

Coastal Access – Isle of Wight – Wootton Bridge to the Medina



Representations on IOW 6: Colwell Chine to Hamstead Point and Natural England's comments

October 2023

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1. Introduction

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

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

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

2. Background

Natural England's compendium of reports setting out its proposals for improved access to the coast from Wootton Bridge to the Medina was submitted to the Secretary of State on 18 March 2020. This began an eight week period during which representations and objections about each constituent report could be made. Due to disruptions caused by COVID-19, the eight-week consultation period was extended to twelve weeks and ended on 9th June 2020.

In relation to the report for Colwell Chine to Hamstead Point, Natural England received thirty-five (35) representations, of which nine (9) were made by organisations or individuals whose representations must be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These 'full' representations are reproduced in Section 3 of this document together with Natural England's comments where relevant.

As required by the legislation this document also summarises and, where relevant, comments on the twenty-six (26) representations submitted by other individuals or organisations, referred to here as 'other' representations. Of those twenty-six (26) 'other' representations, twenty (20), contain similar or identical points. Natural England's comments on 'other' representations are set out in two parts:

1. The recurring themes in the twenty (20) 'other' representations have been summarised in section 4 as two (2) points, each with our comments on them.
2. Any of the same 'other' representations that make other, non-common points are then commented on separately in section 5 alongside any remaining 'other' representations.

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

Further representations were received from [redacted] and [redacted] after the period of eight weeks beginning with the date on which the report was first advertised on Natural England's website. In compliance with Regulation 4(4) of the Coastal Access Reports (Consideration and Modification Procedure) (England) Regulations 2010 these representations have not been considered or passed on/summarised.

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

Representation number:	MCA/IOW6/R/11/IOW3854
Organisation/ person making representation:	[redacted]
Route section(s) specific to this representation:	IOW 6
Other reports within stretch to which this representation also relates:	N/A
Representation in full	
Representations numbered 6.1 to 6.8 expressing support for the proposed route and highlighting where national trail standards can be achieved	
Natural England's comments	
<u>Support for the route</u>	
<p>We welcome the positive engagement from [redacted] during the development of our proposals and the supportive comments made by [redacted].</p> <p>6.3 “[redacted] support this proposal, we highlight that for trip hazard safety reasons surface improvements will be needed along revetment S052”</p> <p>Since Natural England’s (NE’s) proposals were first published, we have reinvestigated the infrastructure along the revetment. At time of establishment, we will be clearing vegetation along IOW-6-S051 to widen the path and if possible, we will either install a boardwalk or surface aggregates along IOW-6-S052.</p> <p>6.4 “The south side of the A3054 provides a paved path set back from the road”</p> <p>Natural England’s proposed route is the exact same alignment as that proposed by [redacted].</p> <p>6.5 “Viable route available set back from road using recreation ground and field”</p> <p>We appreciate [redacted] suggestion to align the route in this location as this route would offer additional green space for walkers to use. The proposed route follows the existing Isle of Wight Coast Path and offers a safe and clear continuous route in line with para 4.3.2 of the Coastal Access Scheme. As no additional sea views would be gained from [redacted]’s suggested route, the benefits of aligning the route here do not outweigh the benefits of NE’s proposed alignment.</p>	
Relevant appended documents (see section 6):	
Annex 1: [redacted] Supporting Document, IOW 6	

Representation number:	MCA/IOW6/R/12/IOW3854
Organisation/ person making representation:	[redacted]
Route section(s) specific to this representation:	IOW-6-S001 to IOW-6-S013
Other reports within stretch to which this representation also relates:	N/A
Representation in full	

[redacted] propose a truly Coastal Path that continues to pass through Linstone Holiday Village and follows the historic cliff top route to the north and south of the holiday village. Full details in Key Issue Paper 6A

Natural England's comments

Natural England Route proposals Part 1 Colwell Chine to Holiday Park

"The high tide line reaches the base of a steep clay bank subject to frequent land slips. On Nat. Eng.'s map the path is depicted along the edge of this clay bank. Walking a length of beach below such a bank can only be confidently planned at or close to low tide. Based on local experience the beach route would only be practically available about 30% of the time."

The main alignment (beach route IOW-6-S001 to IOW-6-S008) is to be used only during low tide, where walkers will be able to access a wider range of the beach and walk where they wish to. The Optional Alternative (OA) route is to be used when the tide is high. The alignment is mapped in a way so that the route is 4m wide, there is a 2m width each side from the centre of the path. The landward coastal margin here is to the 'landward edge of beach', therefore that is why it looks like the path is aligned close to the coastal slope.

"It will be necessary to reinstate the path over the top of the sea defences leading to the steps planned at the far end."

It would not be practical to align the England Coast Path (ECP) over the rock armour at IOW-6-S003 and part of IOW-6-S004 when there is a well-used access route along the beach seaward of the coastal defence. It would also be very costly, and it is highly unlikely that the Environment Agency would agree to any sort of surfacing infrastructure on top of the sea defence. The trail surface guidance from the National trail standards suggests that "Artificial surfacing is minimised outside urban areas, and where used should:

- be well-managed, sustainable and sympathetic to the landscape;
- use natural materials, locally and sustainably sourced."

"The first part of the beach after the concrete promenade and below this defence comprises slime covered rocks which would not be suitable as a beach route."

The algae found on the rocks are a naturally occurring feature of the coastal environment and is part of the beauty and enjoyment of walking on the beach. The proposed route on the beach is very popular with locals and tourists, and it's great for walkers to experience a mixture of different habitats on the island; it would be a shame to exclude it. It is also worth noting that in the winter the beach is going to have less sediment (more rock exposure) due to destructive waves. The sand will gradually build back up over the summer months with constructive waves (less rock exposure). In terms of suitability, it's a beach so people need to use their judgement about their capability to walk in a non-urbanised environment. Like any walk or walking on a beach, you do so at your own risk. Not every walk is going to be suitable for 100% of the population and some will be more mobile than others. If members of the public don't feel like they can walk on the beach, they will have the choice to walk on the OA (as it is already publicly accessible at all times because it is public highway/footpath) or to remain on the seawall.

"Following recent storms, the concrete slipway providing access up Brambles Chine from the beach is currently disintegrating and closed. The scheme currently proposes a set of wooden steps up to this slipway. Considerably more work would now be required to access Brambles Chine."

Natural England and the Isle of Wight Council have worked very closely over the last three years discussing the issues related to Brambles Chine slipway. Natural England's initial proposals identified the need for steps on the south side of the slipway. The slipway did not belong to the Isle of Wight Council and was privately owned. Public Footpath F13 uses the slipway to provide access to the beach for locals, tourists, and the residents of Linstone Chine Holiday Park.

Managing access onto the beach at Brambles Chine became more and more challenging due to the changing beach levels, the step off the end of the slipway was now very difficult to use as there was a significant drop, with attempts by the Council to provide temporary steps off the northside of the slipway (annex 3). The Council also tried to confine users to the centre of the slipway by installing metal railings, as the wave action was undermining the sides. The temporary steps had often been lost due to storm and wave action as they were placed at right angles to the exerted force. After storm Eunice the Council closed the Public Footpath as the slipway had been undermined to such an extent that the structure was no longer safe for the footpath to pass over and now be beyond repair.

Reflecting the importance of access at this location and safety of walkers, the Isle of Wight Council and Natural England began having conversations with the landowner, colleagues within the Council and at Natural England and [redacted] at Linstone Chine Management Company. The added complication was that any works to the slipway would require assents, consents, and a marine licence due to the environmental designations (Needles MCZ, SAC, SPA and SSSI). We discussed the following two options with Natural England geomorphological specialists:

- 1) The top of the slipway is demolished on site to prevent its use. The materials are left in situ on the beach and a set of free-standing steps is constructed to connect to the remaining concrete apron at the top of the slipway.
- 2) The slipway is left as is and a set of free-standing steps are built running parallel to the south side of the slipway with a small area of bank on the top of the cliff levelled out to allow the path to then connect to the concrete trackway around 5 metres back from the cliff edge.

All parties agreed that the best solution was for the demolition of the current slipway with materials left on the beach (not at the base of the cliff, to maintain unimpeded access to the geological features of the cliff) to act as additional rock armour protection and for a set of free-standing steps to then be built from the beach to the remaining concrete apron on the cliff top. The footpath reopened in [April 2023](#).

IOW [redacted] proposed truly coastal main CP route Part 1

“This is a viable main CP route following the coastline, it avoids an inland diversion along the A3054, the main road used by cars and coaches visiting Alum Bay and the Needles. Due to the pavement configuration along this stretch of highway, walkers using the current CP need to cross the road twice.”

The route proposed by [redacted] is NE’s Optional Alternative route which largely follows the existing Isle of Wight Coast Path and is to be used only at high tide. The route along IOW-6-OA004, IOW-6-OA006 and IOW-6-OA008 are aligned on a pavement with drop kerbs at the road crossings. Island Roads conducted a Highways Assessment on Madeira Lane as this section of the route (IOW-6-OA003) is on an unlit private road. The conclusion was that as the *speed and volume of traffic using this road and the frequency of step offs, it is considered that this section of the route is acceptable without any further intervention.*

Natural England opted for their proposed route because (A & B) – 6.3.3 Other Options IOW 6a

A

Natural England’s proposed ordinary route (IOW-6-S001 to IOW-6-S008) uses existing access along the beach which we believe is more enjoyable for the walker, as it’s closer to the sea and fossilised shells can be seen in the cliff slope. We don’t believe the route proposed by [redacted] is the most convenient route along the coast as it would require creating a new entry point on the cliff slope which is designated as a SSSI. While there is less concern for any terrestrial ecology for this SSSI, the geological features would require a specialist geological consultants’ assessment before any infrastructure works could be considered. It would also require consulting the Environment Agency as it could impact the coastal defence below and we would also need to request a marine license from the Marine Management Organisation due to the nearby marine designations (MCZ, SPA, SAC). To proceed with the slipway demolition and the installation of the new steps at Brambles Chine, this took around a year to obtain the requisite licences and consents. It is also worth noting that there was already

existing access and infrastructure at that location, and we were granted SSSI assent because demolishing the slipway would benefit the SSSI feature.

Although Natural England's proposed route can only be accessed at low tide, it would be a great shame for walkers to not have the opportunity to walk along the beach. [redacted] route requires significant new infrastructure to make it viable. This is not a good use of the public purse given that NE's route is ready to go and, we think, provides a superior recreational experience. [redacted] mention "the SSSI at this point is classified as in decline and in practise is redundant". This is not good rationale for aligning a path over a SSSI. The presence of vegetation does not mean that the geological interest is permanently destroyed, NE's intention would be to restore the feature to favourable condition. However, if a route was built on top of the geological feature, it would effectively destroy it as the feature would be permanently covered. This would not be acceptable when there is a viable route that does not damage the SSSI.

B

Although [redacted] have correctly pointed out that the *'the trail may cross land grazed by horses or ponies if it is the most convenient route along the coast.'*, Natural England does not agree that [redacted]'s suggested route is the most convenient. The route is not feasible as it's a working yard with a patchwork of rotational grazing paddocks for ponies and horses which are often separated by moveable electric fences. It would be difficult to create a path here without disrupting the horses and the owners, as well as the privacy for the neighbouring holiday bungalows at Brambles Farm. We believe the beach offers more for walkers in terms of recreational value and it is already available to the public.

