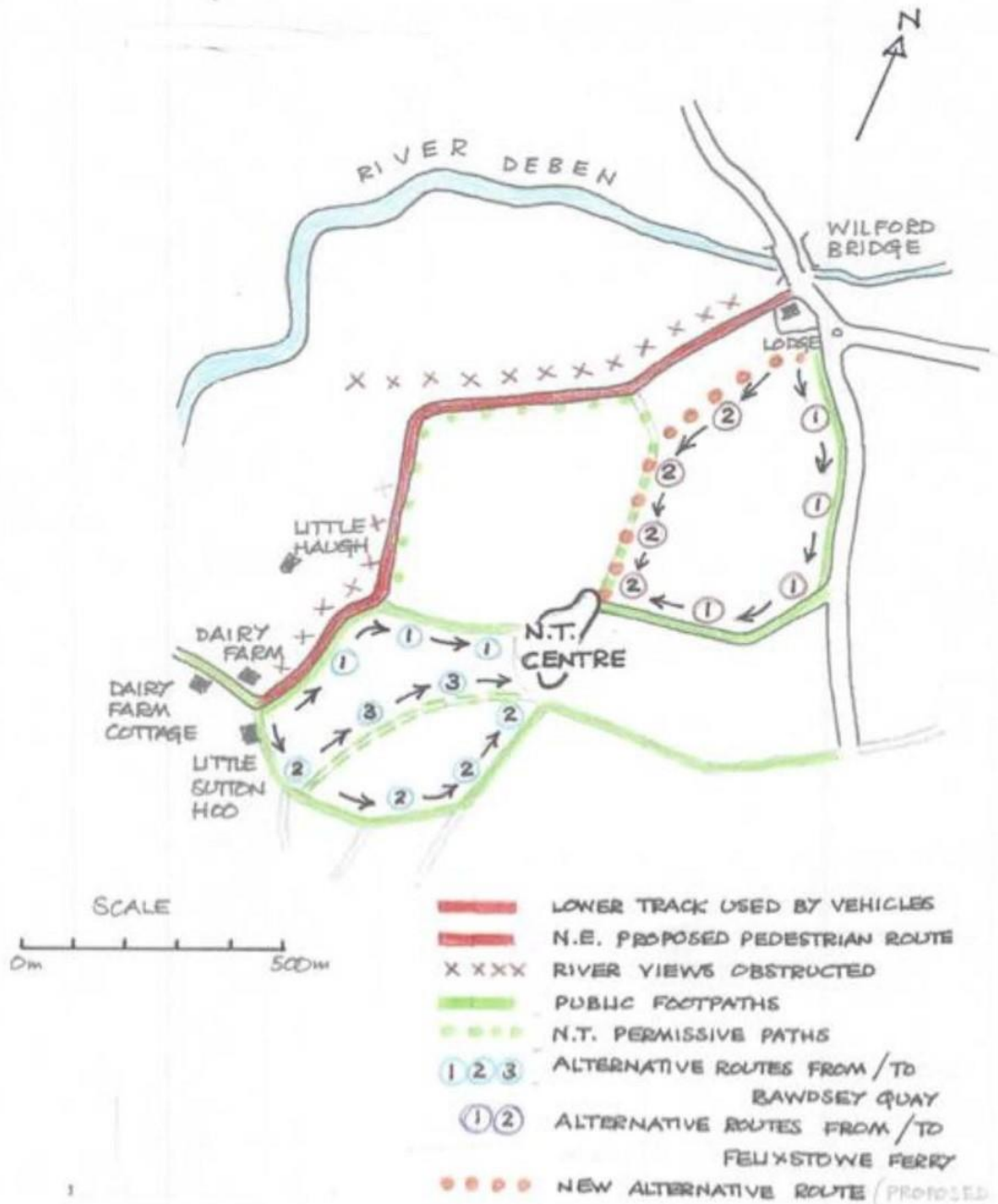
APPENDIX: Larger Versions of Maps and Photographs



UPPER REACHES OF RIVER DEBEN ESTUARY
CURRENT USAGE OF LOWER TRACK AND PATHWAYS



UPPER REACHES OF RIVER DEBEN ESTUARY
PROPOSED AND ALTERNATIVE PEDESTRIAN ROUTES















The reality of the permissive path in summer

Appendix C: Suffolk County Council Road Safety Assessment

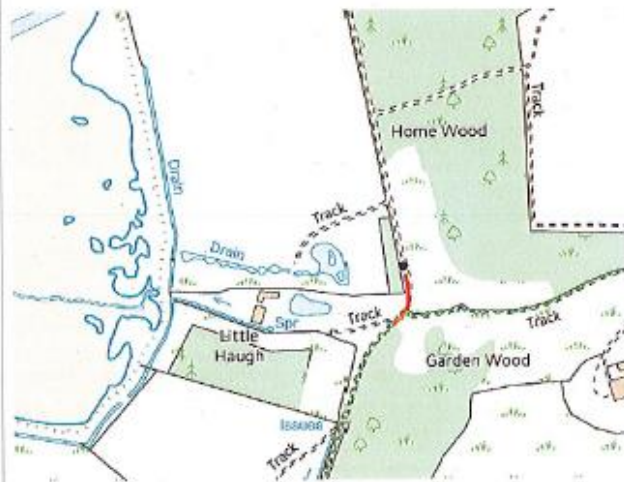
Road Safety Assessment. Suffolk County Council and Natural England.			
			
			
Location:	Sutton Hoo, private road known as the 'Lower Track'		
Scheme:	Route of the England Coast Path		
SCC Contact:	[Redacted]	Date: August 2 nd 2019	Time: 10:45 – 11:40
NE Contact:	[Redacted]		
Documents/drawings provided:			
Map of route (See below)			
Abbreviations used:			
NT = National Trust			
NE = Natural England			
SCC = Suffolk County Council			
The 'residents' are those individuals who live along the Lower Track (described as 'track' in this document)			
Scheme details/purpose:			
Below is the possible option we are considering at Sutton Hoo (map attached): we will arrive from the north near Wilford Bridge at The Lodge and continue along the track known locally as the 'Lower Track' for 1.2km to Dairy Farm. The track is privately owned by the National Trust. All but the 'top' 350m (from The Lodge south) is currently either a permissive walking route, or a public footpath. Residents of the 5 properties have access rights over it and it's also used for deliveries and other vehicular access to them.			
Natural England have requested [Redacted] expert opinion in his role as Principal Highways Engineer at Suffolk County Council , as to whether he would consider the track from its entrance adjacent to The Lodge, to Dairy Farm (marked in red on the attached map), is a safe route on which to align the England Coast Path, which will become a promoted National Trail. Identifying reasons why it would be safe or unsafe and if some sections are safe and other are not advising us of what work could be done to make these safe?			
This section to be completed by Road Safety Engineering Team		Engineer: [Redacted]	
Ref No:			
Date inspected:	2 nd August 2019	Site Conditions:	Warm, dry and bright
Safety Assessment comments:			
The northern section of track was assessed (approx. 0.9 km) which is currently also a permissive walked route (National Trust) as well as a short 350m section leading to the A1152 which is not. The lower section of track which is also a public footpath was not assessed.			
The route was walked south to north from a point where the public footpath reaches the track near a property known as Little Haugh.			

The first bend (Picture 1) was found to have reasonable sightlines, with vegetation allowing approaching vehicles to be seen for some distance. It was also observed that there is room for pedestrians to step to one (east) side so cars can pass on this section.

Picture 1



Picture 1 Location



Picture 2: Walkers on the track (distant)



Picture 2 Location



Picture 3: Walkers on the track



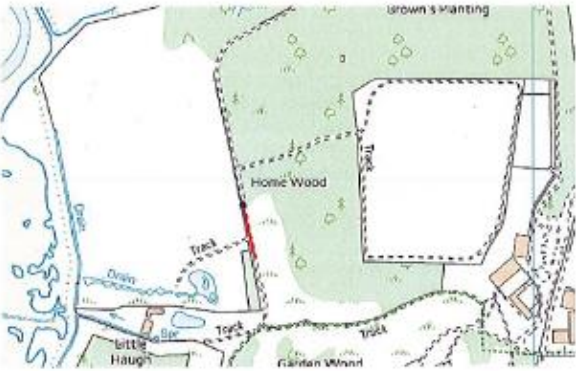
Picture 3 Location



Picture 4. Walkers stepping aside as a vehicle passes plus advisory 15mph sign.



Picture 4 Location



It was found that there was adequate space on this section to create a parallel path on the verge/ woodland to link the two bends (the second bend already has a parallel path created) should this be deemed necessary. Vegetation needs cutting back in places.

Picture 5. Walkers step aside on the track for a passing vehicle



Picture 5 Location

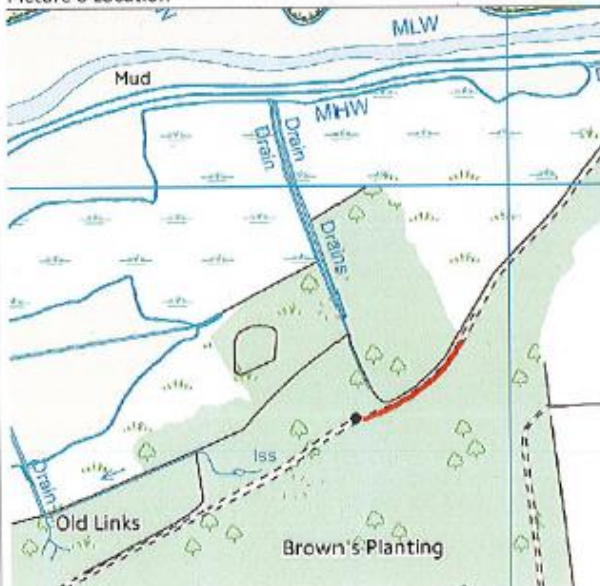


One vehicle was witnessed during the 55 minute assessment (picture above) and our group and one other group of walkers was able to step aside without difficulty. The driver slowed to a walking pace when passing the pedestrians.

Picture 6. Close to where the permissive route joins the track from the woods.



Picture 6 Location

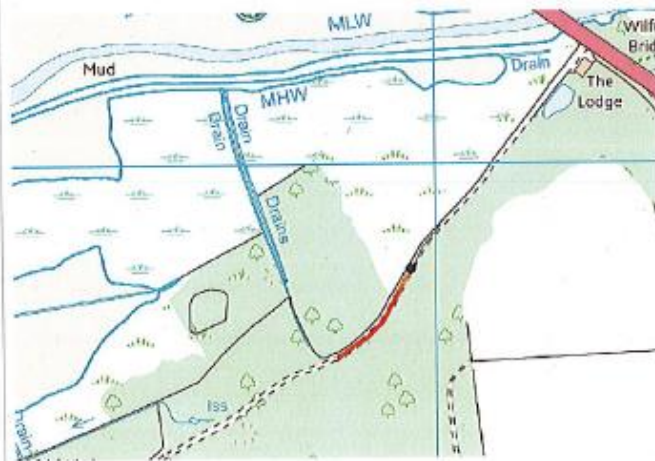


It was found that this section has adequate space either side of the track for walkers to step onto should the need arise, with space for a parallel route to be created should this be deemed desirable by Natural England and the National Trust (see map on page 9).

Picture 7. Warning sign to make drivers aware of the presence of pedestrians



Picture 7 location



Beyond this point, towards the Lodge, the route is not permissible (approximately 350m). It was found that the nature of the slope on the east side of the track would make it difficult to create a parallel route here, but it would be possible on the west side with some cutting back of vegetation and nettles in particular. The map (below) illustrates this, and identifies where it would be relatively straightforward to create a parallel path to the track.



Between the point where picture 7 was taken and the Lodge, it was observed that some lifting of the tree canopy above the track would significantly improve visibility for drivers and walkers (see picture 9, p.11). At the Lodge, the track is at its narrowest however it was found to be a very short section (approx. 40m) and it would be reasonable to expect drivers to be aware of pedestrians in such circumstances, slow their speed and drive accordingly. It was observed that there is scope for cutting back some vegetation here to create more space.

At the junction with the A1152 it was observed that there is already a roadside pavement which is used by pedestrians. It was not felt to be any different to the numerous such junctions elsewhere in the county and is felt to be suitable for alignment of the England Coast Path.

Picture 8: National Trust signage in the woods warning walkers of vehicles on the track (permissive section).



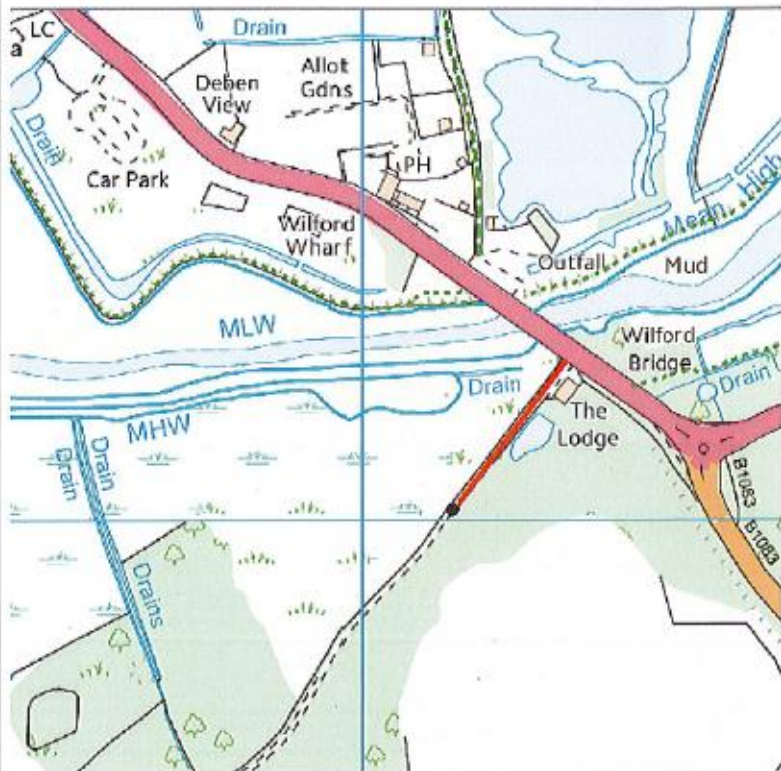
Picture 8 location (red dot) and the National Trust permissive ('Pinewood') walking route (blue line) (from the NT 'Hoo's Waking Up' leaflet 2019).