Natural England opted for their proposed route because (C, D & E) – 6.3.3 Other Options IOW 6a

C, D and E

Natural England and the Council met with Linstone Chine Management Company (LCMC) in June 2021 to inspect Brambles Chine slipway and to discuss the proposed ECP route and possible alternatives should the slipway fail. We reengaged with the holiday park owing to several representations, including [redacted] and the Council. The Council were concerned over the ability to ensure the steps leading onto the slipway structure remained in situ for the required 5-year period for the ECP infrastructure investment based on the experience of the existing steps on the northern side. The Council were also concerned over the safety and longevity of the slipway which was not in their ownership (this was before it was decided to demolish the slipway and create the new steps). It had been offered by the current landowners to both the Council and LCMC to take ownership but the liability and risk implications of this were undesirable for both organisations.

We walked and discussed several routes through the holiday park (see annex 4). All the unit owners on the holiday park are members of the LCMC, have voting rights and shared interest and responsibilities for the site and its management. Owners can bring their own dogs on site which are to be kept on leads. Rentals are not allowed to bring dogs with them. Each unit has its own immediate curtilage, there are planted areas and wider green spaces between blocks of units and then larger greenspace with a small golf course with an area of scrub/gorse/heath between Brambles Chine and Cliff End which includes some of the golf tees; an outdoor fitness course and a series of winding paths connecting between the two areas of accommodation units. There is also a children's playground area on the site. Close to Monks Lane there are some underground wastewater storage tanks and associated pumping equipment. LCMC were not in favour of a route through their site for the following reasons:

- Loss of privacy for residents
- Risk of crime through having public on site in terms of damage to premises and risk to children using the site. Currently the 'private' status of the site is seen as part of its appeal/USP
- Concern over attempts at high tide to find a route through the site if walkers have used a section from Monks Lane and get to the cliff to see no way along the beach

In the past, LCMC has carried out improvements to the cliff slope path for their residents (picture of steps in annex 4) but were subject to a planning enforcement action requiring their removal as they were

installed without consent and the cliff is within the Colwell Bay SSSI. Natural England's specialist colleagues also expressed their concerns over having the ECP use this route due to the SSSI geological designated features. It is also worth noting that this is the entry route proposed in the Council's rep MCA/IOW6/R/19/IOW0145 (X on map 6.2).

In conclusion, the alternative routes that we suggested to LCMC still did not feel suitable and have any extra recreational benefit for the public. We thank [redacted] for their proposed route; however, Natural England considers that our proposals, along with the recent infrastructure improvements that we have jointly implemented with partners, offers the most convenient route to walkers without affecting the business of Linstone Chine Management Company and the residents of the holiday park. As such Natural England will not be amending the route here.

Relevant appended documents (see section 6):

- Annex 2: [redacted] Key Issue Paper 6A – Colwell to Linstone Chine
- Annex 3: Natural England's pictures of Brambles Chine slipway 2021-2023
- Annex 4: Proposals for alternative options through Linstone Chine Holiday Park

Representation number:	MCA/IOW6/R/13/IOW3854
Organisation/ person making representation:	[redacted]
Route section(s) specific to this representation:	IOW-6-S081 to IOW-6-S085
Other reports within stretch to which this representation also relates:	N/A

Representation in full

Ramblers Key Issue Paper 6F proposes a route along existing paths through Gully Copse and woodland/field edges which provides access to a stretch of beach and views across the Solent. It also avoids the trail passing through Hamstead working farm.

Natural England's comments

The route proposed by [redacted] follows the PRoW leading off from IOW-6-S080 through Gully Copse and to the sea. There is a dead end and we do not tend to route the ECP so walkers have to go back on themselves. Under our proposals the PROW remains in place and available to the public who will be able to use it to access the shoreline or the coastal margin if they desire.

The coastal slope along Hamstead Cliffs is slipping due to coastal erosion and it would be unsafe and unviable to route the path here. It is also worth noting that the route through Gully Copse is extremely muddy when wet. The infrastructure required would not be feasible and the proposed route provides limited coastal views.

Our route offers the most convenient route to walkers, elevated sea views (annex 6), is more direct and less convoluted, and follows the existing Isle of Wight Coast Path. As such Natural England does not agree with the proposal to amend the route here.

Relevant appended documents (see section 6):

- Annex 5: [redacted] Key Issue Paper 6F – Hamstead Gully Copse
- Annex 6: Sea views through Hamstead

Representation number:	MCA/IOW6/R/18/IOW0145
Organisation/ person making representation:	[redacted]
Route section(s) specific to this representation:	IOW-6-S008, IOW-6-S015 to IOW-6-S024 and IOW-6-S047 to IOW-6-S054
Other reports within stretch to which this representation also relates:	N/A
Representation in full	
<p>Context/Introduction: The purpose of the following representations is for [redacted] to highlight an existing problem with the proposed route and to confirm [redacted] support for particular sections:</p> <p>Map 6A: Colwell Chine to Cliff End Battery: IOW-6-S008 (Brambles Chine slipway): The slipway was damaged by winter storms in 2019/20 and the sides have been scoured by the sea and the slipway undermined. At the point of implementation, the proposed steps from the beach onto the slipway will need to be reassessed to take account of the damage and this is likely to result in additional cost. [redacted] requires confirmation from Natural England that reassessment and additional funding will be forthcoming for this purpose.</p> <p>Map 6B: Cliff End Battery to Norton Spit: IOW-6-S015 to S024 (Fort Victoria): [redacted] fully supports this stretch of the route as it will comply with the aim of the scheme to secure a coastal route following the periphery of the coast with views of the sea. In fact, the sea views from the Fort are fantastic. The public will also be able to experience the Fort and its history as well as stopping for the amenities which it offers.</p> <p>Maps IOW 6C and 6D Norton Spit to Bouldnor and Bouldnor to Bouldnor Copse: IOW-6-S047 to S054 (Yarmouth to Bouldnor sea wall): [redacted] fully supports the England Coast Path route following the sea wall between the Common at Yarmouth and the view point car park at Bouldnor together with the funded infrastructure works providing a National Trail compliant surface at the eastern section of the sea wall. Fantastic sea views will be available from this section which will formalise public access and comply with the provisions of the Marine and Coastal Access Act 2009.</p>	
Natural England's comments	
<p>Natural England welcomes [redacted]'s supportive comments. This part of the representation referring to the slipway has now been withdrawn from [redacted] after confirmation from Natural England that all reasonable works to bring the path up to standard will be funded at the time of implementation. Please see the appended email in section 6 (annex 7) from the IOW Council confirming this.</p>	
Relevant appended documents (see section 6):	
Annex 7: Email from [redacted] regarding confirmation of representation withdrawal for 6.1	

Representation number:	MCA/IOW6/R/19/IOW0145
Organisation/ person making representation:	[redacted]
Route section(s) specific to this representation:	IOW-6-S008 to IOW-6-S011
Other reports within stretch to which this representation also relates:	N/A

Representation in full

This representation by the [redacted] focuses on what it considers to be non-compliance by Natural England in fulfilling its duty set out in section 297(2) of the Marine and Coastal Access Act 2009 (2009 Act) to ensure that the route of the trail adheres to the periphery of the coast and provides views of the sea.

Section 4.5.1 of the “Coastal Access – Natural England’s Approved Scheme, 2013 (NE446)” (Approved Scheme) makes it very clear that the route should be close to the sea otherwise it would fail in its primary purpose to enable people to enjoy the coast of England.

The proposed route is along narrow inland roads without pavements/footways including through an urban holiday complex so does not therefore comply with the above provisions. However, [redacted] considers that this route would be acceptable as a continuation of the alternative “high tide” route OA001 to OA011 providing the main route S0001 to S0007 continued north along a perfectly walkable shore, proceeding up the coastal slope and then through unused scrub land to join section S012 (please see attached map (ref. 6.2) and annotated photographs 6.2 (1) to (3)).

There are two fields north of Linstone Chine Holiday Park (please see map 6.2 and the fields marked A and B thereon). Field A is used by the residents and visitors of the Holiday Park and maintained for sport and recreation and [redacted] therefore acknowledges that a route through this area would adversely affect privacy, security and enjoyment of the area by residents and guests. However, field B is scrub land and does not appear to be used for any purpose directly associated with Linstone Chine Holiday Park and is not maintained for sport or recreation. Accordingly, a trail through this area will not pose any safety, security or privacy issues for the holiday park owners and occupiers. A route here would provide the public with a coastal route with sea views which, unlike a road shared with traffic, is completely safe and convenient. Utilisation of this land for the England Coast Path trail would therefore be striking a fair balance between the interests of the public in having rights of access over coastal land and the interests of the owners and occupiers of the land.

Section 4.7.1 of the Approved Scheme provides that where there is an existing national trail along the coast - or another clear walked line along the coast, whatever its status, Natural England will normally propose or adopt it as the line for the England Coast Path so long as it is safe and practicable for public use, it can be used at all times, and the alignment makes sense....

This provision has not been adopted by Natural England: at point X on map 6.2 is an existing but informal track in the coastal slope connecting the beach and field (B) above. In field B there are numerous existing tracks. Walking along the beach from Colwell Chine to this track in the coastal slope and across field B is already a popular route for the public, a route which should now be formalised due to it meeting the criteria set out in the 2009 Act.

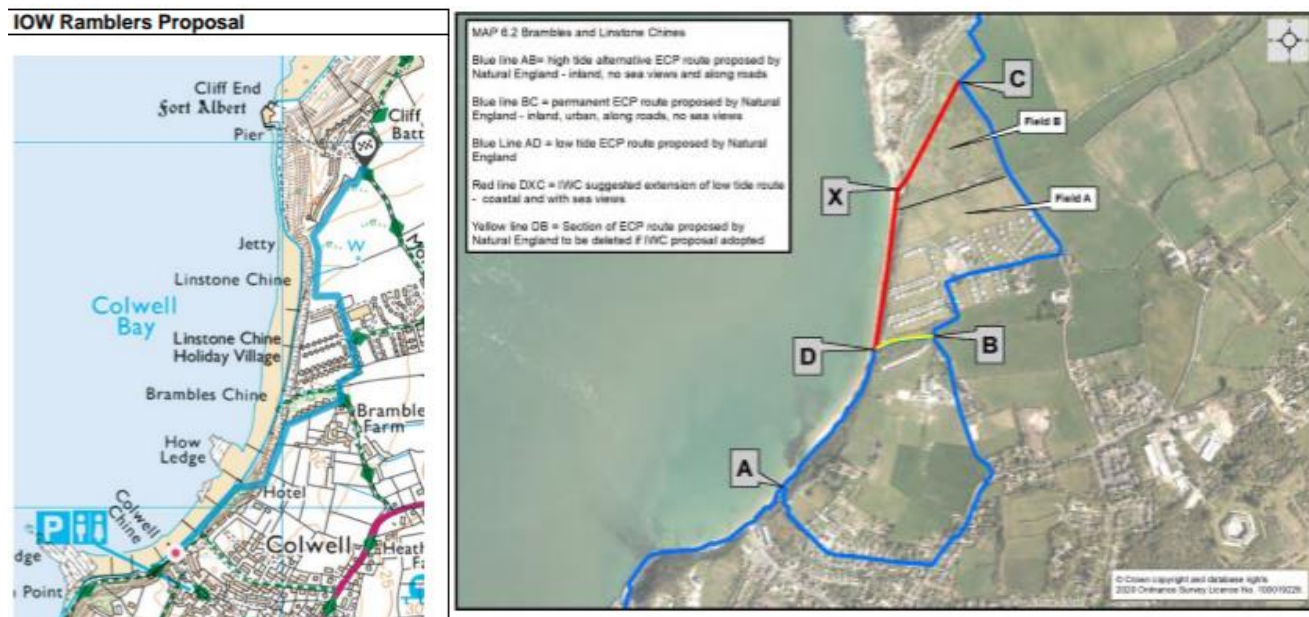
[redacted] objects to the route proposed by Natural England and requests that it be revised to follow the main and alternative routes proposed by [redacted] shown on map 6.2, as these fulfil the primary purpose of the 2009 Act, including compliance with the “striking a fair balance” test.