Picture 9. Towards the Lodge

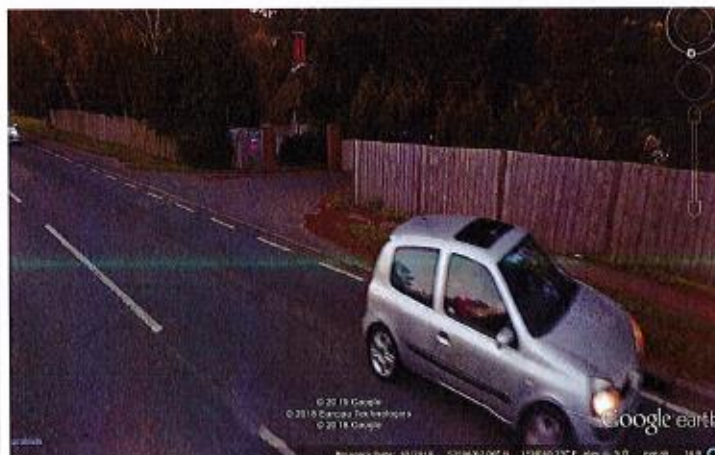


Picture 9 Location



During the road safety assessment a total of 8 adults and 3 children in 4 separate groups (one lone walker) were witnessed on the track.

Picture 10. The A1152 entrance to the track (showing roadside pavement). (Image from Google Earth).



Road Safety Recommendations:

It is recommended that further advisory signage be installed to make drivers and pedestrians aware of each other's presence. NE, SCC and NT should liaise on the location these are placed with the residents.

Vegetation to be cut back in specific locations as noted above to improve visibility, along with lifting of the canopy between the Lodge and the point where photograph 9 was taken.

NE to work with the NT and SCC to create parallel path sections as advised above or felt desirable (see above map p9) similar to that which is already in place close to the 2nd bend (described above).

Signed:



Date 8 August 2019

Appendix D: Concerns raised from [redacted] report provided by [redacted]

An itemised list of concerns raised from [redacted] report NE were provided with the Bullard report in full on 27 April 2019 and to date NE has not provided any mitigation for any of the following concerns:

Capacity: The NE safety report identified that 8 Adults and 3 children were observed in the 55 minutes when undertaking the survey. Fig 16 of the 2009 Act shows that when assessing patterns and levels of public access NE are required to take into account the views of local landowners who in this case have provided estimates of around 200 walkers in the busy hour. The NE safety report suggests that it may be safe for the 8 Adults and 3 children observed walking, but it does not include any consideration for the safety of larger numbers.

Vehicles: The NE safety report identified 1 vehicle seen in the wide part of the Lower track during the 55-minute survey, and suggests that pedestrians will be able to step aside when this happens. However, it does not take into account the numbers and types of vehicles that currently use the track, nor does it indicate what level of vehicular use has been considered as safe in the surveyed situation (the local owners have a survey picturing all vehicles using The Lower Track passing in front of The Lodge over a 5-month period). It should also be noted that more recently a significant increase in vehicle numbers has been observed as more home deliveries have been occurring.

Speed: TLT is designed as vehicular access for 4 properties without any provision whatsoever for pedestrians. It is a 2.4 m wide private track with a tarmac surface. Although some 15 MPH speed signs exist most drivers know these are not a legal requirement and are unenforceable. Nearly all drivers are observed to ignore them. A 50-mph vehicle was reported by one of the residents. Commercial drivers under time pressures often travel at considerable speeds.

Entrance to TLT: Pedestrians are at considerable risk when they are a short distance from TLT entrance near the Wilford Bridge because they cannot be seen by drivers approaching it from the A1152 (which has a 60mph restriction at this point). This applies to drivers on the A1152 approaching TLT from either direction. The following dangerous situations have been noted: a) As the entrance to TLT is blind, drivers from either direction on A1152 cannot see any distance up TLT until they have completed their turn and entered it. b) Drivers turning right from the A1152 into TLT have to cross oncoming fast traffic and are required to turn quickly for their own safety. However, they cannot see into TLT until after they have made their turn. Any pedestrian in that section is at considerable risk. c) Drivers from the A1152 turning left often turn quickly as they do not expect to meet pedestrians. d) A very near accident was reported to NE and was only avoided because the gates to The Lodge were open at the time and the person on TLT could jump into the property entrance and avoid the 'white van.' e) In autumn, leaves can gather on TLT in the area near the entrance and on a wet day a vehicle from the A1152 was observed to skid on the leaves in that area. f) Vehicles parked in the grounds of The Lodge, on either side of TLT, usually are required to reverse on to TLT and are relatively blind to the surroundings. With the predicted increase in walkers many more incidents will occur and an accident can easily become a result.

Safety Standards: (a) As TLT is considered as a service road for 4 or 5 properties, it does not even meet with Suffolk Local Authority (SLA) Highway Safety guidelines for this situation. What special conditions permit NE to ignore this standard and call TLT safe? (b) If the proposed mixing of pedestrians and vehicles on TLT allow it to be considered as a 'quiet lane' then it should be noted that TLT does not meet the safety requirements for a quiet lane either, as the road is not 3.5 m wide and it does not have a legally enforceable speed restriction.

Emergency vehicles: With the projected significant increase in pedestrian use on TLT, emergency services called to any of the 4 homes along TLT have expressed grave concerns that the time taken to reach the casualty locations will be extended considerably. This, in the view of these service providers, may cost lives that could be saved in the current situation.

Unexpected events: Reversing Lorries; emergency vehicles; vehicles meeting up with errant dogs, or dogs on long leads; wheelchair users on the road; groups of children also in the middle of the track - none of these real world events have been considered. Each of these imposes a potential safety risk.

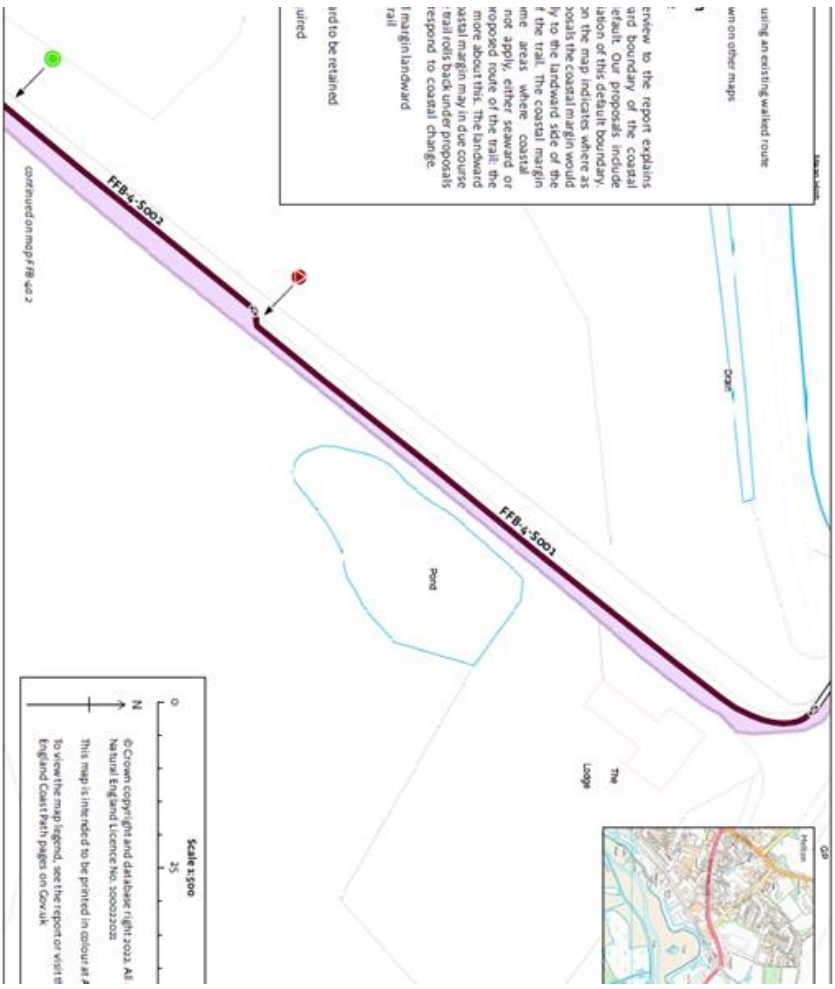
Separating walkers from vehicles: Even now in a place where a separate path from TLT has been provided, groups of users will often ignore the signs to use the footpath and continue to use the tarmac surface on a dangerous bend. This is particularly the case for wheelchair users, mothers with prams or buggies, children with scooters, Segway users, and also for family groups, who are often inattentive and deep in conversation – all these have been observed over the past few years. The placing of signs throughout the length of TLT does not currently ensure that pedestrians use the separate footpath.

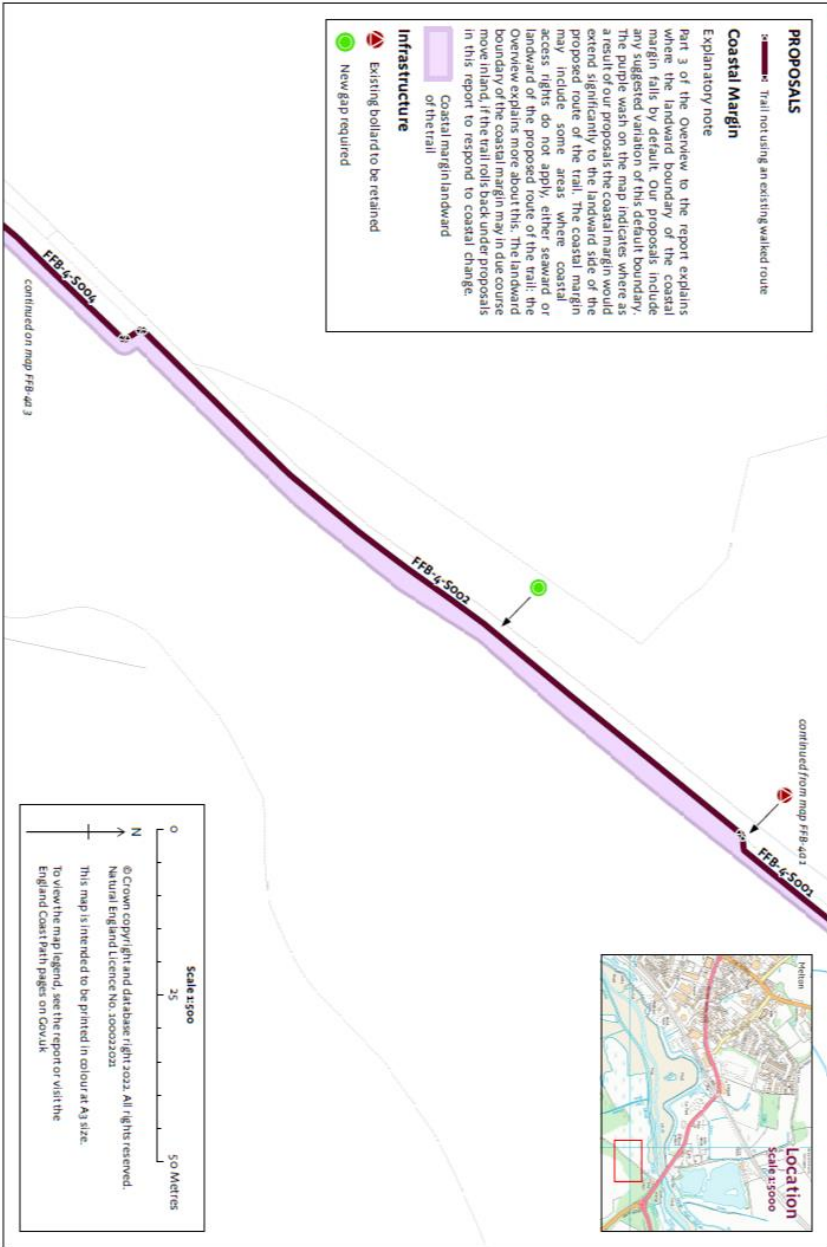
Behaviour: Many of the above dangers are not immediately obvious to walkers and they are ill prepared for some of the events that do occur even now. In this situation it is not reasonable to make the statement “visitors to take primary responsibility for their own safety “(see section 4.2.1 of NE approved Scheme). Additionally, some walkers currently act as if they own the track and appear to resent the existence of cars and commercial traffic when they arrive. These people are unwilling to move aside and only do so reluctantly and at the last moment adding to frustration all round. This will only get worse if the proposed NE route selection is adopted.

Appendix E

Maps FFB 4a 1 – 9, show in-detail from our published report, sections FFB-1-S001 to FFB-1-S009 to more clearly show that with the exception of FFB-1-S001, the proposed trail is next to, rather than on, the lower track.

Access - Felixstowe Ferry to Bawdsey - Natural England's Proposals
 FFB 4 - Wilford Bridge to Ferry Cliff
FFB 4a 1 - Wilford Bridge to Little Haugh





PROPOSALS

Trail not using an existing/walked route

Coastal Margin

Explanatory note
 Part 3 of the Overview to the report explains where the landward boundary of the coastal margin falls by default. Our proposals include any suggested variation of this default boundary. The purple wash on the map indicates where as a result of our proposals the coastal margin would extend significantly to the landward side of the proposed route of the trail. The coastal margin may include some areas where coastal access rights do not apply, either seaward or landward of the proposed route of the trail: the Overview explains more about this. The landward boundary of the coastal margin may in due course move inland, if the trail rolls back under proposals in this report to respond to coastal change.

Coastal margin/landward of the trail

Infrastructure

- Existing bollard to be retained
- New gap required

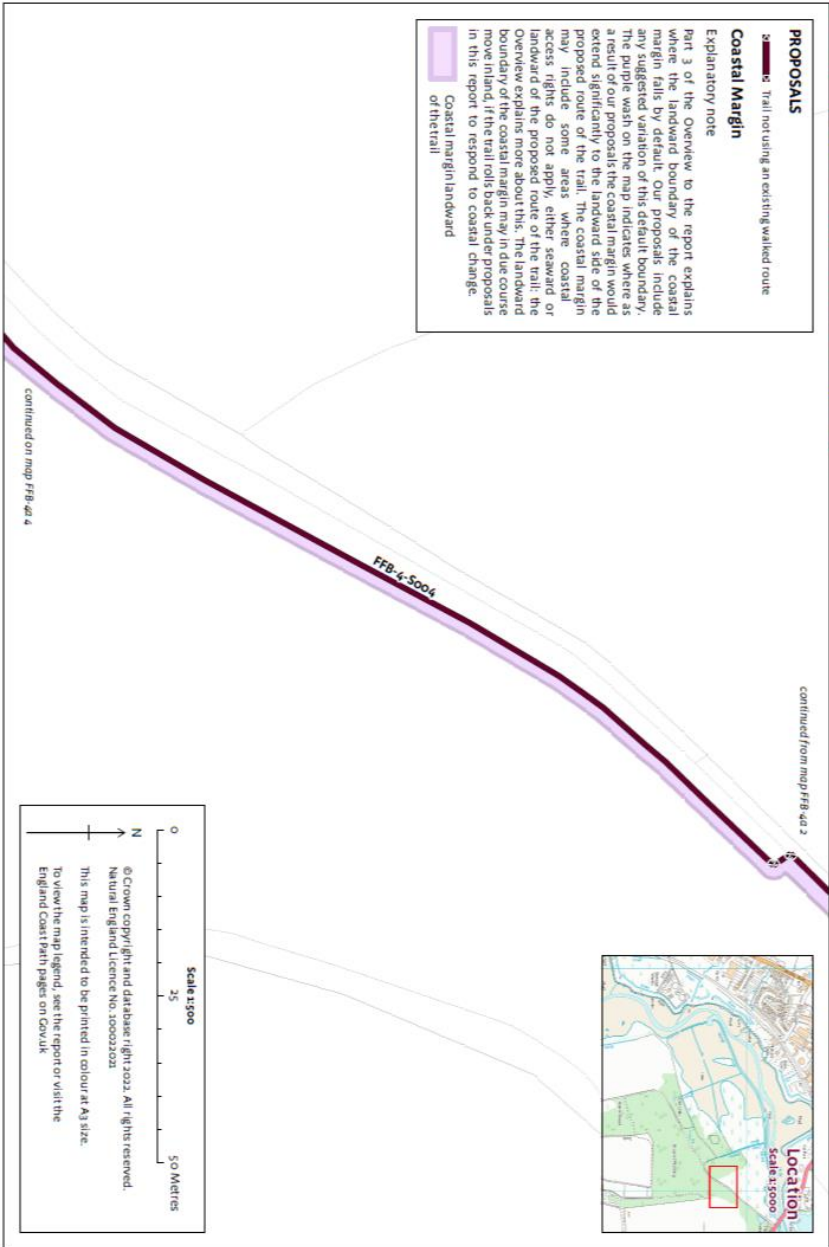
Location
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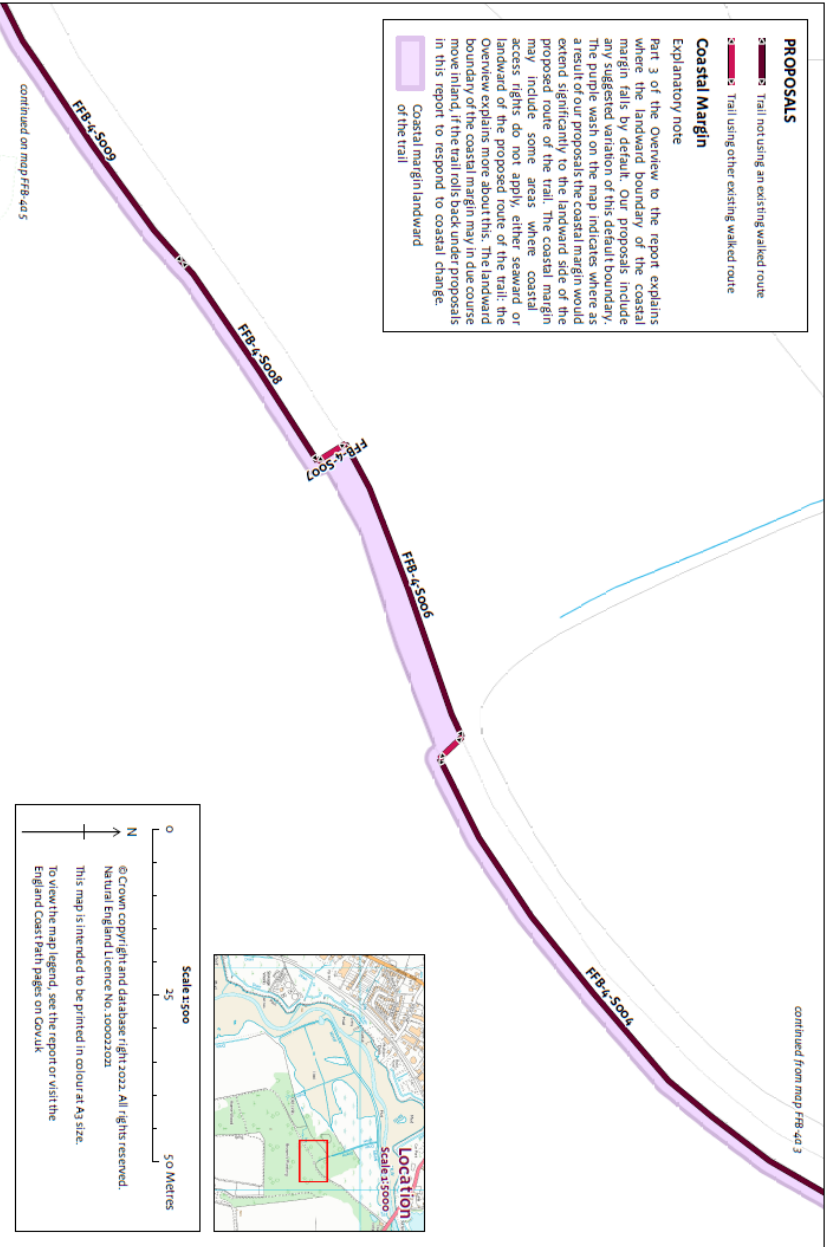


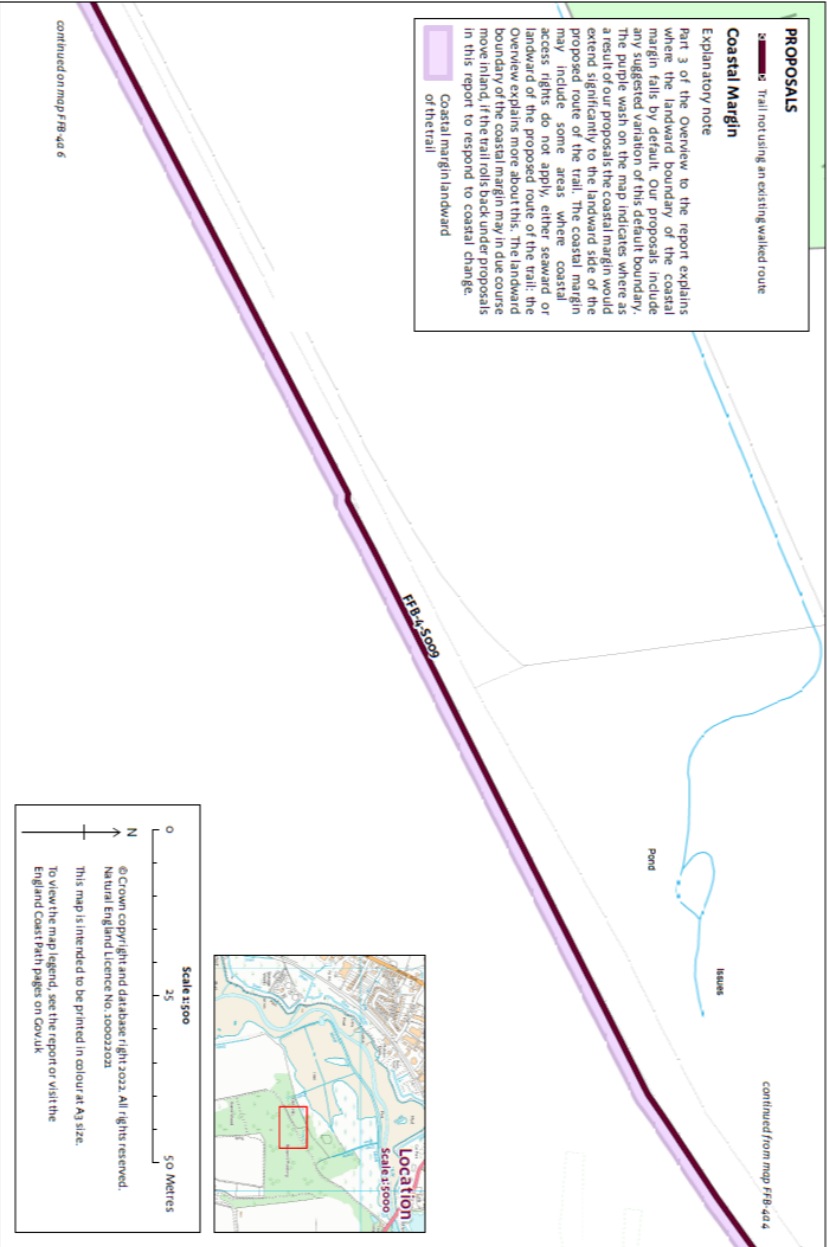
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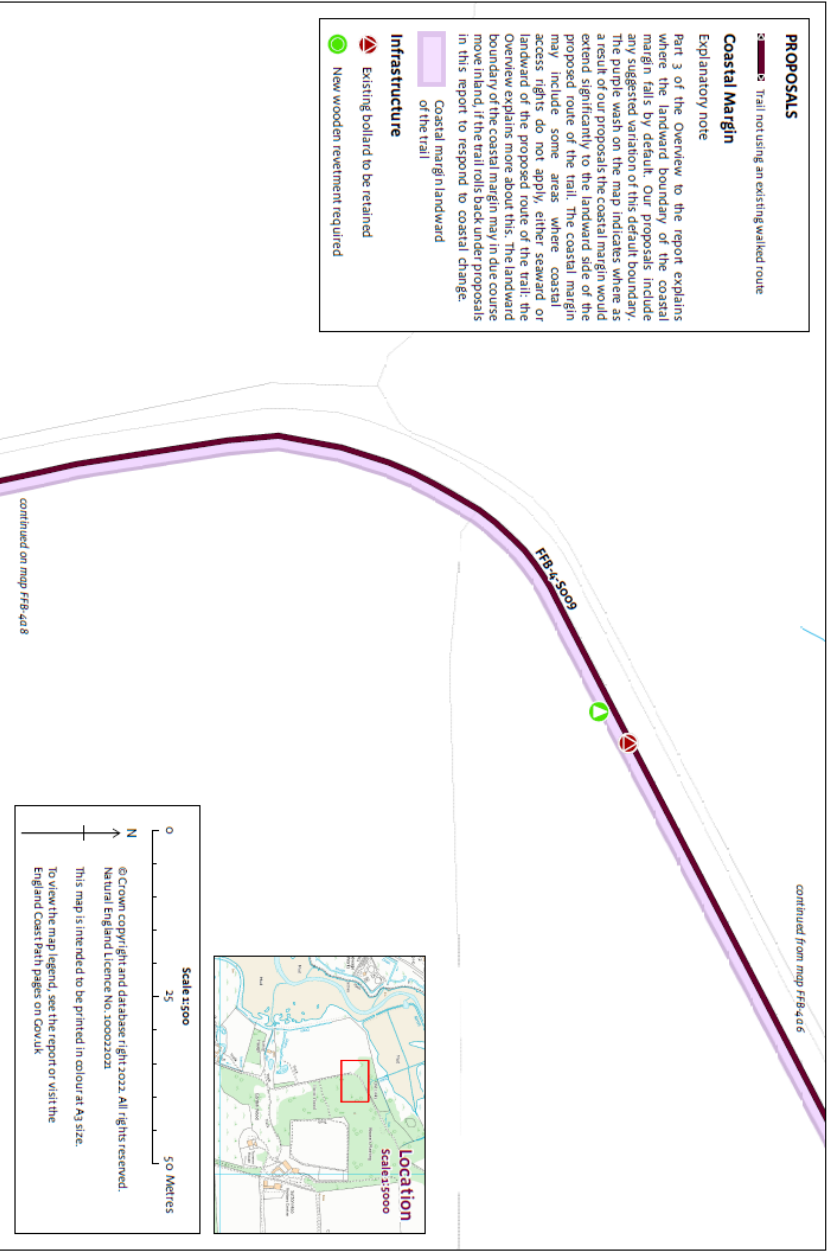
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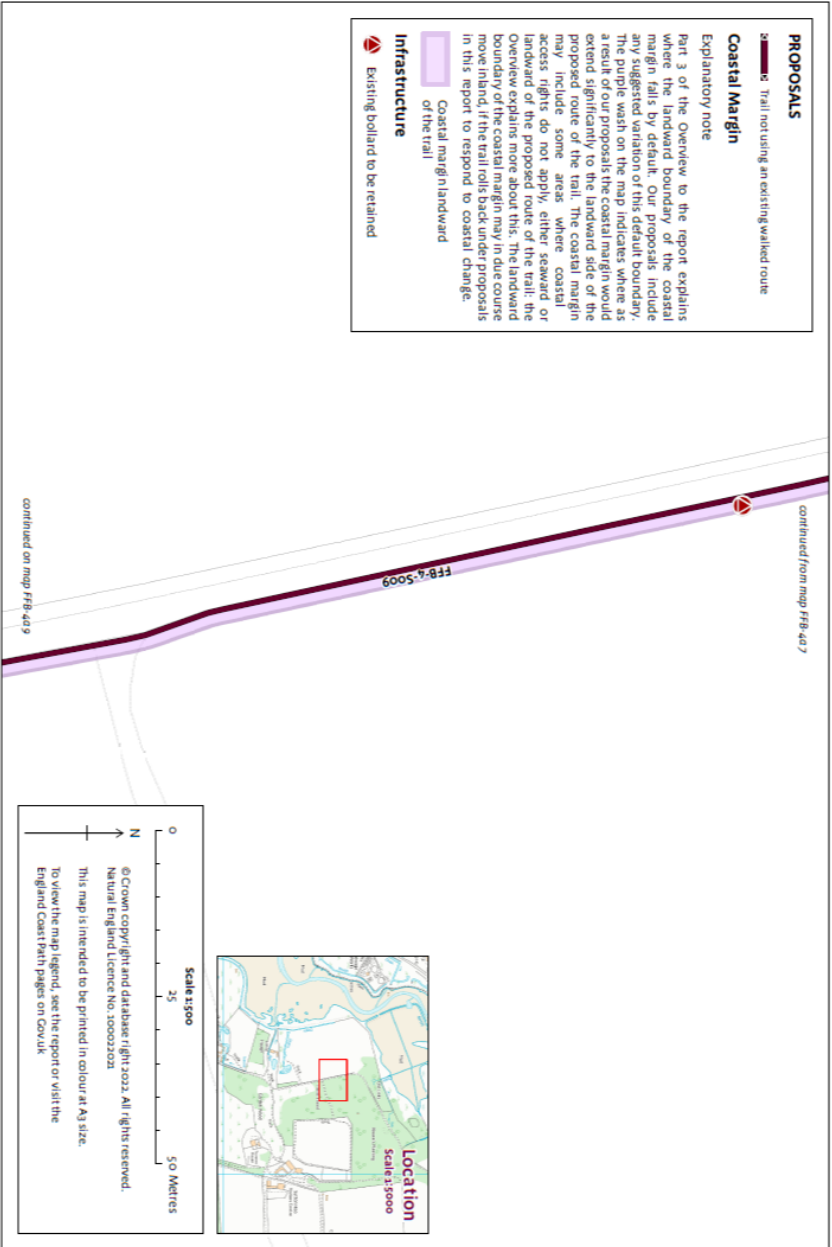
© Crown copyright and database right 2021. All rights reserved.
 Natural England Licence No. 200022021
 This map is intended to be printed in colour at A3 size.
 To view the map legend, see the report or visit the England Coast Path pages on Gov.uk