Natural England’s comments

Whilst the Approved Scheme recognises the desirability of sticking to the periphery of the coast where practicable, in line with the steer in section 297(2)(b) of the 2009 Act, it does contemplate scenarios such as this one at paragraph 4.5.4 where it says, “Significant detours from the periphery of the coast may occasionally be necessary in order to take account of other uses of the land, or of wildlife sensitivities”. In this case it was not possible to find a truly coastal alignment.

[redacted] suggest that the ECP could be aligned along the beach in front of the holiday park before using an existing but informal track (annex 8- at point X on map 6.2) in the coastal slope connecting the beach and Field B. We can’t access field B from point X on the beach as the coastal slope is designated

as a geological SSSI and the route through field B is identical to the one investigated as described in [redacted] rep.



For further information on why we have decided not to amend our proposals at Linstone Chine, including why we consider [redacted]’s suggested route not to be viable, please see Natural England’s response to the [redacted] representation MCA/IOW6/R/12/IOW3854.

Relevant appended documents (see section 6):

Annex 8: Map 6.2 and photographs 6.2 (1) to (3)

Representation number:	MCA/IOW6/R/20/IOW0145
Organisation/ person making representation:	[redacted]
Route section(s) specific to this representation:	IOW-6-S080 to IOW-6-S085
Other reports within stretch to which this representation also relates:	N/A

Representation in full

[redacted] Representation (site specific Hamstead):

This representation by [redacted] focuses on the non-compliance by Natural England to fulfil the primary aim of the scheme that the route should follow the periphery of the coast and provide sea views (a duty placed upon it by section 297(2) of the Marine and Coastal Access Act 2009 (2009 Act)).

Section 4.5.1 of the “Coastal Access – Natural England’s Approved Scheme, 2013 (NE446)” (Approved Scheme) makes it very clear that the route should be close to the sea otherwise it would fail in its primary purpose to enable people to enjoy the coast of England.

The proposed route fails to follow the periphery of the coast. An alternative route utilising an existing public right of way recorded on the Definitive Map as S2 (providing access to the shore), then returning on existing track through a copse and then passing through a field, would provide a route closer to and following the periphery of the coast. Instead, the proposed route is inland and passes through a farm

without any coastal atmosphere or sea views. This route, running through a working farm and passing private residences, will be less enjoyable and safe for the public than the alternative proposed by [redacted].

[redacted] objects to the proposed route for the reasons stated above and requests that a route complying with the provisions of the 2009 Act be used (as shown on the attached map (ref. 6.3)).

Natural England’s comments

This representation has now been withdrawn from [redacted] after further discussion with Natural England. Please see the appended email in section 6 (annex 9) from the IOW Council confirming this.

Relevant appended documents (see section 6):

Annex 9: Email from [redacted] regarding confirmation of representation withdrawal for 6.3

Representation number:	MCA/IOW Stretch/R/1/IOW3910
Organisation/ person making representation:	[redacted] [redacted], a partnership comprising of the fifteen Solent local authorities (some of whom are themselves in the “full” category as Access Authorities), Natural England, the Royal Society for the Protection of Birds, the Hampshire & Isle of Wight Wildlife Trust, and Chichester Harbour Conservancy. The Partnership for South Hampshire provide political governance for the Solent Recreation Mitigation Partnership. This response is submitted with their support and backing, as such we are treating it as a “full” representation.
Route section(s) specific to this representation:	Whole Stretch
Other reports within stretch to which this representation also relates:	All reports

Representation in full.

As representatives of the [redacted], we welcome the concept of the England Coast Path as something of value to local people and residents, but we have some real concerns that we would like addressing.

We recognise and thank you for your timely and inclusive approach to engaging with us during the development of a route for the ECP. As you are aware those parts of [redacted] being identified as a potential route for the ECP are covered also by our mitigation programme, identified in our Strategy which was formally adopted by PUSH in December 2017 and replaces the interim Strategy we had been operating under since 2014.

We acknowledge the ECP team have consulted with us and hope that the ECP team have benefitted from [redacted]’ local knowledge and ecological expertise. We understand that this input has formed part of the evidence to define a route which does not lead to additional impacts on the [redacted]’s SPA birds and their habitats. We appreciate that the proposed ECP route will need to satisfy the Habitats Regulations and that avoidance and mitigation may be required for the chosen route. This is in the same way that [redacted] is a response to allowing development to proceed in satisfaction of those same regulations.

There are two specific areas of concern that have been expressed by partners that could potentially create conflict between the objectives of the two initiatives, outlined below.

Increased Visitor Numbers

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

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

Mapping of Spreading Zone

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

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

Whilst it is understood that exceptions to the spreading zone will be sign posted on the ground and listed on NE's website, enforcement of these would seem to fall to the landowner/occupier. If it is not possible to depict the spreading zone for the ECP accurately on Ordnance Survey maps, we would urge NE to reconsider its inclusion on the map entirely.

We are therefore seeking assurance from you about these two concerns in particular, rather than the more general issues you are already aware of and will be incorporating into the Access & Sensitive Features Appraisal.

Natural England's comments

Increased visitor numbers

We understand the disturbance pressure affecting the Solent SPAs as a result of increasing demand for places to recreate from a growing population. Improving provision for walking, and particularly high quality, well maintained and promoted routes is one of a number of positive ways of managing demand.

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

Our programme to establish the England Coast Path is complementary to the Partnership's strategy; it seeks to enable responsible access to the Solent coast and inform visitors about the ecological sensitivities. Through meetings and a series of workshops we have developed our proposals in close liaison with Bird Aware Solent and have fully considered the Bird Aware Solent evidence base and both the interim and definitive mitigation strategy. A key feature of the Bird Aware Solent strategy is the provision of coastal rangers to educate and inform coastal visitors about the wintering bird sensitivities and how to enjoy the site, whilst avoiding disturbing the feeding and roosting birds. Our proposals for the alignment and detailed design of the Coast Path complement the work of the rangers. The definitive strategy aims to widen the range of mitigation from the interim strategy through providing on-the-ground

access management projects specific to each site, including measures such as interpretation panels. Although a definitive list of these projects has yet to be finalised, Bird Aware Solent and Natural England colleagues have liaised to identify the likely projects that would be effective to reduce recreational disturbance in the Solent based on evidence.

Representatives of the ECP team have provided updates on the proposals to Bird Aware Solent meetings. These sessions have generated useful feedback which we have used in developing our proposals.

Mapping of Spreading Zone

How coastal margin is to be mapped on the OS maps does not form part of our proposals.

The decision as to how to depict on OS 1:25,000 maps the England Coast Path and the 'coastal margin' created on approved stretches by the Access to the Countryside (Coastal Margin) (England) Order 2010 resulted from detailed discussions with the Coastal Access National Stakeholder Group. This group, representing a balance of interests including user, conservation and land manager representative organisations, considered it imperative that the route of the England Coast Path and the coastal margin should both be depicted. This decision reflected the importance afforded by the stakeholder group to acknowledge the statutory duty to establish both a 'long distance walking route' around the coast of England and to identify a margin of land within which the public will also have access, subject to what follows.

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

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

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

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

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

The new coastal access arrangements bring greater clarity on the ground about the rights of public access to coastal land.

It is in the interest of all parties that information regarding these new rights and about the new coastal margin designation is depicted accurately and consistently on OS maps, with appropriate explanation.

With regard to excepted land, the national stakeholder group acknowledged that it would not be feasible to remove the magenta wash from the myriad of excepted land parcels falling within the coastal margin. This was because even if it were practicable in a mapping sense, it would be impossible to identify all

excepted land for consistent removal. As a result, taking this approach would be misleading as people would assume because some parts of the margin were magenta-shaded and some not, the shaded areas must have access rights. By having all the coastal margin depicted on OS maps with the magenta wash it is obvious that this is not the case.

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

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

- On the Isle of Portland, because of the need for the approved route of the ECP to cut across the north east corner of the island, the mapped coastal margin includes Portland Port, the Verne prison, houses, other buildings and their curtilage.
- On the Tees estuary, the coastal margin comprises extensive areas of industry and business interspersed with brownfield sites and areas where access rights are excluded to protect wintering birds

In conclusion, we support the OS approach to identifying and explaining the status of the English Coastal Margin on their 1:25000 maps, and we are not aware of any practical problems that have arisen from it. We understand why initial concerns may arise about the approach in areas that are new to it – but the best place for site-specific messaging is on the ground, and these local messaging needs receive careful attention when we conduct our alignment and establishment phases on each stretch of coast.

Representation number:	MCA/IOW Stretch/R/8/IOW3902
Organisation/ person making representation:	[redacted] on behalf of [redacted]
Route section(s) specific to this representation:	Whole stretch – Reports 2 to 10
Other reports within stretch to which this representation also relates:	As above
Representation in full	
<p>[redacted]</p> <p>Dear Colleagues,</p> <p>Due to the Corvid 19 pandemic [redacted] were unable to hold its last Forum meeting to formulate an agreed response to the consultation process. In addition a number of key persons are currently in the shielding group (until end of June 2020) and as a consequence no site visits or consultations could take place in person.</p> <p>As a National advisory body and constituted organisation the Chairman was therefore unable to agree or steer the Forum towards "a clear and agreed line" (para 5.2.4 LAF's in England).</p> <p>However we have consistently been able to put our point across during the pre-consultation phase and have encouraged both individuals and organisations to comment at all stages.</p> <p>sincerely, [redacted] - I.W LAF Chair.</p>	
Natural England's comments	

Natural England thanks the [redacted] for its constructive engagement with the Programme during the development of these proposals

Representation ID:	MCA/IOW Stretch/R/6/IOW0016
Organisation/ person making representation:	[redacted]
Name of site:	IOW 2 - 10
Report map reference:	all
Route sections on or adjacent to the land:	all
Other reports within stretch to which this representation also relates	all

Representation in full:

[redacted] has considered the representations being submitted by [redacted]. They wish fully to support all those representations as follows:

Isle of Wight Report 2 –Overall
 Key Issue paper 2a Quarr Abbey
 Key Issue 2b Ryde House
 Key Issue 2c Bembridge Lagoons
 Key Issue 2d Bembridge Coast
 Isle of Wight Report 3 Overall, with mention of Haddons Pit
 Isle of Wight Report 4 Overall
 Isle of Wight Report 5 Overall
 Item 5.2 Freshwater Bay
 Item 5.5 Needles Viewpoint
 Item 5.7 Needles Park
 Isle of Wight Report 6 Overall
 Key Issue Paper 6A - Colwell to Linstone Chine
 Key Issue Paper 6F – Hamstead Gully Copse
 Isle of Wight Report 7 Overall
 Key Issue Paper 7C - Corfe Fields
 Key Issue Paper 7F – Newtown Ranges
 Isle of Wight Report 8 Overall
 Isle of Wight Report 9 Overall
 Report 10 Overall
 Item 10.3 Linking Northwood to the river
 Item 10.6 Riverside Field
 Item 10.13 Folly Works
 Item 10.14 Whippingham riverside
 Item 10.16 North of power station
 Item 10.17 Britannia way riverside development

Natural England's comment:

[redacted] representation concerns the whole stretch. Natural England has responded to the above parts of the representation that are relevant to the IOW 6 report ([redacted]' Items – Isle of Wight Report 6

overall, Key Issue Paper 6A - Colwell to Linstone Chine and Key Issue Paper 6F – Hamstead Gully Copse).

For our comments, please see our response above to representations:

MCA/IOW6/R/11/IOW3854

MCA/IOW6/R/12/IOW3854

MCA/IOW6/R/13/IOW3854

Relevant appended documents (see Section 6):

Annex 1: [redacted] Supporting Document, IOW 6

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

Representations containing similar or identical points	
Representation ID	Organisation/ person making representation:
MCA/IOW6/R/1/IOW0158	[redacted]
MCA/IOW6/R/4/IOW1543	[redacted]
MCA/IOW6/R/23/IOW3351	[redacted]
MCA/IOW6/R/2/IOW4107	[redacted]
MCA/IOW6/R/3/IOW4198	[redacted]
MCA/IOW6/R/14/IOW4206	[redacted]
MCA/IOW6/R/21/IOW4109	[redacted]
MCA/IOW6/R/22/IOW4109	[redacted]
MCA/IOW6/R/5/IOW4110	[redacted]
MCA/IOW6/R/27/IOW4115	[redacted]
MCA/IOW6/R/7/IOW4124	[redacted]
MCA/IOW6/R/24/IOW4128	[redacted]
MCA/IOW6/R/17/IOW4209	[redacted]
MCA/IOW6/R/28/IOW4221	[redacted]
Name of site:	[redacted]
Report map reference:	IOW 6a
Route sections on or adjacent to the land:	IOW-6-S007 to IOW-6-S0012
Other reports within stretch to which this representation also relates	N/A

Summary of point:

- [redacted] and residents support the proposed IOW 6 route
- The steps to access Brambles Chine slipway should assist walkers to follow the direction of the route by being placed on the south side of the slipway
- Signage within the holiday village should assist walkers to keep to the route
- Signage should clearly indicate “where there is no public access in all sections of the coast path”
- [redacted] are happy to actively assist and co-operate with Natural England in achieving these objectives

Natural England’s comment:*Support for the route*

We welcome the positive engagement from [redacted] during the development of our proposals and the supportive comments made by the residents of [redacted].

Brambles Chine

Due to a number of storms, particularly storm Eunice in 2023, we have worked with both [redacted] and the Isle of Wight Council to demolish the unsafe slipway and install new steps facing the cliff. The original steps were being battered by the waves and were on the wrong side of the path (annex 3). We removed the slipway so new bigger steps could be attached to the top of the slipway and facing the correct way to the waves and the direction of walkers. This provides longevity and a clear point for walkers of where to exit the beach.

Linstone Chine Holiday Park

There will be a number of fingerposts and roundels installed that will direct walkers through Linstone Chine Holiday Park. Natural England are happy to consult [redacted] for their input once we have conducted our infrastructure establishment survey. Natural England won’t be installing signage that demarks where public access is prohibited, however, [redacted] are welcome to install this signage themselves as they see fit.

Relevant appended documents (see Section 6):

Annex 3: Natural England’s pictures of Brambles Chine slipway 2021-2023

Annex 10: [redacted] letters

Representations containing similar or identical points

Representation ID	Organisation/ person making representation:
MCA/IOW6/R/8/IOW3876	[redacted]
MCA/IOW6/R/6/IOW4200	[redacted]
MCA/IOW6/R/10/IOW4205	[redacted]
MCA/IOW6/R/15/IOW4207	[redacted]
MCA/IOW6/R/16/IOW4208	[redacted]
MCA/IOW6/R/26/IOW4220	[redacted]
Name of site:	[redacted]
Report map reference:	IOW 6a

Route sections on or adjacent to the land:	IOW-6-S001 to IOW-6-S0012 including alternative route IOW-6-A001 to IOW-6-A022
Other reports within stretch to which this representation also relates	N/A
<p>Summary of point:</p> <p>Request to move the coastal path closer to the sea around Linstone Chine Holiday Park/Brambles Farm. Recommend a cliff top route (which was previously used as a walking route) accessible during all tidal states to negate the need for an Optional Alternative route.</p> <p>[redacted] also raises safety concerns over the proposed low tide beach route and the proposed alternative route as it's along a busy highway, crossing the highway twice. He recommends a route to reach an open cliff top area avoiding access through Linstone Chine Holiday Village.</p>	
<p>Natural England's comment:</p> <p>The representees suggest a route (available all year round) should be aligned up the overgrown bank from Colwell promenade, along cliff top fields through Brambles Farm and closer to the coast through Linstone Chine. Firstly, this isn't feasible as the coastal slope is designated as a geological SSSI and although its condition is 'unfavourable', this is not a viable reason to align here. Secondly, there are no PRow's along the cliff top fields by Sea View Road, but there are several grazing paddocks and holiday bungalows at Brambles Farm which would be disrupted. Thirdly, there is no additional recreational value by routing the ECP closer to the coast through Linstone Chine Holiday Park and residents were concerned with the impact on privacy and safety. The route through the Holiday Park and along Monks Lane forms part of the Isle of Wight Coast Path. For further detail on these points, please see Natural England's response to [redacted] representation MCA/IOW6/R/12/IOW3854 detailed in section 3 "Record of 'full' representations and Natural England's comments on them".</p> <p>[redacted] mentions that the low tide route involves 'surmounting groynes and a concrete slipway that needs renovating'. We are replacing both sets of wooden steps which provide access across the top end of the groynes, and the concrete slipway at Brambles Chine has now been demolished and a flight of steps installed. He also mentions that part of the shore route contains rocks covered by the tide and that due to the tide, chances of being able to use the route are quite low. As discussed in our response to the [redacted] representation above, the beach route is designed to be used only at low tide and the Optional Alternative Route (OAR) to be used at high tide. The rocks are relatively small and easy to walk over and form part of the natural features of the coastline. He goes on to mention that the OAR is along a busy highway and passes a large farm. The trail along IOW-6-OA004, IOW-6-OA006 and IOW-6-OA008 would be aligned on a pavement with drop kerbs at the road crossings. These sections, along with Madeira Lane and the route along the farm track (IOW-6-OA010), form part of the Isle of Wight Coast Path.</p> <p>[redacted] has also mentioned that the 'NE extract states: 7.11.3 The trail will not normally be aligned on sandy beaches'. However, the scheme also states that we can align "on a sandy beach where there are no other viable route options, if this offers the best 'fit'" [7.11.4 of the Coastal Access Scheme]. As per the scheme we have created an OAR and we will be installing notices warning of the tides at either end of the route.</p>	

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

Representation ID:	MCA/IOW Stretch/R/5/IOW4210
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Organisation/ person making representation:	The Disabled Ramblers
Name of site:	IOW 2 - 10
Report map reference:	all
Route sections on or adjacent to the land:	all
Other reports within stretch to which this representation also relates	all
Summary of representation:	
<p>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 even though users of mobility vehicles have the same rights of access that walkers do. Man-made structures along the England Coast Path on the Isle of Wight should not be a barrier to access for users of mobility vehicles.</p> <p>The Disabled Ramblers notes that Natural England proposes to help fulfil the Isle of Wight ROWIP ambitions with regard to replacing all stiles with gates. This is a positive step.</p> <p>Natural England states, in the <i>Overview</i> document to this stretch that they <i>have considered interrelationships between their proposals and the Isle of Wight Rights of Way Improvement Plan (IOW ROWIP)</i>. The Isle of Wight ROWIP was published in 2006, then reassessed and reviewed in 2016 and the findings published in 2018. <i>Policy C: Creating New Access</i> of this review states an objective is to make improvements to the network which benefit as wide a range of users as possible, and which address issues of accessibility for people with mobility difficulties.</p> <p>The Disabled Ramblers requests that Natural England goes further than just replacing stiles with gates and considers all types of structure along the England Coast Path on the Isle of Wight. All 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. (NB this new standard postdates the ROWIP review, so would not have been available at the time to inform the review.)</p> <p>The Disabled Ramblers also request that, as part of the preparation of the England Coast Path, all existing structures are removed and replaced if they prevent access to users of mobility vehicles.</p> <p>Suitability of all 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.</p> <p>The Disabled Ramblers requests:</p> <ul style="list-style-type: none"> • that installation of new structures should be suitable for those who use large mobility vehicles, and that comply with British Standard BS5709: 2018 Gaps Gates and Stiles. • that existing man-made structures that are a barrier to those who use mobility vehicles, should be reviewed, and where necessary removed and replaced 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 [redacted] as set in the attached document <i>Man-made Barriers and Least Restrictive Access</i>. 	

Natural England's comment:

Natural England acknowledges its duties under the Equality Act 2010 and the Countryside and Rights of Way Act 2000, and the extra responsibilities conferred by the Public Sector Equality Duty, under the former. An important element of equality law is that the needs of those with constrained or restricted mobility are taken into account 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 Isle of Wight, and, if our proposals are approved, will continue to do so through the implementation phase, working alongside Isle of Wight 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 [redacted] *Notes on Manmade Barriers* and will also be focusing on these documents as we work with the access authorities. We have limited the use of kissing gates or stiles and where possible removed barriers to access.

We also note the The Disabled Ramblers' pertinent advice regarding the larger/ all-terrain mobility vehicles and believe that there are areas of the alignment covered by Report IOW 6, that lend themselves to use by such vehicles.

Section 4.3 of the Scheme – 'Adjustments for disabled people and others with reduced mobility' guides our approach to aligning the trail to ensure that it is as inclusive as possible.

"4.3.8 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 (see section below). Where there is a choice of routes (after taking into account all the key principles in chapters 4 and 5 of the Scheme), we favour the one that is accessible to the widest range of people or most easily adapted for that purpose.

4.3.9 Throughout the trail, we avoid creating any unnecessary new barriers to access by choosing the least restrictive infrastructure that is practical in the circumstances. For example, where we install infrastructure in preparation for the introduction of the rights (or replace existing infrastructure, once it has reached the end of its useful life) we normally use:

- *gaps to cross field boundaries where livestock control is not an issue;*
- *gates rather than stiles where livestock will be present, designed to enable access by people with wheelchairs; and*
- *graded slopes rather than steps if practicable.*

4.3.10 Where appropriate, our proposals include further targeted adjustments to make the trail more accessible for people with reduced mobility. This may include improvements to the information available about those lengths of trail that are already accessible to a wide range of people. We also ask local representatives to help us identify, prioritise and design suitable and affordable physical improvements to the trail according to their local needs and the available budget. They might typically identify:

- *particular sections of trail that are well-served by public transport and visitor facilities, but have physical barriers to access for people with reduced mobility which could realistically be removed; or*
- *sections with potential to provide key strategic links through adjustments that are readily achievable.*

4.3.11 In all this, we will have regard to any concerns about making it easier in practice for people to enter land unlawfully with vehicles; the importance of conserving cultural heritage features and landscape character in the design of the trail and infrastructure; land management needs, for example the need for crossing points to be designed to prevent livestock from escaping; the costs involved; and the need for crossing points between fields to facilitate access for horse riding or cycling where there are existing rights or permissions for these activities."