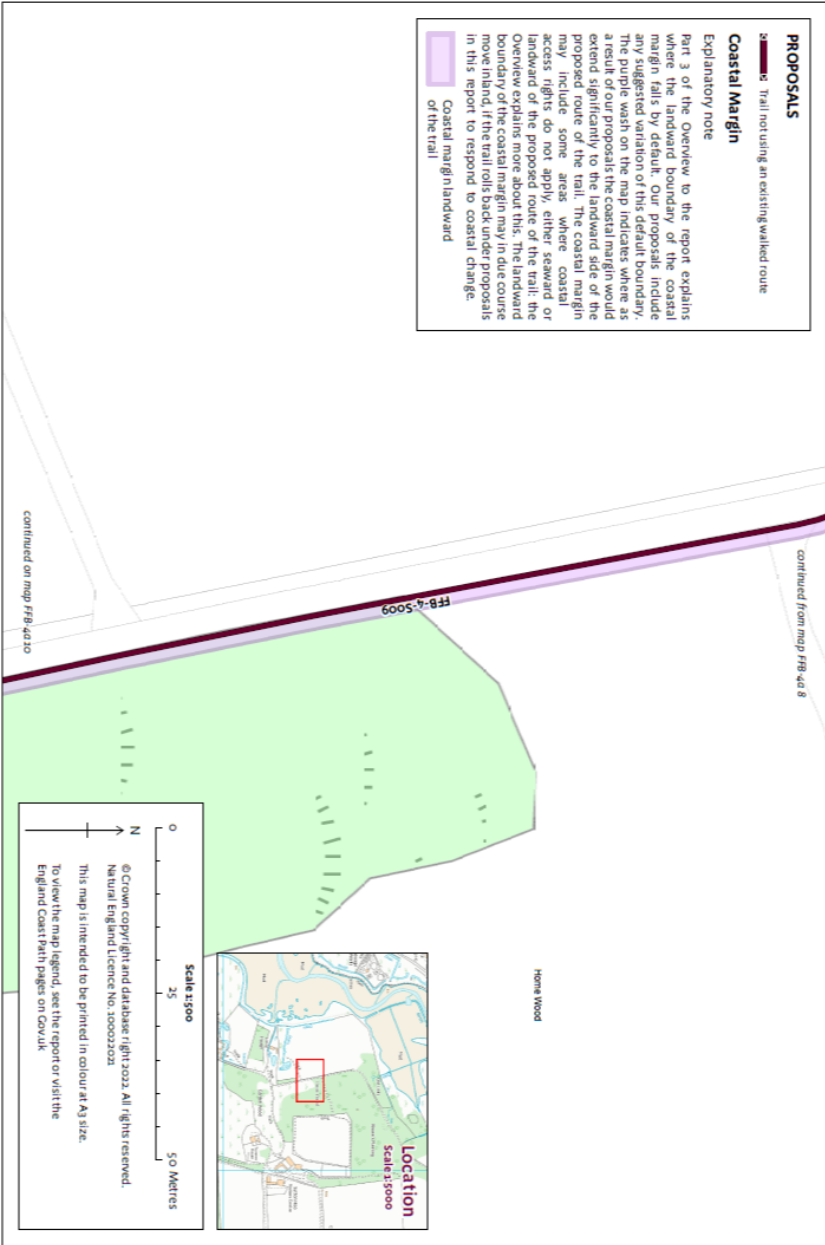


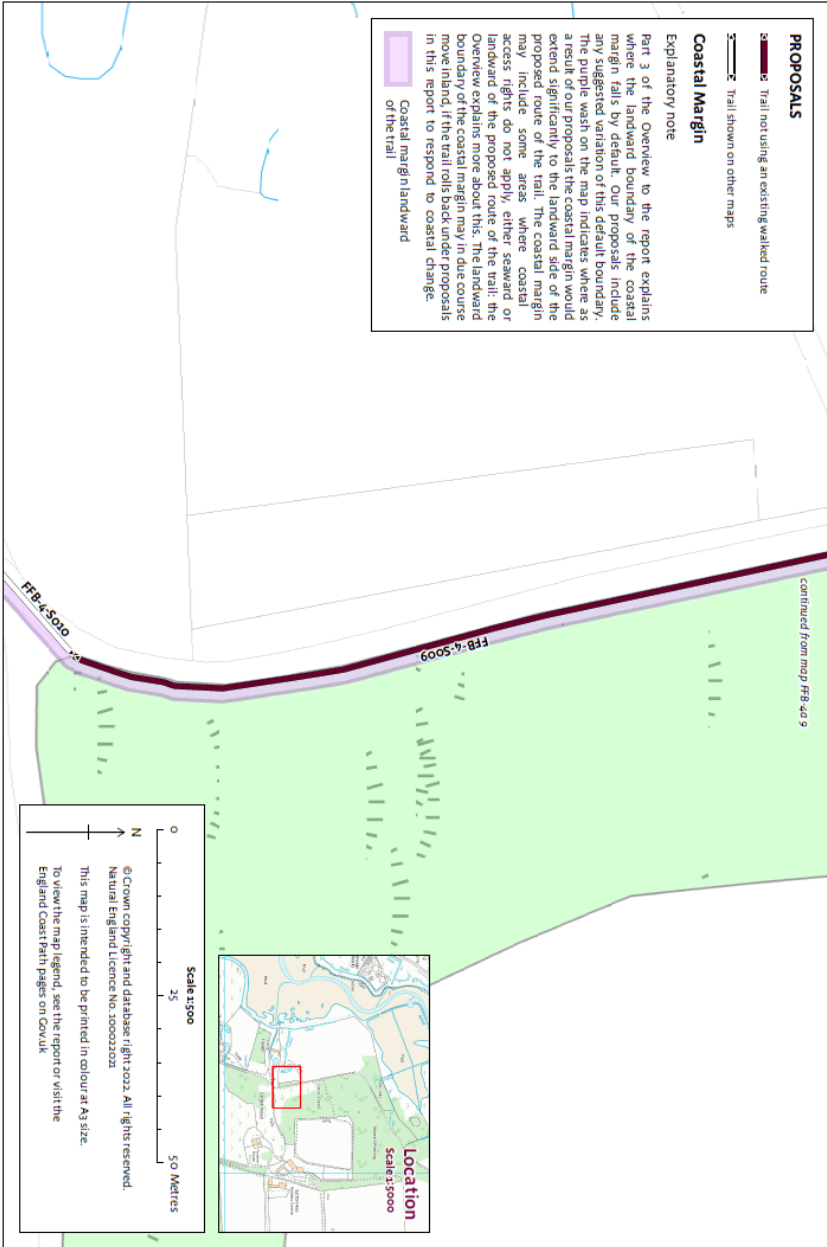












Appendix F: Photos submitted by [redacted] with Representation MCA/FFB4/R/71/FFB0109





Length FFB5

Appendix A - Relating to [redacted]

Deben Estuary - Coast Path

Deben Estuary Partnership response to the consultation

Assessment of the options for the route of the Coast Path - based on Natural England's (NE's) criteria as set out in 'Coastal Access, Natural England's Approved Scheme'.

- Option 1 – path up to the first crossing point at Wilford Bridge
- Option 2 - use of the foot ferry at the mouth of the Deben

6. 1 Route round the estuary using Wilford Bridge as the first crossing point

1.1 The nature of the estuary – characteristic of coast or river

The Deben river valley was flooded 7000 years ago during post-glacial sea rises. Today it is a narrow 'river' estuary with a restricted entrance to the sea. As it passes through Woodbridge and

Martlesham Creek it is particularly narrow, being less than 200m wide

While there are few creeks, breached flood defence walls act to interrupt and curtail paths adjacent to the water.

- Few coastal features beyond the estuary mouth - only small areas of sandy silt acting as narrow 'beaches' at Waldringfield and Ramsholt. No dunes or coastal cliffs and a lack of seaside infrastructure beyond Felixstowe Ferry.

There are only a few areas where the river exceeds five metres in depth and nowhere upriver from Shottisham Creek; above Loder's Cut salinity begins to vary – water is generally brackish but, at low water springs, predominantly fresh.

Fringing saltmarsh curtails spreading room and prevents access to the water's edge along 80% of the river.

Evidence from 'Portrait of the River' – a document informing the Deben Estuary Plan – records:

- *Rural character – agricultural land on either side of the river protected from flooding by turf covered walls*
- *In the lower reaches – wide stretches of irrigated fields produce high value vegetables as well as mixed arable crops*
- *In the middle reaches – landscape of arable fields, some grazing meadows, woodland. Areas of freshwater marsh and reedbeds. Two riverside pubs*
- *Upper reaches - low, turf covered walls, woodland sloping down to river, domestic gardens, light industrial land use, sewage works, small boatyards. Houseboats*

What would a route round the estuary deliver ?

1.2 Improved access to features of interest –

A potential detour onto higher ground away from the river protects privacy of local residents and provides a shorter access route to NT site

Existing routes and footpaths already give full access to the few village churches situated on higher ground above the river

Limited geological features are easily accessible or on private land away from the river

1.3 Enhanced recreational benefit to the public

A wide network of existing, public rights-of-way are open to walkers. The existing footpath network already provides access to short, circular or longer walks. Access round the estuary is possible if taking routes that, in places, are away from the river, link with the Quiet Lanes network and pass through small villages – thus offering diversity and enjoyment of the wider area.

Additional land-based recreational activities, such as cycling, are unlikely to arise as a result of routing the coast path close to the river. Existing water-based recreational activities will not be affected.

1.4 Value in linking settlements to the coast

There is no evidence of residents wishing to walk to the coast from Melton or Woodbridge.

Lack of public transport prevents suitable return journeys to or from the coast and Woodbridge or Melton. There are no scheduled bus services from either Bawdsey or Felixstowe Ferry / no direct train service between Felixstowe town and Woodbridge

1.5 Public opportunity to enjoy suitable areas of spreading room

The river is designated as an SPA and RAMSAR site. All spreading room across fringing saltmarsh would be prevented for public safety reasons and for the protection of international, designated sites / habitat /species

Further excepted land will include gardens (principally at Sutton / Waldringfield / Melton and Woodbridge) and extensive arable land

1.6 Avoidance of substantive impacts on key conservation interests

Natural England must have awareness of and comply with their obligations under the Habitats Directive and Habitats Regulations in relation to European sites. They must comply with their duty to take reasonable steps, consistent with the proper exercise of all functions, to further the conservation and enhancement of the notified features of any sites of specific scientific interest to which proposals may relate.

The Deben, although small compared with other estuaries, contains significant numbers of birds of international and national importance, as well as notable numbers of some other bird species. Any site recognised as being of international ornithological importance is considered for classification as a SPA under the EC Directives on the Conservation of Wild Birds (EC/79/409), whilst a site recognised as an internationally important wetland qualifies for designation as a Ramsar site under the Convention on Wetlands of International Importance especially as Waterfowl Habitat.

Between Bawdsey Ferry and Ramsholt there has been no public access adjacent or near to the river for many years thus leaving a substantial area saltmarsh, fields, freshwater ditches, reed beds and woodland totally undisturbed with the result that this is a very important area for wildlife – as evidenced in research and reports conducted in preparation for the Deben Estuary Plan.

- *[redacted] and [redacted] - The River Deben Estuary Ornithological Importance and Status for Waterbirds - The Deben Estuary and its Hinterland (2013)*
- *[redacted], [redacted] & [redacted] - SWT, AONB & DEP Report Evaluation of key areas for birds, recreational disturbance issues and opportunities for mitigation and enhancement (2014)*

In recognition of this appropriate access provision ensures that balance is sought and established between the public's natural desire to be able to enjoy the river and wider landscape with the need to conserve the peace, tranquillity and exceptional wildlife that makes the area valuable. The introduction to the formally endorsed Deben Estuary Plan states :

'This plan is the result of growing awareness that the effectiveness of any management strategy relies upon a willingness to embrace the principle of an integrated system. For the Deben Estuary, this involves recognition of the need to reconcile the continued wellbeing of the river systems, the interests of the communities for whom it has a core value and the ecological integrity of a unique estuarine environment.'

1.7 Changes in public use are likely to occur as a result of improved coastal access and will such changes have a substantial effect on features / key conservation interests Most significant would be the increase in public access from Bawdsey Ferry up river towards Ramsholt. Evidence already shows that a path close to the river wall or across this area would be used by a large number of people - not for a longer 'coastal' walk but as an ideal path for walking dogs. Visitors, mostly walking dogs, already stray across the saltmarsh (a RAMSAR site) resulting in recurring disturbance to feeding and breeding birds.

Development of a PGL Activity Centre at Bawdsey Manor is seeing organised groups of young people – encouraged to sing loudly and shout continually as part of the Activity Centre ethos – walking out from the Manor, along the road. PGL plans to accommodate some 500 young people per week at the Bawdsey site and it is highly likely that they will use any new path on a regular basis. During the spring and early summer breeding season opening a route across this quiet area will allow reckless disturbance to internationally designated sites.

There is a substantial increase in both consented and earmarked housing development within easy reach of the river. A new development of some 2000 houses at Martlesham will abut the area, further large developments are planned at Felixstowe, Trimley, Martlesham and the Ipswich fringe – all near enough to generate an increase, at all times of the year, in the number of people visiting the estuary. The potential for this to have a negative impact on the SPA is being recognised in Planning Policy

However, the absence of paths along some stretches of the river can mean that there will be areas which retain the quiet and tranquil character, where disturbance is minimal and ornithological value can be given due priority. (For instance experience demonstrates that walkers will invariably choose to walk along the top of a river wall – 'sky-lining' and causing significant disturbance. Also notices to dog owners are frequently ignored and dogs may roam, unchecked across wide areas.)

7. **2. Route using the foot ferry between Bawdsey Quay and Felixstowe Ferry**

NE's criteria require 'regard to the existence of a ferry by which the public may cross the river' - if it crosses the estuary at a convenient place downstream from the first bridge or tunnel, and is available to foot passengers. The Coastal Access advice also states that a ferry can be considered even where a ferry is only seasonal or part-time.

- 2.1 There is a popular foot ferry between Bawdsey Quay and Felixstowe Ferry. This -
- carries walkers, cyclists and disabled passengers
 - runs, without subsidy, an 'on demand' service, 7 days a week, during the spring, summer and autumn months. The average summer operational day is 7 hours, the ferry carries up to 12 passengers and, as needed, runs up to 3 trips each way per hour

A modestly subsidised trial 'dial-a-ride' service throughout the winter of 2017 proved successful. Current requests demonstrate that residents and visitors wish the winter service to continue – policy and funding to put this in place are being developed..

8. What a ferry route across the estuary would deliver

2.2 The ferry will provide :

- a valuable infrastructure link between Felixstowe and Bawdsey
- a new and important link in the national network of cycle routes
- a recognised coastal route for cyclists from the near continent – already choosing the Suffolk Heritage Coast as a holiday destination
- an additional health and well-being benefit for those who will not walk long distances but who are encouraged to cross the river for a short walk
- an added incentive to those wishing to visit coastal sites of historic interest on either side of the estuary mouth – Bawdsey Radar Museum / Languard Fort / Suffolk Punch Trust
- an important element in developing the visitor offer for the coastal area (on average 250,000 visitors come to Felixstowe Ferry per year)
- a link offering potential benefits to the economic viability of local coastal based businesses
- an opportunity for residents on the Deben Peninsula to benefit from facilities in Felixstowe

2.3 The ongoing importance of the ferry service is reflected in the Deben Coastal Community Team's economic development plan and the present initiative promoting all Suffolk foot ferries as a visitor attraction – with marketing by the DMO. The East Suffolk Tourism Strategy, 2017-2011 also states that '*Bawdsey ferry is a good way to attract visitors to the peninsula in an interesting way*'.

9. 3. Comparative costs of establishing a route round or across the estuary

- *Is the cost of extending and designating a route up the estuary to the first crossing point proportionate to the additional public enjoyment of the coast that would result ?*
- *Is the high cost and difficulty of establishing necessary detours (round obstacles / excepted land) contrary to public benefit*

3.1 **Items of expense (cost) for route up to the first crossing point :**

Establishing significant diversions across land owned by different people; creating new sections of the path in several locations will involve potential costs at :

- **Hemley** – new signage for significant detour inland
- **Breach in the river wall between Martlesham and Waldringfield** - long detour inland - creation of new route away from the river in order to avoid tidal mere and private dwellings. Potentially wet terrain. Surfacing, fencing and signage required
- **Martlesham** - new, fenced route across pasture, behind and away from river wall
- **Wilford Bridge to Sutton Hoo** - new route around private property to ensure privacy and public safety. Construction of new path across rising ground.
- **Sutton to Haddon Hall** – signage for detour away from the river
- **Ramsholt to Bawdsey Ferry** creation of long section new path almost certainly away from the river. In places route might require substantial surfacing to overcome possible winter flooding and fencing to prevent damage to arable crops. Seasonal signage would be needed to close path during winter pheasant shoots (economic loss to landowner if path is not closed on all shooting days).

Additional costs for local management arrangements elsewhere between the coast and the first crossing point would include :

- Fencing to protect crops and animals
- Mitigation infrastructure to prevent disturbance to birds (sky-lining)
- Habitat creation in the event of whorl snails being found
- Management of seasonal signage
- Monitoring of designated sites and species

3.2 Additional public enjoyment justifying cost of establishing a route round the estuary

Of benefit would be :

- a new pedestrian access route to Sutton Hoo, avoiding the narrow footway along the busy B1083

But cost and benefit are outweighed by

- No new access to other sites / features of interest
- No new or improved access for disabled people / wheelchair users
- No additional access for cyclists
- Little additional spreading room
- Significant detours away from the water

3.3 Items of expense (cost) for a route using the foot ferry

- Minor improvements to infrastructure
- Additional signage

- While NE can propose to the Secretary of State that funding is given to improve a ferry service in the case of the Deben foot ferry it is envisaged that winter development costs will, as necessary, be met from other funding. The cost of a subsidy for the trial winter ferry service in 2017/18 was approximately £10,000.

3.4 Additional public enjoyment justifying the cost of the foot ferry

Benefits of using the ferry would include :

- Wide public enjoyment of a boat journey (children are often delighted with the experience of being out on the water.)
- The opportunity to experience the land from the water – rarely considered but an important coastal encounter
- Improved recreational benefit for cyclists
- Opportunity for disabled people to gain further enjoyment from activities at the coast
- Improved connectivity between coastal settlements

- Opportunity to enhance the coastal tourism offer and deliver economic benefit to the rural economy

10. 4. Conclusion

In considering the options for the route of the coast path the Deben Estuary Partnership has taken advice and looked carefully at the criteria set out by Natural England.

On the grounds of ensuring public enjoyment of a coastal landscape and generating costs proportionate to that additional public benefit we find that the route to the first crossing point has serious drawbacks. The potential costs of establishing such a path miles from the sea, the inevitable disruption it will cause to otherwise remote and tranquil areas, the difficulty of making it a meaningful journey and the risk of allowing protection of specific European Sites or associated key features to become degraded, are all strong reasons for looking for a more appropriate route. In the case of the River Deben the foot ferry link delivers benefit – both recreational and economic - to the wider community. It will enhance any coastal walk and is by far the more cost effective option.

[redacted],

Deben Estuary Partnership

Appendix B - Relating to [redacted]

Deben Estuary Coastal Path

Proposal from the Deben Estuary Partnership - in conjunction with Estuary Landowners

11. Context

Following extensive consultation, the Deben Estuary Partnership, together with estuary landowners, has approached the introduction of the Coast Path as an opportunity to deliver sustainable benefits to the environmental, local economy and social wellbeing of residents and visitors.

Consideration has been given to existing plans and policies which have an impact on coastal and estuary management – in particular, the Shoreline Management Plan and Deben Estuary Plan. Compliance with Natural England's Approved Scheme, 2013 has also been important.

Note has been taken of the CRoW Act 2000 which provides for public access on foot to certain types of land, amends the law relating to public rights of way, increases measures for the management and protection for Sites of Special Scientific Interest (SSSI) and strengthens wildlife enforcement legislation, and provides for better management of Areas of Outstanding Natural Beauty (AONB). The Act places a duty on Government Departments to have regard for the conservation of biodiversity and maintain lists of species and habitats for which conservation

steps should be taken or promoted, in accordance with the Convention on Biological Diversity. In this context due weight has been given to the importance of safeguarding the environment and biodiversity of the Deben Estuary when assessing the public benefits to health and wellbeing which access to coastal areas may provide,.

Fundamental to examining the issues which must influence the preferred route of the coast path has been the desire to deliver a balanced approach. The Partnership have sought to avoid the circumstance where one decision, taken in a policy 'silo', may deliver benefit to a limited user group but, at the same time, generate unnecessary and negative impacts. The view is taken that the route of the coast path should recognise how the land is presently used and valued and seek an integrated approach able to provide opportunities for multiple benefits across diverse user groups.

12. Bawdsey to Melton / Melton to Felixstowe Ferry

Introduction

The Deben Estuary is a narrow 'river' estuary with restricted access to the sea and little 'seaside' infrastructure. It lies predominantly within an Area of Outstanding Natural Beauty and is a small estuary compared with many others but holds significant numbers of birds of international and national importance, as well as other species in notable numbers. The river is seen as an important place of 'peace and tranquillity' at the edge of an area which is experiencing a significant increase in urban development. In this context the conservation and enrichment of the environment is of great importance and the aim must be to put in place a coast route which provides recreational benefit but avoids substantive impacts on key conservation interests.

13. Designated route of the coast path

Note

Part 9 – Marine and Coastal Access Act 2009 – Section 296/7 – states 'for the purpose of the coastal access duty a person is to be regarded as enabled to make a journey by ferry even if that journey can be made at certain times or during certain periods only'.

It is understood from Defra that, as a general principle, they see no overriding reason why existing ferry services cannot be used if an alternative route is available

On reaching Bawdsey Quay the designated route of the Coast Path should be directly across the Deben Estuary via the foot ferry.

The Ferry carries foot passengers and cyclists. It runs an 'on demand' service, 7 days a week, during the spring, summer and autumn months. Passengers using the 'on-demand' service can travel whenever they wish and are not limited by a timetabled service.

The average operational day is 7 hours. The ferry carries up to 12 passengers and, as needed, runs up to 3 trips each way per hour.

Proposals to introduce a dial-a-ride winter service (already piloted) are being discussed.

Note : While NE can propose to the Secretary of State that funding is given to improve a ferry service in the case of the Deben foot ferry it is envisaged that the costs of developing a winter service could be supplemented from other funding.

The ferry route is favoured by walkers, day visitors and cyclists as well as local residents using the boat as a convenient transport link to and from Felixstowe. For walkers and visitors coming down a coast path the ferry is the only access route to local and regional transport links.

Regional Cycle Routes 41 and 42 form a coastal trail through the Colneis Peninsula and continue northwards along the coast - the ferry provides an important and well used link for those enjoying this recreational activity.

From both Bawdsey Quay and Felixstowe Ferry there are wide views of the sea and estuary. When taking the ferry the experience of being on the water and seeing land from the water gives the coastal scene a different and special perspective. (Children are often delighted with the river crossing.) The option of an extended boat trip around the mouth of the estuary is often available or can be arranged in advance.

Coastal margin land at the Bawdsey Quay includes a narrow strip of sand, popular with families during the summer. From the shingle beaches at the head of the estuary there are views of an interesting, ever-changing seascape.

Improvements to the ferry infrastructure would be useful but are not essential. Additional signage regarding the ferry service at key points along the route of the path to north and south of the crossing would be advantageous. The level of public benefit and modest cost of designating the ferry as part of the Trail far outweigh the high cost and negative environmental impact of creating a route to the first public crossing point – Wilford Bridge.

Additional factors Both Bawdsey and Felixstowe Ferry are increasingly popular visitor destinations. The ferry boat ride provides particular enjoyment for those who want to see more of the estuary but cannot or do not wish to walk far. Links are also being established with the other estuary foot ferries with a view to encouraging visitors to explore the coast via each of the ferry journeys.

Note: The Deben Coastal Community Team is developing a number of initiatives aimed at enhancing coastal tourism – the foot ferries are seen as offering the opportunity to deliver economic benefit to the rural economy.

Bawdsey Quay new proposals are being developed to enhance the visitor offer by setting up a coastal and estuarine resource centre which will foster links with national learning and research programmes. The results of ongoing research by a number of Universities into aspects of the estuarine environment, flood risk management and the concept of natural capital emphasise the importance of promoting a proper understanding of and respect for the area

Designating the foot ferry as part of the coast path supports the existing patterns of use, provides a practical infrastructure link, enhances the enjoyment of the coast and has a place in growing an appropriate and sustainable visitor economy.

The alternative option of creating a new coast path route round the estuary risks the danger of introducing disturbance to areas that have always been quiet and are therefore important for wildlife. A principle concern

would be casual intrusion into the undisturbed and tranquil area of Bawdsey Marshes (FC1), immediately up stream of Bawdsey Quay.

The estuary carries a number of national and international designations – it is an SPA, a RAMSAR site and SSSI. It regularly supports internationally important wintering numbers of dark-bellied Brent geese and there are nationally important numbers of the migratory waterfowl, shelduck, avocet, grey plover, black tailed godwit, and redshank". The summer breeding population of redshank are significant. The Bawdsey Marshes are important for a number of key species – there are lapwing (red list species) and high concentrations of breeding redshank (amber list species), avocets roost at high tide around Green Point, the area is important for dark bellied Brent geese in the winter and the sight of a circling marsh harrier is not an unusual. The presence and numbers of all these species is largely due to very low levels of disturbance, little noise, an absence of sky lining, no dogs or recreational spread.

Development of the adjacent Bawdsey Manor site as a new PGL centre for young people (with plans for up to **900** young people on site per week) will deliver a very noticeable increase in use of the coastal margin area and the immediate river frontage. As the numbers of visitors to the Bawdsey Quay 'hot spot' increases, together with the many 'guests' at the PGL centre, the ability to provide effective mitigation for substantial disturbance is questionable.

While comparatively few serious ramblers would walk from Bawdsey Quay, some 11 miles up the river to the first crossing point at Melton, it is likely that many visitors will be inclined to wander along the river towards Ramsholt. The Coastal Path process allows saltmarsh to be exempt as accessible coastal margin land and proposals (a fence) to restrict access to the top of the river wall might prevent sky lining, evidence already demonstrates that increasing numbers of people will walk along the river's edge and onto the saltmarsh when they want to exercise their dogs or look for a picnic spot.

With a signed route promoting access up the estuary increasing numbers of people and dogs are likely to wander a short way upriver, causing disturbance and degradation to the environment. The Coast Path process will not deliver the level of mitigate needed to offset the noise and disturbance this will cause. The negative impact of taking the route of the path through this completely undisturbed area is likely to be wholly disproportionate to the benefit gained for a limited number of users intent on walking round the estuary.

- [redacted] and [redacted]- The River Deben Estuary Ornithological Importance and Status for Waterbirds - The Deben Estuary and its Hinterland (2013)

14. **Alternative Route round the Deben Estuary**

In conjunction with the foot ferry an alternative route using existing rights of way is proposed. The alternative route provides enjoyment of the riverside and appreciation of the river in the wider estuary landscape,

Alternative route - The Coast (Bawdsey) to the first crossing point at Wilford Bridge, Melton

Underpinning an alternative route

Access, year-round, to an alternative route will allow walkers to reach the nearest land river crossing point (Wilford Bridge) and, at the same time, experience the special features of the riverside and wider estuary landscape. Views of the sea and river, while not continuous, will provide a wide and sometimes panoramic perspective. Estuary features, geodiversity (exposed deposits of Coralline and Red Crag), varied landscape types, changing hinterland habitats, Anglo-Saxon sites, listed buildings and churches, will contribute to a sense of place and provide enjoyment for the walker.

Bawdsey Beach to Alderton

Taking the right-of-way which leaves the beach between Shingle Street and East Lane a path crosses open fields and dykes, once coastal marsh. Iconic Martello towers at the back of the beach add interest to wide views of coastline and sea. On higher ground the village offers walkers the opportunity to get provisions at a general stores, refreshments from the pub and the possibility of finding bed and breakfast accommodation (not readily available along the coast path route coming south from Aldeburgh.)

From Alderton it is possible to make advance arrangements to get the dial-a-ride bus service to Woodbridge. (There is no other public transport.)

Alderton to Ramsholt Dock

Following the single track lanes from Alderton to Ramsholt - the road initially skirts FC1 and then, from higher ground, there are notable views down the estuary towards Felixstowe Ferry, the sea and the distant cranes of Felixstowe docks.

Note:

Coastal and estuary parishes on the Deben Peninsula want to set up a network of Quiet Lanes. The first tranche of lanes on the Colneis Peninsula and between Bromeswell and Butley already exist and discussion is underway with the County Council Highways Department about designating additional lanes in Boyton, Hollesley, Shingle Street, Bawdsey, Alderton and Ramsholt. Locally this network, offering benefit to walkers, cyclists and horse riders, is seen as an important element of the visitor offer on the Peninsula.