Finally, the English coastline is often a rugged and challenging environment. However, there are many areas of the route on IOW 6 that are on concrete surfacing and following public rights of way that are generally suitable for use by those with reduced mobility. Nevertheless, it does also include locations where the new or retained infrastructure may restrict access to those with reduced mobility. For example

- At Brambes Chine, we have upgraded the damaged slipway with new steps. It is not possible to replace these steps with ramps due to the gradient and the sensitivity of the SSSI cliffs. However, the optional alternative route can be used instead
- The seawall between Yarmouth and Bouldnor is narrow in places and there is no scope for the widening of this path. Although, the Isle of Wight Coast Path will still be available landward
- The coastal slope going through Bouldnor Copse is narrow in places and there is no scope for the widening of this path. There is also one set of steps which are unavoidable due to the gradient
- There are kissing gates through Bouldnor Copse and Hamstead Farm which are needed due to the presence of livestock

Relevant appended documents (see Section 6):

Annex 11: [redacted] Document: *Man-made Barriers and Least Restrictive Access*

Representation ID:	MCA/IOW Stretch/R/3/IOW4199
Organisation/ person making representation:	[redacted]
Name of site:	Stretch wide
Report map reference:	All
Route sections on or adjacent to the land:	All
Other reports within stretch to which this representation also relates	All

Summary of representation:

The Isle of Wight portion of the England Coast Path (National Trail) has the potential to provide both positive and negative impacts on the designated area and the communities that live and work within the designation. [redacted] therefore believe there is sufficient reason to comment on the proposed route of the path as it impacts the purposes of the designation to conserve and enhance natural beauty.

The Isle of Wight AONB Partnership welcomes the establishment of the England Coast Path on the coast of the Isle of Wight and recognise and applaud the work of the Isle of Wight Council's Rights of Way team in their long-term promotion and maintenance of the existing Isle of Wight coastal path. The extra resources being made available to the local authority to maintain the path are particularly welcomed in the light of the reduction in funding to local authorities in recent years.

They acknowledge the difficult task that Natural England faced given the coastal erosion issues, the environmental constraints and the often-conflicting issues of land-use and public access. They also recognise that, in the light of these constraints, the vast majority of the England Coast Path National Trail makes use of existing rights of way.

Expressions of disappointment and satisfaction were discussed regarding the details of the route. It was felt that opportunities had been missed for better access to the coast notably at Norton Spit and the woodland around Quarr. It was felt that photography would have both improved the interpretation and illustrated the issues that were highlighted in the report. Recommend a fixed-point photography scheme

is established as an aid for subsequent monitoring of the effects of the proposed mitigation on the coastal environment and landscape.

With regard to the Isle of Wight AONB designation there are two specific comments for Natural England to consider:

Firstly, the apparent conflict between the provisions of the Conservation of Habitats and Species Regulations (CHSR)2017 with regard to the establishment of Solent Recreation and Mitigation Project (SRMP) and the provisions of the Marine and Coastal Access Act (MCA) 2009 and the promotion of the new England Coast Path. In the light of the Sandford principle, they would be grateful if Natural England would clarify the hierarchy of legislation that seeks to allow increased recreational pressure to Natura 2000 sites under MCA2009 whilst seeking to reduce it under CHSR2017. Natural England, in their response to the evidence used to establish the SRMP agreed that signage was inadequate to mitigate the adverse impacts to the internationally designated sites by the potential disturbance to foraging and roosting overwintering birds by people and dogs. Natural England agreed with the conclusion that the SRMP wardens would be far more effective in this regard. The representation asks therefore if Natural England's opinion has changed regarding the effectiveness of this form of mitigation and would be grateful for clarity on this issue. In any case, they recommend that, due the national importance of the AONB designation, Natural England commission an evaluation programme to determine the success of the mitigation measures outlined in the reports.

Secondly, the IWAONB, in pursuance of its objectives seek a reduction in the amount of signage and other clutter that detracts from the scenic beauty which the Coastal Path is enabling people to enjoy. In the light of the reports on the efficacy of signage noted above, we would ask that the level of required signage and associated infrastructure is reviewed.

In conclusion the provisions of the Marine and Coastal Act 2009 seem to have been satisfactorily addressed by the proposed route, given the constraints and having to consider the needs and aspirations of all parties concerned and are grateful to Natural England for the opportunity to consider and remark on the report.

Natural England's comment:

Natural England thanks [redacted] for its constructive engagement with the Programme during the development of these proposals. We note their conclusion that the provisions of the Marine and Coastal Act 2009 seem to have been satisfactorily addressed by the proposed route, given the constraints and having to consider the needs and aspirations of all parties concerned. We also note [redacted]'s feeling that opportunities were missed for better access at certain locations, such as at Quarr (IOW2) and Norton Spit (IOW6). During consultation we explained in detail the rationale for our proposals and in our final report we discuss options that were considered.

Conflicting legal duties

[redacted] suggests there is a conflict between the work of Bird Aware Solent (established as a strategic approach to mitigate possible impacts of increased demand for outdoor recreation on European sites as a consequence of planned development of over 60,000 new homes across the Solent area) and the coastal access duty (Part 9 of the Marine and Coastal Access Act 2009).

Natural England disagrees with the implication that implementing coastal access and initiatives like Bird Aware Solent are necessarily at odds with one another. The coastal access legislation recognises there are multiple interests at the coast and provides safeguards for avoiding conflicts where necessary. The 2009 Act doesn't alter the requirements of the Habitats Regulations, nor in any way prevent Natural England from fulfilling obligations to protect, conserve and restore European sites. Access management interventions delivered through the coastal access programme, will often be beneficial for conservation and help to manage existing pressures in the Solent area. The Coastal Access Scheme explains how Natural England will implement coastal access and the formal and informal access management measures available to Natural England to avoid or reduce possible impacts as necessary, for example by aligning new sections of trail away from sensitive areas, or by using the opportunity of delivering coastal access to help manage existing pressures.

[redacted] cite the Sandford Principle in their representation. The Sandford Principle can be summarised as where a National Park Authority (or AONB Conservation Board) is not able to reconcile its two statutory purposes concerning public enjoyment and conservation by skilful management, conservation should come first. This principle is given effect in s11A(2) of the Environment Act 1995, and we don't believe this specific provision is directly relevant to implementation of coastal access on the Isle of Wight. So far as the general principle is concerned, as explained above, we suggest that the 2009 Act includes adequate provisions to enable reconciliation of any conflicts with nature conservation that might arise from the coastal access duty.

We further note that ways in which building houses might lead to impacts on populations of wintering birds in the Solent area are somewhat different from those that might arise from implementing coastal access. The mechanism by which development might impact is by increasing demand for local greenspace at coastal sites in the vicinity of where development is planned. Natural England believes it is necessary for developers to contribute to improving access management at sensitive locations within easy travelling distance of new developments, and that the Bird Aware Solent initiative is an appropriate means of achieving this.

Coastal access on the other hand, is directly concerned with how access is provided. The provision of good quality, well maintained paths, designed and installed with nature conservation goals in mind, will often be a positive contribution to site management. In practice, in the Solent area, the proposed route for the Coast Path mainly follows existing paths. Where new connecting sections of route are proposed, significant impacts are usually avoided by routing away from more sensitive areas.

Efficacy of access management techniques

[redacted] goes on to ask Natural England to clarify our views on different access management techniques, and particularly installing notices compared with employing wardens. Natural England believes that both signs and wardens can be effective access management measures. We note that the effectiveness of techniques can be enhanced by having suitable strategies for their deployment. It has been shown, for example, that the effectiveness of leaflets used to promote responsible recreation in the Thames Basin and Solent areas can be enhanced by their design. We don't think it is a case of one or the other – quite the opposite, we believe that both signs and wardens can play a role in delivering effective access management, and further that they should ideally be used in combination with other techniques including manipulation of the physical environment to make certain routes more or less attractive. Recent findings about the impact of wardens in the Solent area support this view, that strategies using a mix of techniques, including signs, are likely to be more effective in achieving the best outcome overall.

Bird Aware Solent is funded through financial contributions from developers and we fully support the focus on using the resources generated to provide wardens. With coastal access on the other hand, interventions are mainly associated with improvements to paths and their associated infrastructure, including directional signage, awareness raising notices, physical barriers and screening. Through our consultation during the design stage of implementing coastal access, we make sure our proposals fit with Bird Aware Solent's site-specific projects. Also, we assess our impacts in combination with the development pressure. We believe that interventions delivered by coastal access and Bird Aware Solent may be beneficially combined with access management done by local authorities, Environment Agency, wildlife organisations and others. We hope this provides some clarification about Natural England's views on access management.

Evaluation

[redacted] further recommends that Natural England evaluates the impacts of access management interventions delivered through coastal access. We agree with this and hope that our programme evaluation will contribute to the wider evidence base concerning effective visitor management strategies. Note also that the quality standards for National Trails include ongoing monitoring of path condition and Natural England will be regularly reviewing any formal restrictions and exclusions on coastal access rights in the margin.

[redacted] recommends using fixed point photography for monitoring future changes. We will bear this in mind as a possible method to use as part of evaluation. We note also that this might be something a future trail partnership would consider supporting.

Signage:

The management of the trail and its associated infrastructure and signs will conform to the published standards for other National Trails. These standards consider the overall convenience of the trail within a design framework that uses natural surfaces such as grass wherever possible and otherwise favours the use of natural or carefully chosen artificial materials and local designs that blend well with their setting. We pay particular attention to the location, design and installation of access infrastructure on sites of conservation value (where clearance, digging and drainage works would have the potential to damage features of interest) and in other areas where specific consents are required from other authorities. As such NE has worked closely with the Council and other bodies to ensure signage is kept to a minimum but not to the detriment of users following the trail.

Representation ID:	MCA/IOW Stretch/R/2/IOW0259
Organisation/ person making representation:	[redacted]
Name of site:	Stretch wide
Report map reference:	All
Route sections on or adjacent to the land:	Specified within the supporting documentation
Other reports within stretch to which this representation also relates	All
Summary of representation:	
<p>NE should be aware that ground works that take place in the vicinity of gas infrastructure could result in personal injury or damage to the gas infrastructure. As such NE will be expected to consult with [redacted] in relation to said points of interaction and any ground works that might be required.</p> <p>[redacted] has provided a bundle of plans that show the locations of the relevant infrastructure on the IOW which is situated either on the route of in close proximity (50m).</p>	
Natural England's comment:	
<p>Natural England and the Isle of Wight Council (who will undertake the establishment works) will consult with [redacted] as necessary during the establishment phase.</p>	
Relevant appended documents (see Section 6):	
<p>There are a significant number of documents that were provided to help NE locate gas infrastructure. These have not been attached but can be provided if necessary.</p>	

Representation ID:	MCA/IOW6/R/25/IOW3866
Organisation/ person making representation:	[redacted] (agent from Lichfields acting on behalf of its client [redacted])

Name of site:	Norton Grange Coastal Village
Report map reference:	Map 6b
Route sections on or adjacent to the land:	IOW-6-S025, IOW-6-S027 to IOW-6-S028
Other reports within stretch to which this representation also relates	N/A
Summary of representation:	
[redacted] make a supportive representation for the proposed route. Also requests for discussions to take place in the event that rollback is needed	
Natural England's comment:	
Natural England welcomes [redacted]'s supportive comments. If roll-back is required in the future, Natural England will contact [redacted] to discuss a viable route.	