Ramsholt Arms to Methersgate

A network of rights-of-way provide a riverside route or opportunities to follow the valley sides to higher ground from where there are frequent, sweeping views of the estuary. The riverside footpath generally runs along the river walls. Large expanses of saltmarsh and intertidal mudflats, grazing marsh, deep dykes and belts of woodland stretching down from higher ground make the walk varied and interesting. Places of interest, such as Ramsholt Church or the small, sandy, silt beaches at The Rocks and The Tips, are easily reached via existing footpaths

Beyond Shottisham Creek the riverside is a long way from the public highway and, as a consequence there are fewer walkers and paths are quiet.

Methersgate Quay to Ferry Cliff

Existing rights-of-way offer an acceptable route up from the river to the hamlet, from where there are wide views up and down the river

Any proposals to close the path onto Methersgate Quay are not supported by the local community who consider changes here as totally unnecessary. Any application to extinguish this right-of-way would have to be subject to the usual processes.

From Methersgate Hall the path crosses high ground behind Haddon Hall before dropping down to the water's edge below Ferry Cliff. As elsewhere this path provides memorable views of the river and the Woodbridge waterfront with the town rising behind.

Ferry Cliff to Little Sutton Hoo

The existing right-of-way runs close to the river and provides fine views of the busy Woodbridge water front and historic Tide Mill.

Use of this footpath is likely to increase as visitors to Sutton Hoo walk beyond the immediate National Trust site and explore the riverside area.

Little Sutton Hoo to the B1083

After due consideration the Deben Estuary Partnership could not support the proposal to create a new right-of-way along the existing private access drive between Little Haugh and Wilford Bridge.

This route would quickly turn into a short cut for visitors to the National Trust Sutton Hoo site. The attendant, substantial increase in the number of pedestrians and cyclists using the driveway would not only affect the very quiet and undisturbed quality of the Sutton bank of the upper estuary - woodland reaching down to the river, extensive reed beds and tidal mud flats where there are redshank and avocets - but would have an entirely negative impact on the amenity of the residents living adjacent to the entrance to the drive. As the track bisects the garden of this property and passes within a few metres of living room windows there is no way in which mitigation measures can reduce the level of disturbance – both inside and outside the property – which would occur throughout daylight hours, potentially throughout the year.

This domestic access drive is not thought suitable for walkers who may be unaware of the dangers posed by unexpected traffic. With visibility often obscured by vegetation and blind corners it can be difficult for pedestrians to get out of the way of cars quickly enough as the steep banks and lack of any verge make it impossible to step off the narrow driveway.

See traffic assessment by Bullard Associates

Two options for the alternative route are viable

Option 1. Follow the existing right-of-way from Little Sutton Hoo to Little Haugh and then turn uphill towards the Sutton Hoo site. At the top of the rise walkers have the choice of entering the unique environment of the site itself,

by the official entrance, and so visiting the ship burial, Tranmer House and exhibition centre. Whether or not walkers choose to experience the Sutton Hoo site they can continue along the right-of-way to the public highway and then, by way of tarmacked footpath, down the hill to Wilford Bridge

Option 2. Follow the existing right-of-way from Little Sutton Hoo to Little Haugh and then turn uphill towards the Sutton Hoo site. After a short distance turn left and follow the new River View Walk, recently opened by the National Trust and then onwards to the National Trust's Pinewood Walk. From here the proposed route is for a short stretch of new path along or close to the top edge of the woodland belt. This, running broadly parallel to the lower drive and allowing sweeping views of the upper estuary, would then continue down the bank, by way of shallow steps or a graded ramp, to the B1083 near the Wilford roundabout - a short distance to the river crossing point at Wilford Bridge.

The Deben Estuary Partnership consider that the option 2 route provides an opportunity to deliver many benefits for modest expenditure. It allows walkers the opportunity to reach an historic site, it delivers the substantial advantage of providing a safe route for site visitors walking up from Melton train station to Sutton Hoo, it offers some of the finest views across the upper estuary (as opposed to the enclosed bottom drive) and it prevents the significant disturbance and disruption likely to residents living at the entrance to the private drive.

Alternative Route – Wilford Bridge to Felixstowe Ferry

Note: there is a substantive increase in both consented and earmarked housing development within easy reach of the river. See appendix A. In addition documentation supporting the revised Local Plan indicates the wide area from which people will come to visit the estuary.

Wilford Bridge to Kyson Point

A popular, well used existing right-of-way follows the edge of the estuary from Wilford Bridge, along the Melton and Woodbridge waterfronts, to Kyson Point

From Melton to Woodbridge there are uninterrupted views across the river to the quiet, wooded Sutton shore. Wide mudflats provide a feeding ground for wildfowl and waders. At Woodbridge Quay the white weatherboard malting buildings and historic Tide Mill are distinctive.

Between Woodbridge and Kyson Point the waterfront path, which runs along the flood defence wall, is a favourite place for local residents and a growing number of visitors to enjoy the riverside and access water-based recreational activities. It is wide and well surfaced and therefore easily accessible for disabled visitors and wheelchair users. Further towards Kyson Point the path is a favoured route for dog walkers.

Kyson Point to Martlesham Creek

At the end of the flood wall and surfaced walkway, as the path rounds the point it dips down to the mudflats where it may be breached by high tides.

Past the point the right-of-way follows the river wall to the head of Martlesham Creek. On the south bank two paths offer routes either close to the water or up the steep, wooded valley side to the Quiet Lane above the creek.

Martlesham Creek to Waldringfield

Two substantial breaches in the river wall to the north and south of Waldringfield, break the route of the riverside right-of-way. In both instances the breach in the wall has widened over time and the constant incursion of tidal waters has resulted in the creation of sheltered lagoons, extensive saltmarsh and reed beds. These quiet and undisturbed habitats have now become key areas for wildlife. The breach site north of Waldringfield is attracting a range of birds including black tailed godwit (red listed species) redshank, shelduck and, in the winter, dark bellied Brent geese. Whorl snails are likely to be found on the wall towards the Martlesham breach.

[redacted] and [redacted]; The River Deben Estuary – Ornithological Importance and Status for Water Birds

Any ideas of closing these breaches and reinstating the wall and path are not viable – costs would be prohibitive and the resulting destruction of habitat detrimental to wildlife.

The Deben Estuary Partnership is not convinced of the merit of creating new paths in quiet and undisturbed areas of the estuary solely to contrive a route round a breach in the river wall which is a little closer to the riverside than an existing right-of-way or Quiet Lane. New routes will bring growing numbers of walkers (and cyclists) into areas which are recognised as important for wildlife. Ultimately this is likely to undermine the quiet and tranquil nature of the estuary – the very feature which gives this part of the Suffolk coast its special quality and the reason many visitors return to the estuary.

With the level of planned housing development in Martlesham the need to manage and mitigate disturbance is recognised through the Local Planning Authority's emerging Recreational Avoidance and Management Strategy.

To continue down the estuary any walking route between Martlesham and Waldringfield must turn away from the water and follow a route, above the estuary, where there are only glimpses of the river and flooded lagoons.

Martlesham Creek to Waldringfield

From the end of Martlesham Creek existing rights-of-way form part of a network of paths which cross the coastal grazing marsh. Turning inland they join an approved and formally designated Quiet Lane which winds to the edge of Waldringfield. Along the lane there are occasional views of the river and the lagoons behind the breached river wall.

Note: Quiet Lanes are a Countryside Agency initiative which has the support of the Department for Transport. Quiet Lanes are minor rural roads which are appropriate for shared use by walkers, cyclists, horse riders and motorised users.

At the edge of Waldringfield village a narrow road leads down towards the river and provides access to a right-of-way which re-joins an enhanced stretch of river wall south of the breach. The river wall skirts a small nature reserve and passes a saltmarsh regeneration scheme before reaching the Waldringfield riverside.

Waldringfield to Hemley

A riverside pub offers refreshment and a narrow beach, sheltered by a low, wooded cliff, provides an increasingly popular destination for summer visitors.

South of Waldringfield the second breach in the river wall interrupts the route of the original right-of-way. On the landward side of the degraded flood defence wall there is now an extensive area of channels, saltmarsh and reed beds which mean that the walking route must leave the immediate riverside.

Using existing rights-of-way an alternative route leaves the side of the estuary beyond the

Waldringfield sailing club. Passing White Hall and Hemley Hall the path takes a route across higher ground before joining a narrow lane on the edge of Hemley village. Many places along this route provide panoramic views of the river as far as the sea.

Hemley to Felixstowe Ferry

Passing the church two routes return to the riverside where they join to round Kirton Creek. The right-of-way continues to Felixstowe Ferry along a well maintained flood defence wall which protects the wide coastal levels, now largely arable land. Views of the estuary mouth and open sea beyond are uninterrupted and the path ends on reaching the Felixstowe Ferry boat yard.

Nearer to Felixstowe Ferry the path is well used by visitors and local residents - often dog walking and sometimes cycling. With the increase in housing development planned for Felixstowe and surrounding villages (*ref. Local Plan – Felixstowe garden suburb*) this path will see a substantial increase in users.

Deben Estuary Partnership – May 2019

Appendix A

Impact on the Deben Estuary area – recent / proposed development sites above 5 dwellings – both consented and allocated housing development sites.

North and east Felixstowe				
	Cliff Road	9		
	Conway Close	150		
	Brackenbury	80		
	Garden Neighbourhood	2000		
Trimleys	Trimly St Martin	150		
	Howlett Way	360		
Kirton	Bucklesham Road	12		
	Falkenham Road	43		
Martlesham	Brightwell Lakes	2000		
	Land south of Main Road	180		
	Police HQ	300		
Woodbridge	Whisstocks	14		
	Nottcutts garden centre land	95		

	Quayside Mill	11		
	Melton Hill	100		
	Town football club	120		
Melton	Woods lane	180		
	Potash Lane , off Woods Lane	11		
	Deben Mill	33		
	Pytches Road	10		
	Old Malting Approach	10		
			5,868	

Appendix C - Relating to the Disabled Ramblers Representation



Disabled Ramblers Ltd

Company registered in England Number 05030316

Registered Office: 7 Drury Lane, Hunsdon, Ware, Herts SG12 8NU

<https://disabledramblers.co.uk>

Registered Charity Number 1103508

Man-made Barriers & Least Restrictive Access

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Many more people too are now using mobility vehicles in urban areas, both manual and electric. 'Pavement' scooters and powerchairs often have very low ground clearance, and some disabilities mean that users are unable to withstand jolts, so well placed dropped kerbs and safe places to cross roads are needed.

Modern mobility vehicles can be very large, and many man-made barriers that will allow a manual wheelchair through are not large enough for all-terrain mobility vehicles, or for 'pavement' scooters and prevent legitimate access.

Users of mobility vehicles have the same rights of access that walkers do. Man-made structures along walking routes should not be a barrier to access for users of mobility vehicles. New structures should allow convenient access to mobility vehicle riders as standard, and should comply with British Standard BS5709: 2018 Gaps Gates and Stiles

which places the emphasis on Least Restrictive Access. Suitability of structures should always be considered on the assumption that a person with reduced mobility will be going out without more-mobile helpers, so will need to operate the structure on their own, seated on their mobility vehicle.

When it is impossible to avoid man-made structures which are a barrier to mobility vehicles, wherever feasible a nearby alternative should be provided. For example, a slope adjacent to steps or a signed short diversion.

Whilst BS5709:2018 does not automatically apply retrospectively to most existing structures, Disabled Ramblers would like to see existing structures removed and replaced if they prevent access to users of mobility vehicles. Some structures can have a 'life' of 15 years – it would be a crying shame if those with limited mobility have to wait this long before they can be afforded the same access that walkers have to those areas where the terrain is suitable for mobility vehicles.

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Useful figures

- **Mobility Vehicles** ○ **Legal Maximum Width of Category 3 mobility vehicles: 85cm.** The same width is needed all the way up to pass through any kind of barrier to allow for handlebars, armrests and other bodywork.
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Bollards

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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 a shallow squeeze plate which is positioned higher off the ground: <http://www.kbarriers.co.uk/>

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Disabled Ramblers March 2020

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Disabled Ramblers March 2020

Appendix B - Relating to[redacted]

Deben Estuary - Coast Path

Deben Estuary Partnership response to the consultation

Assessment of the options for the route of the Coast Path - based on Natural England's (NE's) criteria as set out in 'Coastal Access, Natural England's Approved Scheme'.

- Option 1 – path up to the first crossing point at Wilford Bridge
- Option 2 - use of the foot ferry at the mouth of the Deben

1 Route round the estuary using Wilford Bridge as the first crossing point

1.1 The nature of the estuary – characteristic of coast or river

The Deben river valley was flooded 7000 years ago during post-glacial sea rises. Today it is a narrow 'river' estuary with a restricted entrance to the sea. As it passes through Woodbridge and

Martlesham Creek it is particularly narrow, being less than 200m wide

While there are few creeks, breached flood defence walls act to interrupt and curtail paths adjacent to the water.

- Few coastal features beyond the estuary mouth - only small areas of sandy silt acting as narrow 'beaches' at Waldringfield and Ramsholt. No dunes or coastal cliffs and a lack of seaside infrastructure beyond Felixstowe Ferry.

There are only a few areas where the river exceeds five metres in depth and nowhere upriver from Shottisham Creek; above Loder's Cut salinity begins to vary – water is generally brackish but, at low water springs, predominantly fresh.

Fringing saltmarsh curtails spreading room and prevents access to the water's edge along 80% of the river.

Evidence from 'Portrait of the River' – a document informing the Deben Estuary Plan – records:

- *Rural character – agricultural land on either side of the river protected from flooding by turf covered walls*
- *In the lower reaches – wide stretches of irrigated fields produce high value vegetables as well as mixed arable crops*
- *In the middle reaches – landscape of arable fields, some grazing meadows, woodland. Areas of freshwater marsh and reedbeds. Two riverside pubs*
- *Upper reaches - low, turf covered walls, woodland sloping down to river, domestic gardens, light industrial land use, sewage works, small boatyards. Houseboats*

What would a route round the estuary deliver ?

1.2 Improved access to features of interest –

A potential detour onto higher ground away from the river protects privacy of local residents and provides a shorter access route to NT site

Existing routes and footpaths already give full access to the few village churches situated on higher ground above the river

Limited geological features are easily accessible or on private land away from the river

1.3 Enhanced recreational benefit to the public

A wide network of existing, public rights-of-way are open to walkers. The existing footpath network already provides access to short, circular or longer walks. Access round the estuary is possible if taking routes that, in places, are away from the river, link with the Quiet Lanes network and pass through small villages – thus offering diversity and enjoyment of the wider area.

Additional land-based recreational activities, such as cycling, are unlikely to arise as a result of routing the coast path close to the river. Existing water-based recreational activities will not be affected.

1.4 Value in linking settlements to the coast

There is no evidence of residents wishing to walk to the coast from Melton or Woodbridge.

Lack of public transport prevents suitable return journeys to or from the coast and Woodbridge or Melton. There are no scheduled bus services from either Bawdsey or Felixstowe Ferry / no direct train service between Felixstowe town and Woodbridge

1.5 Public opportunity to enjoy suitable areas of spreading room

The river is designated as an SPA and RAMSAR site. All spreading room across fringing saltmarsh would be prevented for public safety reasons and for the protection of international, designated sites / habitat /species

Further excepted land will include gardens (principally at Sutton / Waldringfield / Melton and Woodbridge) and extensive arable land

1.6 Avoidance of substantive impacts on key conservation interests

Natural England must have awareness of and comply with their obligations under the Habitats Directive and Habitats Regulations in relation to European sites. They must comply with their duty to take reasonable steps, consistent with the proper exercise of all functions, to further the conservation and enhancement of the notified features of any sites of specific scientific interest to which proposals may relate.

The Deben, although small compared with other estuaries, contains significant numbers of birds of international and national importance, as well as notable numbers of some other bird species. Any site recognised as being of international ornithological importance is considered for classification as a SPA under the EC Directives on the Conservation of Wild Birds (EC/79/409), whilst a site recognised as an internationally important wetland qualifies for designation as a Ramsar site under the Convention on Wetlands of International Importance especially as Waterfowl Habitat.

Between Bawdsey Ferry and Ramsholt there has been no public access adjacent or near to the river for many years thus leaving a substantial area saltmarsh, fields, freshwater ditches, reed beds and woodland totally undisturbed with the result that this is a very important area for wildlife – as evidenced in research and reports conducted in preparation for the Deben Estuary Plan.

- *[redacted] and [redacted] - The River Deben Estuary Ornithological Importance and Status for Waterbirds - The Deben Estuary and its Hinterland (2013)*
- *[redacted], [redacted] & [redacted] - SWT, AONB & DEP Report Evaluation of key areas for birds, recreational disturbance issues and opportunities for mitigation and enhancement (2014)*

In recognition of this appropriate access provision ensures that balance is sought and established between the public's natural desire to be able to enjoy the river and wider landscape with the need to conserve the peace, tranquillity and exceptional wildlife that makes the area valuable. The introduction to the formally endorsed Deben Estuary Plan states :

'This plan is the result of growing awareness that the effectiveness of any management strategy relies upon a willingness to embrace the principle of an integrated system. For the Deben Estuary, this involves recognition of the need to reconcile the continued wellbeing of the river systems, the interests of the communities for whom it has a core value and the ecological integrity of a unique estuarine environment.'

1.7 Changes in public use are likely to occur as a result of improved coastal access and will such changes have a substantial effect on features / key conservation interests Most significant would be the increase in public access from Bawdsey Ferry up river towards Ramsholt. Evidence already shows that a path close to the river wall or across this area would be used by a large number of people - not for a longer 'coastal' walk but as an ideal path for walking dogs. Visitors, mostly walking dogs, already stray across the saltmarsh (a RAMSAR site) resulting in recurring disturbance to feeding and breeding birds.

Development of a PGL Activity Centre at Bawdsey Manor is seeing organised groups of young people – encouraged to sing loudly and shout continually as part of the Activity Centre ethos – walking out from the Manor, along the road. PGL plans to accommodate some 500 young people per week at the Bawdsey site and it is highly likely that they will use any new path on a regular basis. During the spring and early summer breeding season opening a route across this quiet area will allow reckless disturbance to internationally designated sites.

There is a substantial increase in both consented and earmarked housing development within easy reach of the river. A new development of some 2000 houses at Martlesham will abut the area, further large developments are planned at Felixstowe, Trimley, Martlesham and the Ipswich fringe – all near enough to generate an increase, at all times of the year, in the number of people visiting the estuary. The potential for this to have a negative impact on the SPA is being recognised in Planning Policy

However, the absence of paths along some stretches of the river can mean that there will be areas which retain the quiet and tranquil character, where disturbance is minimal and ornithological value can be given due priority. (For instance experience demonstrates that walkers will invariably choose to walk along the top of a river wall – 'sky-lining' and causing significant disturbance. Also notices to dog owners are frequently ignored and dogs may roam, unchecked across wide areas.)

2. Route using the foot ferry between Bawdsey Quay and Felixstowe Ferry

NE's criteria require 'regard to the existence of a ferry by which the public may cross the river' - if it crosses the estuary at a convenient place downstream from the first bridge or tunnel, and is available to foot passengers. The Coastal Access advice also states that a ferry can be considered even where a ferry is only seasonal or part-time.

- 2.1 There is a popular foot ferry between Bawdsey Quay and Felixstowe Ferry. This -
- carries walkers, cyclists and disabled passengers
 - runs, without subsidy, an 'on demand' service, 7 days a week, during the spring, summer and autumn months. The average summer operational day is 7 hours, the ferry carries up to 12 passengers and, as needed, runs up to 3 trips each way per hour

A modestly subsidised trial 'dial-a-ride' service throughout the winter of 2017 proved successful. Current requests demonstrate that residents and visitors wish the winter service to continue – policy and funding to put this in place are being developed..

What a ferry route across the estuary would deliver

2.2 The ferry will provide :

- a valuable infrastructure link between Felixstowe and Bawdsey
- a new and important link in the national network of cycle routes
- a recognised coastal route for cyclists from the near continent – already choosing the Suffolk Heritage Coast as a holiday destination
- an additional health and well-being benefit for those who will not walk long distances but who are encouraged to cross the river for a short walk
- an added incentive to those wishing to visit coastal sites of historic interest on either side of the estuary mouth – Bawdsey Radar Museum / Languard Fort / Suffolk Punch Trust
- an important element in developing the visitor offer for the coastal area (on average 250,000 visitors come to Felixstowe Ferry per year)
- a link offering potential benefits to the economic viability of local coastal based businesses
- an opportunity for residents on the Deben Peninsula to benefit from facilities in Felixstowe

2.3 The ongoing importance of the ferry service is reflected in the Deben Coastal Community Team's economic development plan and the present initiative promoting all Suffolk foot ferries as a visitor attraction – with marketing by the DMO. The East Suffolk Tourism Strategy, 2017-2011 also states that '*Bawdsey ferry is a good way to attract visitors to the peninsula in an interesting way*'.

3. Comparative costs of establishing a route round or across the estuary

- ***Is the cost of extending and designating a route up the estuary to the first crossing point proportionate to the additional public enjoyment of the coast that would result ?***
- ***Is the high cost and difficulty of establishing necessary detours (round obstacles / excepted land) contrary to public benefit***

3.1 Items of expense (cost) for route up to the first crossing point :

Establishing significant diversions across land owned by different people; creating new sections of the path in several locations will involve potential costs at :

- **Hemley** – new signage for significant detour inland
- **Breach in the river wall between Martlesham and Waldringfield** - long detour inland - creation of new route away from the river in order to avoid tidal mere and private dwellings. Potentially wet terrain. Surfacing, fencing and signage required
- **Martlesham** - new, fenced route across pasture, behind and away from river wall
- **Wilford Bridge to Sutton Hoo** - new route around private property to ensure privacy and public safety. Construction of new path across rising ground.
- **Sutton to Haddon Hall** – signage for detour away from the river
- **Ramsholt to Bawdsey Ferry** creation of long section new path almost certainly away from the river. In places route might require substantial surfacing to overcome possible winter flooding and fencing to prevent damage to arable crops. Seasonal signage would be needed to close path during winter pheasant shoots (economic loss to landowner if path is not closed on all shooting days).

Additional costs for local management arrangements elsewhere between the coast and the first crossing point would include :

- Fencing to protect crops and animals
- Mitigation infrastructure to prevent disturbance to birds (sky-lining)
- Habitat creation in the event of whorl snails being found
- Management of seasonal signage
- Monitoring of designated sites and species

3.2 Additional public enjoyment justifying cost of establishing a route round the estuary

Of benefit would be :

- a new pedestrian access route to Sutton Hoo, avoiding the narrow footway along the busy B1083

But cost and benefit are outweighed by

- No new access to other sites / features of interest
- No new or improved access for disabled people / wheelchair users
- No additional access for cyclists
- Little additional spreading room
- Significant detours away from the water

3.3 Items of expense (cost) for a route using the foot ferry

- Minor improvements to infrastructure
- Additional signage

- While NE can propose to the Secretary of State that funding is given to improve a ferry service in the case of the Deben foot ferry it is envisaged that winter development costs will, as necessary, be met from other funding. The cost of a subsidy for the trial winter ferry service in 2017/18 was approximately £10,000.

3.4 Additional public enjoyment justifying the cost of the foot ferry

Benefits of using the ferry would include :

- Wide public enjoyment of a boat journey (children are often delighted with the experience of being out on the water.)
- The opportunity to experience the land from the water – rarely considered but an important coastal encounter
- Improved recreational benefit for cyclists
- Opportunity for disabled people to gain further enjoyment from activities at the coast
- Improved connectivity between coastal settlements
- Opportunity to enhance the coastal tourism offer and deliver economic benefit to the rural economy

4. Conclusion

In considering the options for the route of the coast path the Deben Estuary Partnership has taken advice and looked carefully at the criteria set out by Natural England.

On the grounds of ensuring public enjoyment of a coastal landscape and generating costs proportionate to that additional public benefit we find that the route to the first crossing point has serious drawbacks. The potential costs of establishing such a path miles from the sea, the inevitable disruption it will cause to otherwise remote and tranquil areas, the difficulty of making it a meaningful journey and the risk of allowing protection of specific European Sites or associated key features to become degraded, are all strong reasons for looking for a more appropriate route. In the case of the River Deben the foot ferry link delivers benefit – both recreational and economic - to the wider community. It will enhance any coastal walk and is by far the more cost effective option.

[redacted],

Deben Estuary Partnership

Appendix C - Relating to [redacted]

Deben Estuary Coastal Path

Proposal from the Deben Estuary Partnership - in conjunction with Estuary Landowners

Context

Following extensive consultation, the Deben Estuary Partnership, together with estuary landowners, has approached the introduction of the Coast Path as an opportunity to deliver sustainable benefits to the environmental, local economy and social wellbeing of residents and visitors.

Consideration has been given to existing plans and policies which have an impact on coastal and estuary management – in particular, the Shoreline Management Plan and Deben Estuary Plan. Compliance with Natural England's Approved Scheme, 2013 has also been important.

Note has been taken of the CRoW Act 2000 which provides for public access on foot to certain types of land, amends the law relating to public rights of way, increases measures for the management and protection for Sites of Special Scientific Interest (SSSI) and strengthens wildlife enforcement legislation, and provides for better management of Areas of Outstanding Natural Beauty (AONB). The Act places a duty on Government Departments to have regard for the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity. In this context due weight has been given to the importance of safeguarding the environment and biodiversity of the Deben Estuary when assessing the public benefits to health and wellbeing which access to coastal areas may provide,.

Fundamental to examining the issues which must influence the preferred route of the coast path has been the desire to deliver a balanced approach. The Partnership have sought to avoid the circumstance where one decision, taken in a policy 'silo', may deliver benefit to a limited user group but, at the same time, generate unnecessary and negative impacts. The view is taken that the route of the coast path should recognise how the land is presently used and valued and seek an integrated approach able to provide opportunities for multiple benefits across diverse user groups.

Bawdsey to Melton / Melton to Felixstowe Ferry

Introduction

The Deben Estuary is a narrow 'river' estuary with restricted access to the sea and little 'seaside' infrastructure. It lies predominantly within an Area of Outstanding Natural Beauty and is a small estuary compared with many others but holds significant numbers of birds of international and national importance, as well as other species in notable numbers. The river is seen as an important place of 'peace and tranquillity' at the edge of an area which is experiencing a significant increase in urban development. In this context the conservation and enrichment of the environment is of great importance and the aim must be to put in place a coast route which provides recreational benefit but avoids substantive impacts on key conservation interests.

Designated route of the coast path

Note

Part 9 – Marine and Coastal Access Act 2009 – Section 296/7 – states 'for the purpose of the coastal access duty a person is to be regarded as enabled to make a journey by ferry even if that journey can be made at certain times or during certain periods only'.

It is understood from Defra that, as a general principle, they see no overriding reason why existing ferry services cannot be used if an alternative route is available

On reaching Bawdsey Quay the designated route of the Coast Path should be directly across the Deben Estuary via the foot ferry.

The Ferry carries foot passengers and cyclists. It runs an 'on demand' service, 7 days a week, during the spring, summer and autumn months. Passengers using the 'on-demand' service can travel whenever they wish and are not limited by a timetabled service.

The average operational day is 7 hours. The ferry carries up to 12 passengers and, as needed, runs up to 3 trips each way per hour.

Proposals to introduce a dial-a-ride winter service (already piloted) are being discussed.

Note : While NE can propose to the Secretary of State that funding is given to improve a ferry service in the case of the Deben foot ferry it is envisaged that the costs of developing a winter service could be supplemented from other funding.

The ferry route is favoured by walkers, day visitors and cyclists as well as local residents using the boat as a convenient transport link to and from Felixstowe. For walkers and visitors coming down a coast path the ferry is the only access route to local and regional transport links.

Regional Cycle Routes 41 and 42 form a coastal trail through the Colneis Peninsula and continue northwards along the coast - the ferry provides an important and well used link for those enjoying this recreational activity.

From both Bawdsey Quay and Felixstowe Ferry there are wide views of the sea and estuary. When taking the ferry the experience of being on the water and seeing land from the water gives the coastal scene a different and special perspective. (Children are often delighted with the river crossing.) The option of an extended boat trip around the mouth of the estuary is often available or can be arranged in advance.

Coastal margin land at the Bawdsey Quay includes a narrow strip of sand, popular with families during the summer. From the shingle beaches at the head of the estuary there are views of an interesting, ever-changing seascape.

Improvements to the ferry infrastructure would be useful but are not essential. Additional signage regarding the ferry service at key points along the route of the path to north and south of the crossing would be advantageous. The level of public benefit and modest cost of designating the ferry as part of the Trail far outweigh the high cost and negative environmental impact of creating a route to the first public crossing point – Wilford Bridge.

Additional factors Both Bawdsey and Felixstowe Ferry are increasingly popular visitor destinations. The ferry boat ride provides particular enjoyment for those who want to see more of the estuary but cannot or do not wish to walk far. Links are also being established with the other estuary foot ferries with a view to encouraging visitors to explore the coast via each of the ferry journeys.

Note: The Deben Coastal Community Team is developing a number of initiatives aimed at enhancing coastal tourism – the foot ferries are seen as offering the opportunity to deliver economic benefit to the rural economy.