Representation ID:	MCA/IOW6/R/9/IOW3876
Organisation/ person making representation:	[redacted]
Name of site:	Hamstead
Report map reference:	IOW 6e and IOW 6f
Route sections on or adjacent to the land:	IOW-6-S080 to IOW-6-S084
Other reports within stretch to which this representation also relates	IOW 2, IOW 7 (Cover letter)
Summary of representation:	
[redacted] would like the route to be aligned along an existing footpath (S2) through woodland to obtain better coastal views. He then suggests using other local tracks and paths to pass through Gully Copse into open fields to the northwest of Hamstead Farm and to use those fields to bypass the farm and re-join the proposed route at north of point IOW-6-S084.	
In addition to [redacted]'s representation, he attached a cover letter with general comments on the report (attached at Annex 12).	
Natural England's comment:	
Natural England has already commented on our reasons for choosing not to align through Gully Copse in another representation. For further detail please see Natural England's response on the [redacted]	

MCA/IOW6/R/13/IOW3854 detailed in section 3 “Record of ‘full’ representations and Natural England’s comments on them”.

General comments on the report

[redacted]’s cover letter is attached to the bottom of this representation form (Annex 12).

The overview is intended to be more of a summary document. In order to make our proposals to implement the ECP, Natural England divided the 101km stretch of the Isle of Wight into 10 lengths. The lengths of each report differ as they are based on boundaries e.g., landowner, estuary, features of interest etc...The section IDs delineate a change in landowner or surface type.

The alignment criteria mentioned includes safety of the trail and sea views or feeling of being near the sea. It is not always possible to achieve all of them, but we strive to. The ‘other options considered’ table helps to clarify our reasoning for choosing our proposed routes over others.

Directions are implemented in areas to exclude or restrict coastal access rights. The purpose of directions are wide ranging and include for example public safety, land management and nature conservation. Further information regarding the reasons for Quarr Abbey’s direction can be found in the IOW 2 report. It’s not true to say that “the use of directions in certain instances appear to be to enable a certain position to be taken by NE”. We have to follow the principle of adopting the “least restrictive option” in all cases and like our alignment proposals, our direction decisions are open to formal challenge from landowners and the public.

Natural England appreciate the size of the proposals submitted and have tried to keep the process straightforward and clear to understand. There is helpful guidance adjoined to the representation form to help the public when completing the form.

Those that have sent in objections and representations will be contacted once that report is approved by the Secretary of State. The S52 notice will also appear on the gov.uk website where information regarding the nature of the objections and representations can be found.

Natural England welcomes [redacted]’s supportive comments on our approach on delivering the Coastal Access Scheme.

Relevant appended documents (see Section 6):

Annex 12: Cover letter

Representation ID:	MCA/IOW Stretch/R/7/IOW4218
Organisation/ person making representation:	[redacted]
Name of site:	Stretch Wide
Report map reference:	All
Route sections on or adjacent to the land:	All
Other reports within stretch to which this representation also relates	IOW 2, 6, 7, 8, 9 & 10 (This representation also relates to the report titled Habitats Regulations Assessment of England Coastal Path proposals between Wotton Bridge and East Cowes ferry terminal)
Summary of representation:	
<p>[redacted]' representation is set out in detail in his letter of 5th June 2020 as sent to the England Coast Path Delivery Team in Eastleigh (attached at Annex 13).</p> <p>In summary the representation is an objection to the alignment of the path and the identification and management of spreading room as [redacted] believes, in general, it does not properly consider the nature conservation issues and, specifically, it is incompatible with statutory obligations under the Habitats Regulations. The representation includes a formal complaint as to the adequacy of the Habitats Regulation Assessment and the process by which it was drafted.</p>	
Natural England's comment:	
<p>[redacted] supporting representation letter is attached to the bottom of this representation form (Annex 13). For ease of reference each point is included in Natural England's comments, alongside an extract from [redacted] document.</p> <p><u>HRA</u></p> <p><i>Habitats Regulations Assessment is faulty in a number of regards; including</i></p> <ul style="list-style-type: none"> <i>The lack of analysis as to whether the data available to the authors was adequate, which in turn results in a failure to identify and address any significant deficiencies in data. Through my professional background I am all too familiar with the inadequacy of data relating to high water wader roosts within and outside the boundary of statutory sites around the Solent together with the inadequacy of data on the character and condition of intertidal habitats that will be included in the 'spreading room', particularly higher upper-saltmarsh transitions into freshwater grasslands and estuarine woods. This is material as we know from more accessible coasts that these internationally important habitats are vulnerable to abrasion from even modest levels of recreational use.</i> <p>Our response</p> <p>In order to address the comments made in response to the consultation on the proposals for the ECP from Wootton Bridge to East Cowes, Natural England has revised and updated the Habitats Regulations Assessment (HRA). As part of the revised HRA, additional data has been sought, including from the Solent Wader and Brent Goose Strategy, British Trust for Ornithology, Bird Aware Solent and the National Trust (a full list of additional sources and references can be found in the HRA). These data give a good picture of the use of the area by wintering waterbirds, including foraging and roosting areas within and outside the Solent and Southampton Water Special Protection Area (the SPA).</p> <p>In addition to the bird data, Natural England sought the advice of an independent expert on managing walkers and their dogs. Steve Jenkinson provided informal advice on the proposals for Western Haven and Shalfleet, and a formal report on the proposals for Western Haven and Clamerkin (parts of Newtown</p>	

Harbour). This advice aided our understanding of how dog walkers are likely to use the ECP and the mitigation measures that are necessary to minimise impacts on designated nature conservation sites.

The new ornithological evidence, and advice on managing dog walkers, was fundamental to the revision of the HRA. The re-assessment of the proposals has not resulted in any changes to the published alignment of the trail, but it has led to the inclusion of some additional mitigation measures. For example, data collected by the Solent Wader and Brent Goose Strategy provided the evidence for an additional exclusion covering a terrestrial field used by wintering waterbirds near Hamstead (see section D3.2D of the HRA). Steve Jenkinson's advice led to additional measures including a restriction to require dogs to be kept on leads in the woodland at Clamerkin.

Natural England recognises the importance of the transitions from intertidal to terrestrial habitats, found particularly in Newtown Harbour, and their vulnerability to erosion from trampling. We have aligned the trail away from vulnerable areas and included mitigation measures such as fencing to keep people on the trail where necessary, e.g., at Western Haven (see section D3.2E of the HRA). An exclusion to upper saltmarsh at Walter's Copse and Clamerkin (see section D3.2H of the HRA) has also been added to address risks to saltmarsh from trampling.

- *There is a lack of data on the management regimes upon which the features of interest depend; this is material as coastal access is associated with impacts on the ability of the landowners to manage their sites, particularly relating to livestock, with unintended adverse consequences of site abandonment or the 'fencing off' of vulnerable sites.*

Our response

Natural England disagrees that there is a lack of data on the management regimes on which the features of interest depend. We have developed proposals for the ECP in consultation with landowners, which has included consideration of potential impacts on the management of that land. This is a crucial factor in meeting our duty to aim to strike a fair balance between the interests of the public in having rights of access over coastal land and the interests of the owners and occupiers of any land over which the coastal rights would be conferred.

As set out in the Coastal Access Scheme, when using the trail or associated margin, a person with a dog must keep it on a short lead in the vicinity of livestock, to prevent dogs from approaching the animals. Signage will ensure people are aware of this requirement.

Where there are grassed fields within or outside the SPA used by wintering waterbirds, management can be used to ensure a short sward that is suitable for foraging birds. This tends to be achieved by grazing. Potential impacts on this management have been considered in developing the ECP proposals, and in consultation with landowners, as follows:

- Hamstead, Newtown Harbour (IOW-7-S004): route runs through the SPA but follows the existing Isle of Wight Coast Path (IOWCP). Therefore, the trail is not likely to change any management decisions regarding grazing. (See HRA D3.2D)
- Hamstead, Newtown Harbour (IOW-7-S005): route runs through SPA, following existing IOWCP. The field seaward of the trail is used by wintering brent geese and waders so will be excluded from the margin. The landowner and manager did not consider that fencing was necessary to support the exclusion. (See HRA D3.2D)
- Western Haven, Newtown Harbour (IOW-7-S029): trail follows landward edge of the field, which is part of Newtown Estuary SSSI (but outside of the SPA). This route is closed between 1 August and 1 March to avoid significant disturbance to wintering birds. The landowner has not raised any concerns with the alignment or impacts on grazing management. (See HRA D3.2E)
- Western Haven, Newtown Harbour (IOW-7-S032): the trail (closed in winter) runs along the edge of two fields within the Newtown Estuary SSSI (but outside the SPA). These fields are not used by notified bird features and the landowner has not raised any concerns over the alignment or impacts on grazing management. (See HRA D3.2E)
- Shalfleet, Newtown Harbour (IOW-7-S048 to S051): the trail runs through grazed fields, some currently with no access, and some with permissive access. The fields are outside the designated sites and not used by SPA/SSSI birds. The trail will be fenced on the seaward side. The landowner

does not consider that the proposals will lead to a change in management, and in any case would not affect designated site features. (See HRA3.2E & F)

- Newtown (IOW-7-S071, S080, S085): the trail runs through grazed fields within the SPA, following existing well-walked routes, including the current IOWCP. Therefore, the landowner has not raised any concerns and the trail is not likely to change any management decisions regarding grazing. (See HRA D3.2G)
- Clamerkin, Newtown Harbour (IOW-7-S095 to S097). Trail runs through grazed fields outside the designated sites, and not used by SPA/SSSI birds. Part of the route is new access and part currently has permissive access. The implications of this route have been discussed extensively with the landowners. Therefore, changes in management are unlikely, and in any case would not affect designated site features. (See HRA D3.2H)
- Thorness Bay (IOW-8-S003): the trail runs through a pasture field that is outside the SPA but is used on occasion by waders. The route follows an existing PRoW, and therefore, the presence of the ECP is unlikely to prompt any change in grazing management that might affect the field's use by waders. (See HRA D2.3I)

The trail does not pass through any other SSSIs where the habitat requires management that could potentially be affected by changes in access provisions.

- *There is an absence of analysis of features included in the Annexes of the 'Birds' and 'Habitats' Directives that were not recognised at the time of designation but are present at the time of assessment. Article 6 of the Directive requires these features to be included in the assessment, as was recently clarified in the Judgement on the Holohan Case (ECJ: C 461/17).*

Our response

The CJEU judgment (Holohan and Others (C 461/17)) handed down in November 2018 stated that '*Article 6(3) of the Habitats Directive must be interpreted as meaning that an 'appropriate assessment' must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site*' (paragraph 40).

This does not mean that all species or habitats listed on the Annexes of the Birds and Habitats Directives and present on or near the European sites should be included in the assessment alongside the qualifying features, only where there are implications for the Conservation Objectives of the site.

Natural England's approach to identifying the typical species supported by Special Area of Conservation (SAC) habitats is summarised in the Supplementary Advice for each SAC Conservation Objective ('the SACO'). This advice identifies 'key structural, influential or distinctive species' for each feature and sub-feature on the basis of scientific evidence regarding their role in underpinning the structure or function of the habitat feature concerned. The revision of the HRA pays particular attention to the SACOs for the Isle of Wight SACs. Where the ECP may impact species within the SAC, and where this would have implications for the Conservation Objectives of the site, these impacts are assessed. However, the finding of the HRA is that the assessment of the likely effects on the habitats covered any likely effects on individual species or group of species using those habitats.

Similarly, the important attributes of habitats supporting the bird features of the Isle of Wight SPAs are set out in the SACOs for those sites. Where there are potential impacts on supporting habitats, which may affect the Conservation Objectives for the SPA, these are assessed, and any adverse impacts are appropriately mitigated.