Bawdsey Quay new proposals are being developed to enhance the visitor offer by setting up a coastal and estuarine resource centre which will foster links with national learning and research programmes. The results of ongoing research by a number of Universities into aspects of the estuarine environment, flood risk management and the concept of natural capital emphasise the importance of promoting a proper understanding of and respect for the area

Designating the foot ferry as part of the coast path supports the existing patterns of use, provides a practical infrastructure link, enhances the enjoyment of the coast and has a place in growing an appropriate and sustainable visitor economy.

The alternative option of creating a new coast path route round the estuary risks the danger of introducing disturbance to areas that have always been quiet and are therefore important for wildlife. A principle concern would be casual intrusion into the undisturbed and tranquil area of Bawdsey Marshes (FC1), immediately up stream of Bawdsey Quay.

The estuary carries a number of national and international designations – it is an SPA, a RAMSAR site and SSSI. It regularly supports internationally important wintering numbers of dark-bellied Brent geese and there are nationally important numbers of the migratory waterfowl, shelduck, avocet, grey plover, black tailed godwit, and redshank”.

The summer breeding population of redshank are significant. The Bawdsey Marshes are important for a number of key species – there are lapwing (red list species) and high concentrations of breeding redshank (amber list species), avocets roost at high tide around Green Point, the area is important for dark bellied Brent geese in the winter and the sight of a circling marsh harrier is not an unusual. The presence and numbers of all these species is largely due to very low levels of disturbance, little noise, an absence of sky lining, no dogs or recreational spread.

Development of the adjacent Bawdsey Manor site as a new PGL centre for young people (with plans for up to **900** young people on site per week) will deliver a very noticeable increase in use of the coastal margin area and the immediate river frontage. As the numbers of visitors to the Bawdsey Quay ‘hot spot’ increases, together with the many ‘guests’ at the PGL centre, the ability to provide effective mitigation for substantial disturbance is questionable.

While comparatively few serious ramblers would walk from Bawdsey Quay, some 11 miles up the river to the first crossing point at Melton, it is likely that many visitors will be inclined to wander along the river towards Ramsholt. The Coastal Path process allows saltmarsh to be exempt as accessible coastal margin land and proposals (a fence) to restrict access to the top of the river wall might prevent sky lining, evidence already demonstrates that increasing numbers of people will walk along the river’s edge and onto the saltmarsh when they want to exercise their dogs or look for a picnic spot.

With a signed route promoting access up the estuary increasing numbers of people and dogs are likely to wander a short way upriver, causing disturbance and degradation to the environment. The Coast Path process will not deliver the level of mitigate needed to offset the noise and disturbance this will cause. The negative impact of taking the route of the path through this completely undisturbed area is likely to be wholly disproportionate to the benefit gained for a limited number of users intent on walking round the estuary.

- [redacted] and [redacted] - The River Deben Estuary Ornithological Importance and Status for Waterbirds - The Deben Estuary and its Hinterland (2013)

Alternative Route round the Deben Estuary

In conjunction with the foot ferry an alternative route using existing rights of way is proposed. The alternative route provides enjoyment of the riverside and appreciation of the river in the wider estuary landscape,

Alternative route - The Coast (Bawdsey) to the first crossing point at Wilford Bridge, Melton

Underpinning an alternative route

Access, year-round, to an alternative route will allow walkers to reach the nearest land river crossing point (Wilford Bridge) and, at the same time, experience the special features of the riverside and wider estuary landscape. Views of the sea and river, while not continuous, will provide a wide and sometimes panoramic perspective. Estuary features, geodiversity (exposed deposits of Coralline and Red Crag), varied landscape types, changing hinterland habitats, Anglo-Saxon sites, listed buildings and churches, will contribute to a sense of place and provide enjoyment for the walker.

Bawdsey Beach to Alderton

Taking the right-of-way which leaves the beach between Shingle Street and East Lane a path crosses open fields and dykes, once coastal marsh. Iconic Martello towers at the back of the beach add interest to wide views of coastline and sea. On higher ground the village offers walkers the opportunity to get provisions at a general stores, refreshments from the pub and the possibility of finding bed and breakfast accommodation (not readily available along the coast path route coming south from Aldeburgh.)

From Alderton it is possible to make advance arrangements to get the dial-a-ride bus service to Woodbridge. (There is no other public transport.)

Alderton to Ramsholt Dock

Following the single track lanes from Alderton to Ramsholt - the road initially skirts FC1 and then, from higher ground, there are notable views down the estuary towards Felixstowe Ferry, the sea and the distant cranes of Felixstowe docks.

Note:

Coastal and estuary parishes on the Deben Peninsula want to set up a network of Quiet Lanes. The first tranche of lanes on the Colneis Peninsula and between Bromeswell and Butley already exist and discussion is underway with the County Council Highways Department about designating additional lanes in Boyton, Hollesley, Shingle Street, Bawdsey, Alderton and Ramsholt. Locally this network, offering benefit to walkers, cyclists and horse riders, is seen as an important element of the visitor offer on the Peninsula.

Ramsholt Arms to Methersgate

A network of rights-of-way provide a riverside route or opportunities to follow the valley sides to higher ground from where there are frequent, sweeping views of the estuary. The riverside footpath generally runs along the river walls. Large expanses of saltmarsh and intertidal mudflats, grazing marsh, deep dykes and belts of woodland stretching down from higher ground make the walk varied and interesting. Places of interest, such as Ramsholt Church or the small, sandy, silt beaches at The Rocks and The Tips, are easily reached via existing footpaths

Beyond Shottisham Creek the riverside is a long way from the public highway and, as a consequence there are fewer walkers and paths are quiet.

Methersgate Quay to Ferry Cliff

Existing rights-of-way offer an acceptable route up from the river to the hamlet, from where there are wide views up and down the river

Any proposals to close the path onto Methersgate Quay are not supported by the local community who consider changes here as totally unnecessary. Any application to extinguish this right-of-way would have to be subject to the usual processes.

From Methersgate Hall the path crosses high ground behind Haddon Hall before dropping down to the water's edge below Ferry Cliff. As elsewhere this path provides memorable views of the river and the Woodbridge waterfront with the town rising behind.

Ferry Cliff to Little Sutton Hoo

The existing right-of-way runs close to the river and provides fine views of the busy Woodbridge water front and historic Tide Mill.

Use of this footpath is likely to increase as visitors to Sutton Hoo walk beyond the immediate National Trust site and explore the riverside area.

Little Sutton Hoo to the B1083

After due consideration the Deben Estuary Partnership could not support the proposal to create a new right-of-way along the existing private access drive between Little Haugh and Wilford Bridge.

This route would quickly turn into a short cut for visitors to the National Trust Sutton Hoo site. The attendant, substantial increase in the number of pedestrians and cyclists using the driveway would not only affect the very quiet and undisturbed quality of the Sutton bank of the upper estuary - woodland reaching down to the river, extensive reed beds and tidal mud flats where there are redshank and avocets - but would have an entirely negative impact on the amenity of the residents living adjacent to the entrance to the drive. As the track bisects the garden of this property and passes within a few metres of living room windows there is no way in which mitigation measures can reduce the level of disturbance – both inside and outside the property – which would occur throughout daylight hours, potentially throughout the year.

This domestic access drive is not thought suitable for walkers who may be unaware of the dangers posed by unexpected traffic. With visibility often obscured by vegetation and blind corners it can be difficult for pedestrians to get out of the way of cars quickly enough as the steep banks and lack of any verge make it impossible to step off the narrow driveway.

See traffic assessment by Bullard Associates

Two options for the alternative route are viable

Option 1. Follow the existing right-of-way from Little Sutton Hoo to Little Haugh and then turn uphill towards the Sutton Hoo site. At the top of the rise walkers have the choice of entering the unique environment of the site itself, by the official entrance, and so visiting the ship burial, Tranmer House and exhibition centre. Whether or not walkers choose to experience the Sutton Hoo site they can continue along the right-of-way to the public highway and then, by way of tarmacked footpath, down the hill to Wilford Bridge

Option 2. Follow the existing right-of-way from Little Sutton Hoo to Little Haugh and then turn uphill towards the Sutton Hoo site. After a short distance turn left and follow the new River View Walk, recently opened by the National Trust and then onwards to the National Trust's Pinewood Walk. From here the proposed route is for a short stretch

of new path along or close to the top edge of the woodland belt. This, running broadly parallel to the lower drive and allowing sweeping views of the upper estuary, would then continue down the bank, by way of shallow steps or a graded ramp, to the B1083 near the Wilford roundabout - a short distance to the river crossing point at Wilford Bridge.

The Deben Estuary Partnership consider that the option 2 route provides an opportunity to deliver many benefits for modest expenditure. It allows walkers the opportunity to reach an historic site, it delivers the substantial advantage of providing a safe route for site visitors walking up from Melton train station to Sutton Hoo, it offers some of the finest views across the upper estuary (as opposed to the enclosed bottom drive) and it prevents the significant disturbance and disruption likely to residents living at the entrance to the private drive.

Alternative Route – Wilford Bridge to Felixstowe Ferry

Note: there is a substantive increase in both consented and earmarked housing development within easy reach of the river. See appendix A. In addition documentation supporting the revised Local Plan indicates the wide area from which people will come to visit the estuary.

Wilford Bridge to Kyson Point

A popular, well used existing right-of-way follows the edge of the estuary from Wilford Bridge, along the Melton and Woodbridge waterfronts, to Kyson Point

From Melton to Woodbridge there are uninterrupted views across the river to the quiet, wooded Sutton shore. Wide mudflats provide a feeding ground for wildfowl and waders. At Woodbridge Quay the white weatherboard malting buildings and historic Tide Mill are distinctive.

Between Woodbridge and Kyson Point the waterfront path, which runs along the flood defence wall, is a favourite place for local residents and a growing number of visitors to enjoy the riverside and access water-based recreational activities. It is wide and well surfaced and therefore easily accessible for disabled visitors and wheelchair users. Further towards Kyson Point the path is a favoured route for dog walkers.

Kyson Point to Martlesham Creek

At the end of the flood wall and surfaced walkway, as the path rounds the point it dips down to the mudflats where it may be breached by high tides.

Past the point the right-of-way follows the river wall to the head of Martlesham Creek. On the south bank two paths offer routes either close to the water or up the steep, wooded valley side to the Quiet Lane above the creek.

Martlesham Creek to Waldringfield

Two substantial breaches in the river wall to the north and south of Waldringfield, break the route of the riverside right-of-way. In both instances the breach in the wall has widened over time and the constant incursion of tidal waters has resulted in the creation of sheltered lagoons, extensive saltmarsh and reed beds. These quiet and undisturbed habitats have now become key areas for wildlife. The breach site north of Waldringfield is attracting a

range of birds including black tailed godwit (red listed species) redshank, shelduck and, in the winter, dark bellied Brent geese. Whorl snails are likely to be found on the wall towards the Martlesham breach.

[redacted] and [redacted]; The River Deben Estuary – Ornithological Importance and Status for Water Birds

Any ideas of closing these breaches and reinstating the wall and path are not viable – costs would be prohibitive and the resulting destruction of habitat detrimental to wildlife.

The Deben Estuary Partnership is not convinced of the merit of creating new paths in quiet and undisturbed areas of the estuary solely to contrive a route round a breach in the river wall which is a little closer to the riverside than an existing right-of-way or Quiet Lane. New routes will bring growing numbers of walkers (and cyclists) into areas which are recognised as important for wildlife. Ultimately this is likely to undermine the quiet and tranquil nature of the estuary – the very feature which gives this part of the Suffolk coast its special quality and the reason many visitors return to the estuary.

With the level of planned housing development in Martlesham the need to manage and mitigate disturbance is recognised through the Local Planning Authority's emerging Recreational Avoidance and Management Strategy.

To continue down the estuary any walking route between Martlesham and Waldringfield must turn away from the water and follow a route, above the estuary, where there are only glimpses of the river and flooded lagoons.

Martlesham Creek to Waldringfield

From the end of Martlesham Creek existing rights-of-way form part of a network of paths which cross the coastal grazing marsh. Turning inland they join an approved and formally designated Quiet Lane which winds to the edge of Waldringfield. Along the lane there are occasional views of the river and the lagoons behind the breached river wall.

Note: Quiet Lanes are a Countryside Agency initiative which has the support of the Department for Transport. Quiet Lanes are minor rural roads which are appropriate for shared use by walkers, cyclists, horse riders and motorised users.

At the edge of Waldringfield village a narrow road leads down towards the river and provides access to a right-of-way which re-joins an enhanced stretch of river wall south of the breach. The river wall skirts a small nature reserve and passes a saltmarsh regeneration scheme before reaching the Waldringfield riverside.

Waldringfield to Hemley

A riverside pub offers refreshment and a narrow beach, sheltered by a low, wooded cliff, provides an increasingly popular destination for summer visitors.

South of Waldringfield the second breach in the river wall interrupts the route of the original right-of-way. On the landward side of the degraded flood defence wall there is now an extensive area of channels, saltmarsh and reed beds which mean that the walking route must leave the immediate riverside.

Using existing rights-of-way an alternative route leaves the side of the estuary beyond the

Waldringfield sailing club. Passing White Hall and Hemley Hall the path takes a route across higher ground before joining a narrow lane on the edge of Hemley village. Many places along this route provide panoramic views of the river as far as the sea.

Hemley to Felixstowe Ferry

Passing the church two routes return to the riverside where they join to round Kirton Creek. The right-of-way continues to Felixstowe Ferry along a well maintained flood defence wall which protects the wide coastal levels, now largely arable land. Views of the estuary mouth and open sea beyond are uninterrupted and the path ends on reaching the Felixstowe Ferry boat yard.

Nearer to Felixstowe Ferry the path is well used by visitors and local residents - often dog walking and sometimes cycling. With the increase in housing development planned for Felixstowe and surrounding villages (*ref. Local Plan – Felixstowe garden suburb*) this path will see a substantial increase in users.

Deben Estuary Partnership – May 2019

Appendix A

Impact on the Deben Estuary area – recent / proposed development sites above 5 dwellings – both consented and allocated housing development sites.

North and east Felixstowe				
	Cliff Road	9		
	Conway Close	150		
	Brackenbury	80		
	Garden Neighbourhood	2000		
Trimleys	Trimly St Martin	150		
	Howlett Way	360		
Kirton	Bucklesham Road	12		
	Falkenham Road	43		
Martlesham	Brightwell Lakes	2000		
	Land south of Main Road	180		
	Police HQ	300		
Woodbridge	Whisstocks	14		
	Nottcutts garden centre land	95		
	Quayside Mill	11		
	Melton Hill	100		
	Town football club	120		

Melton	Woods lane	180		
	Potash Lane , off Woods Lane	11		
	Deben Mill	33		
	Pytches Road	10		
	Old Malting Approach	10		
			5,868	