For further detail, see sections B1 and D1 of the HRA.

- *The failure to identify options for the route and spreading room whereby mitigation is not required.*

Our response

Natural England has followed the approach in the Coastal Access Scheme (see Chapter 6), which sets out how we will determine the need for intervention (for example in relation to concerns regarding nature conservation interests) and the principle of the least restrictive option, where intervention is needed. It also describes the solutions available where interventions are necessary: alignment of the trail; and/or management techniques; and/or directions to restrict or exclude access.

The extent of the spreading room is defined nationally in the Coastal Access Scheme. In areas where informal management measures are not likely to work, Natural England has then used directions to exclude access to parts of the coastal margin, where necessary, to avoid impacts on designated nature conservation sites.

In drawing up the proposals for the ECP many different alignment options are often considered, particularly where new access is being proposed. These are discussed in detail with the landowners involved. Some of the options considered are included in the published stretch reports: [England Coast Path on the Isle of Wight: comment on proposals - GOV.UK \(www.gov.uk\)](#).

- *Having failed to adequately describe or quantify the issues to be addressed, the Habitats Regulation Assessment then sets out mitigation works that are vague in intent and naïve in application in that they appear to rely on exhortations to the public to behave responsibly, combined with an expectation that there will be little, if any, increase in the recreational use of vulnerable places such as the Western Haven of Newtown Harbour. There is no baseline data offered on the current level of adverse impacts, nor a reasoned quantitative prediction as to likely changes with or without mitigation. Without such data it is not possible to assess whether the mitigation is effective. Such baseline data is essential to enable the impacts to be monitored and if necessary, to trigger further mitigation or the modification or closure of the path. It is usual in Habitats Regulation Assessments for mitigation works to be precise in their proposals, confident in their efficacy and binding in their delivery. What is proposed on the Island's estuarine coast falls far short of the obligations that Natural England, quite reasonably, places on other proposers of 'Plans and Projects'.*

Our response

As noted above, Natural England has revised and updated the HRA of the proposals for IOW2-10 in the light of additional information. This has resulted in a more detailed explanation in the HRA of the current ecological importance of parts of the island affected by the trail and coastal margin. We have used information from land managers, Bird Aware Solent, and others to design detailed proposals for each section of coast that improve the way access is provided without adding to the current pressure on designated sites that is derived from housing development.

Whilst baseline visitor survey data is not available for all sites, Natural England does not agree this is necessary to be able to design and assess mitigation measures. We consider it is quite possible using available information, site visits and input from local access managers to form a sufficiently comprehensive understanding of the current distribution, intensity and types of recreational activity currently taking place around the Isle of Wight.

For the purposes of assessing potential impacts of the access proposals, it is necessary to predict how interventions designed-in to the access proposals are likely to impact on the distribution, intensity and types of recreational activity undertaken. Our general approach to assessing the patterns and levels of public access locally is outlined in the Coastal Access Scheme, in Figure 16 on page 46.

When developing our proposals, Natural England carried out access assessments to determine how the distribution and frequency of people's use is likely to be affected by the ECP, considering factors such as existing use, terrain, physical barriers, access points, car parks, proximity to settlements and size of population, alternative sites, legal limitations, and other factors. We also have a good understanding of the relative use of different sections of the coastline from modelling work undertaken for Bird Aware Solent. We then compare this with the specific interventions proposed, such as the position of the path, any improvements to the path, other physical interventions, legal status of the path, and creation of coastal access rights, to assess the changes that might occur. These assessments at each sensitive

location are described in the Appropriate Assessment section of the HRA (see section D3.2A-J). In addition, as noted above, we commissioned advice from an independent expert on walkers with dogs to help us understand how people might use the new access at Western Haven and Clamerkin, which was used to refine the mitigation proposals (see section D3.2E, F & H).

Therefore, we consider that there is generally a good evidential basis on which to make predictions about the impact of interventions, noting that there will be some variation in the degree of certainty depending on the circumstances.

As noted, the main way in which the ECP avoids adverse effects on designated sites is by alignment of the trail away from sensitive features. In addition, Natural England can design in a range of access management measures to proposals including:

- manipulation of the physical environment (e.g., improving the surface of a path or installing barriers);
- limiting access rights with local restrictions or exclusions where necessary; and
- signs directing people to behave in particular ways.

Details of any specific measures proposed are considered in the relevant section of the HRA. These are tried and tested methods of managing access on nature reserves, in Open Access areas, and in the wider countryside¹.

The proposals reports and HRA clearly set out the infrastructure necessary to mitigate potential adverse effects. Given the evidence as to compliance with interventions elsewhere, we are confident of the efficacy of the measures in the context in which they are intended to be used.

Natural England is working very closely with the Isle of Wight Council, as access authority, to ensure effective implementation. Arrangements for the long-term delivery of the ECP and associated access management are secured through ongoing management and funding of the route as a designated National Trail and associated statutory duties and powers. Natural England has a statutory responsibility to review directions every five years, which gives additional certainty over the long-term efficacy of measures, as there is a process by which directions can be modified to take account of any changes in circumstance.

Complaint

[redacted] complaint correspondence is attached to the bottom of this representation form (Annex 14).

In summary the HRA;

1 fails to establish the necessary evidence base relating to the distribution and condition of the habitats and species concerned,

2 fails to assess the implications of the plan or project on the conservation objectives – most importantly, it makes an inadequate assessment of the impact of the ‘spreading room’ created within the designated Coastal Margin,

3 reaches a conclusion of no adverse effect based on un-tested and inadequate mitigation measures.

Our response

In response to representations made during the consultation on the published ECP proposals, including the representation made by [redacted], Natural England has reviewed and revised the HRA. We have updated the ecological evidence base in the light of additional data supplied by stakeholders, reviewed the assessments of current access patterns, and sought external advice where new access in potentially sensitive areas is proposed. This additional information has been used to review the implications of the ECP for the Conservation Objectives of the European sites.

¹ For example: Liley et al. 2012. Identifying best practice in management of activities in Marine Protected Areas. Report to Natural England. [NECR108_edition_1.pdf](#). Or Barker & Park. 2020. [Using Behavioural Insights to Reduce Recreation Impacts on Wildlife: Guidance & Case Studies from Thames Basin Heaths and the Solent - NECR329 \(naturalengland.org.uk\)](#)

As a result of this work, Natural England's view is that the revised HRA is more robust in its conclusions than the original, particularly in relation to the impact of the introduction of the coastal margin. As noted above, there have been no alignment changes, but the revised HRA has recommended additional directions to exclude or restrict access to the coastal margin. Some additional infrastructure has also been added to support the trail alignment and directions. A summary of the mitigation measures, with changes highlighted, is set out at table 2 of the HRA. The conclusion of the HRA is that there will be no adverse effect on the European sites from the trail and associated margin. This is the same conclusion as the original HRA, however, we have added some mitigation measures. These include directions and informal management measures to reduce the likelihood of people and dogs adding significant disturbance pressure to sites. These can be found in table 2 and section D3.2A to J of the updated HRA.

Relevant appended documents (see Section 6):

Annex 13: Supporting representation letter
Annex 14: Complaint correspondence




6. Supporting documents

Supporting Document	Description and reference number
Annex 1	MCA/IOW6/R/11/IOW3854 [redacted] Supporting Document, IOW 6
Annex 2	MCA/IOW6/R/12/IOW3854 [redacted] Key Issue Paper 6A – Colwell to Linstone Chine
Annex 3	MCA/IOW6/R/12/IOW3854 Natural England's pictures of Brambles Chine slipway 2021-2023
Annex 4	MCA/IOW6/R/12/IOW3854 Proposals for alternative options through Linstone Chine Holiday Park
Annex 5	MCA/IOW6/R/13/IOW3854 [redacted] Key Issue Paper 6F – Hamstead Gully Copse
Annex 6	MCA/IOW6/R/13/IOW3854 Sea views through Hamstead
Annex 7	MCA/IOW6/R/18/IOW0145 Email from [redacted] regarding confirmation of representation withdrawal for 6.1
Annex 8	MCA/IOW6/R/19/IOW0145 Map 6.2 and photographs 6.2 (1) to (3)
Annex 9	MCA/IOW6/R/20/IOW0145

	Email from [redacted] regarding confirmation of representation withdrawal for 6.3
Annex 10	MCA/IOW6/R/1/IOW0158 Linstone Chine Management Company letters
Annex 11	MCA/IOW Stretch/R/5/IOW4210 [redacted] Document: <i>Man-made Barriers and Least Restrictive Access</i>
Annex 12	MCA/IOW6/R/9/IOW3876 Cover letter
Annex 13	MCA/IOW Stretch/R/7/IOW4218 Supporting representation letter
Annex 14	MCA/IOW Stretch/R/7/IOW4218 Complaint correspondence

[redacted] Supporting Document, IOW 6

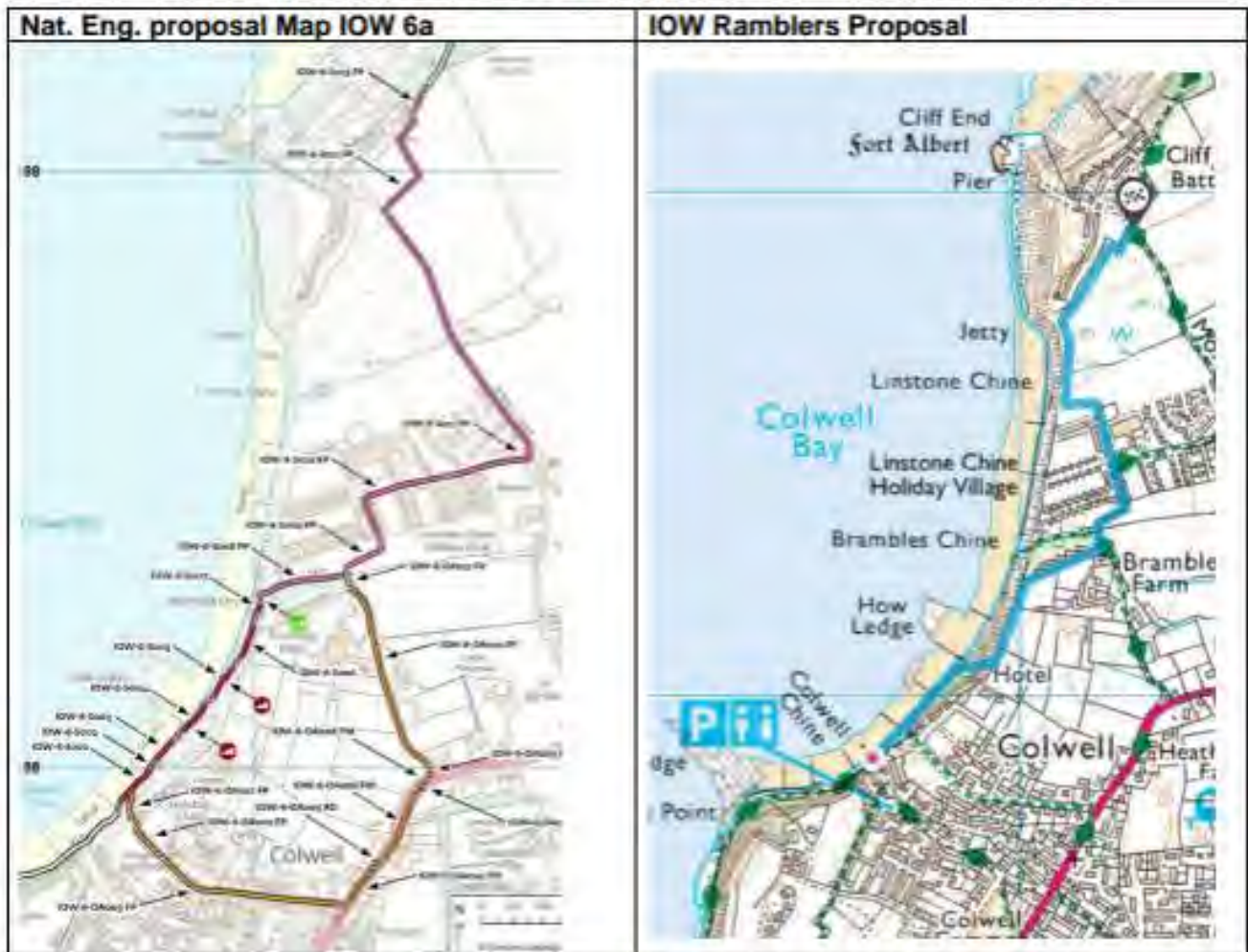
Isle of Wight Report 6 Overall – IOW Ramblers Representation

Ref	Location	NE Proposal	IWR Comment/Proposal	Photo
6.1	Map IOW 6b S014 to S030	Route through Victoria Country Park then along the coastline to Norton Spit.	IOW Ramblers support this proposal with its improved access around Victoria Fort.	
6.2	Map IOW 6c S033 to S051	Route across Yar Bridge through Yarmouth and along Yarmouth common promenade.	IOW Ramblers support this proposal with its spreading room access along Norton spit.	
6.3	Map IOW 6d S052 to S055	Route along Promenade up steps to Viewpoint Car Park	IOW Ramblers support this proposal, we highlight that for trip hazard safety reasons surface improvements will be needed along revetment S052.	
6.4	Map IOW 6d S056 to S061	Route along north verge pavement of the A3054	The south side of the A3054 provides a paved path set back from the road.	
6.5	Map IOW 6d S062 to S065	Route along south verge of A3054	Viable route available set back from road using recreation ground and field.	
6.6	Map IOW 6d S066 to S073	Route north to coast and through Bouldner Forest.	IOW Ramblers support this proposal with new steps and better views of Fort Bouldner.	
6.7	Map IOW 6e S074 to S080	Route inland through Bouldnor Copse and Cranmore	IOW Ramblers support this proposal with its significant upgrade to path surfaces.	
6.8	Map IOW 6e S086 to S089	Coastal route towards Hampstead Duver	IOW Ramblers support this proposal with current access provisions along Hampstead Dover being maintained.	

[redacted] Key Issue Paper 6A – Colwell to Linstone Chine

Key Issue Paper 6A - Colwell to Linstone Chine

(Nat. Eng. Report IOW-6 S001 to S013 plus Alt. Route OA003 to OA011)



Ramblers propose a route along cliff tops through open countryside.



Natural England Route proposals Part 1 Colwell Chine to Holiday Park

Nat. Eng. Propose that the main route from Colwell Chine north towards Victoria Country Park should initially run along the promenade, drop down to the beach below the high tide line then up Brambles Chine to join the existing inland Coast Path route at the north end of track F10.

This route could only be used at low tide. Hence an alternative high tide inland diversion is proposed following the existing Coast Path along Madeira Lane to the A3054 (Colwell Rd) and track F10 past Bramble Farm towards Linstone Holiday Park.

Natural England's Approved scheme says-

7.11.3 The trail will not normally be aligned on sandy beaches because they can be difficult to walk on for long distances and may be covered at high tides. For the same reasons we may elect not to align the trail to the end of a spit.

7.11.4 Occasionally however the trail will be aligned on a sandy beach where there are no other viable route options, if this offers the best 'fit' with the statutory criteria —

IOW Ramblers have proposed a viable route avoiding the busy main road using cliff top paths west of Brambles farm. We therefore argue that Nat. Eng. is not complying with their own scheme. There are several reasons why using this stretch of beach as the main Coast Path is not appropriate -

<p>The high tide line reaches the base of a steep clay bank subject to frequent land slips.</p> <p>On Nat. Eng.'s map the path is depicted along the edge of this clay bank.</p> <p>Walking a length of beach below such a bank can only be confidently planned at or close to low tide.</p> <p>Based on local experience the beach route would only be practically available about 30% of the time.</p>	
<p>It will be necessary to reinstate the path over the top of the sea defences leading to the steps planned at the far end.</p>	

The first part of the beach after the concrete promenade and below this defence comprises slime covered rocks which would not be suitable as a beach route.



Following recent storms, the concrete slipway providing access up Brambles Chine from the beach is currently disintegrating and closed.

The scheme currently proposes a set of wooden steps up to this slipway. Considerably more work would now be required to access Brambles Chine.



IOW Ramblers proposed truly coastal main CP route Part 1 (see map above)

Starting at Lowell Chine and progressing north. The route runs along the concrete promenade and part of the sea defences below Holme House; diagonally up a scrub slope to the top of fields above the shoreline clay bank; along the top of the bank across fields west of Brambles Farm; then across a field north of the farm to join the existing F10 Track.

This is a viable main CP route following the coastline, it avoids an inland diversion along the A3054, the main road used by cars and coaches visiting Alum Bay and the Needles.

Due to the pavement configuration along this stretch of highway, walkers using the current CP need to cross the road twice.



Natural England opted for their proposed route because (A & B) – 6.3.3 Other Options IOW 6a

A - 'Part of the cliff face is designated SSSI for geology and establishing new infrastructure here would damage the SSSI.'

Ramblers Response-

The clay bank/cliff from Colwell Chine north to Fort Albert is designated a geological SSSI. - citation

'The key management principle for coastal geological sites is to maintain exposure of the geological interest by allowing natural processes to proceed freely'.

This is evident along most of this stretch of clay cliff.

However, the bank where Ramblers propose a diagonal path is protected from erosion by sea defences and is covered by shrubs. The SSSI at this position is classified as in decline and in practise it is redundant.



B - 'It avoids paddocks and stables.'

Ramblers Response-

The Ramblers proposal crosses coastal horse grazing fields and can be routed well away from Brambles Farm stables.

This complies with Nat. Eng. Scheme guidelines-

'The trail will often pass over coastal grassland on cliffs and cliff tops and elsewhere adjacent to the foreshore.'

'The trail may cross land grazed by horses or ponies if it is the most convenient route along the coast.'

'In enclosed areas, it will normally follow the seaward edge of the field.'

Hence there is no requirement for an inland main road diversion.



Natural England's inland CP route proposal Part 2 Holiday Village to Victoria Park

Follows the existing inland CP route through the Linstone Chine Holiday Village to join F6 Monks lane north to Victoria Park.

IOW Ramblers proposed truly coastal CP route Part 2 (see maps above)

From the existing CP route in the centre of Linstone Chine Holiday Village the Ramblers proposal passes alongside a short service road 30 yds from a row of eight holiday chalets; to reach the edge of a pitch and putt golf course; along the cliff top; over an area of open heathland, to join footpath F6 at the north end of Monks Lane.

Natural England opted for their proposed route because (C,D & E) – 6.3.3 Other Options IOW 6a

<p><i>C - 'It makes use of the existing public footpath through the holiday park which results in less management issues for them'</i></p> <p>The current/Nat. Eng. CP proposal diverts inland along Monks Lane an access road to the Holiday village.</p> <p>Walkers will only benefit from an existing cliff top path and its coastal views if the Ramblers proposal is adopted.</p>	
<p><i>D - 'The owners and occupiers of the Holiday Park expressed concern over impacts on privacy to chalets adjacent to the considered route'</i></p> <p>Ramblers Response –</p> <p>The Current CP and Nat. Eng's proposal uses 360m of the holiday park service roads. Ramblers proposed route would use just 190m of service road.</p> <p>Photo shows alignment of new 100m length of path between a service road and a car park 30m plus from the back of eight chalets.</p> <p>The site is open to a large continually changing number of tourist visitors, served by a wide range of people providing services and maintenance, with an existing PROW passing through the length of the village. It is very much a public place.</p> <p>The CA Scheme makes provision for the trail to cross a golf course.</p>	 

E - 'We concluded that overall, the proposed route struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme.'

Ramblers Response –

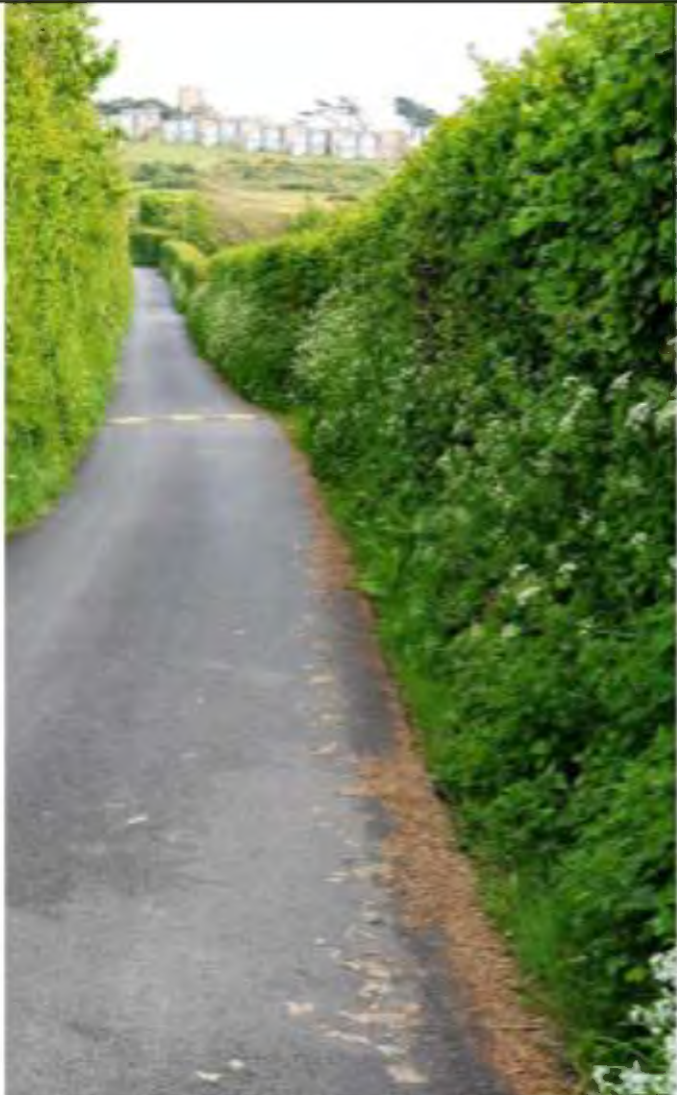
Chapter 4. 'Public Interests' of the 2013 CA Scheme has 11 pages covering 10 criteria -

Chapter 4. Public Interest			
4.1 Overview	↔	4.6. Views of the sea from the trail	↔
4.2. Safety on the trail	=	4.7. Use of existing walked lines along the coast	↔
4.3. Convenience of the trail	↔	4.8. Use of our powers relating to the coastal margin	=
4.4 Continuity of the trail	+	4.9. Protection of sensitive features	=
4.5. Proximity of the trail to the sea	↔	4.10. Responsiveness to coastal change	=

The IOW Ramblers have made comparisons of the two route alternatives against each of these 'Public Interest' criteria. We are confident that for six of them the Ramblers coast proposal is superior and for four of them it is at least of equal benefit to Nat. Eng.'s proposal.

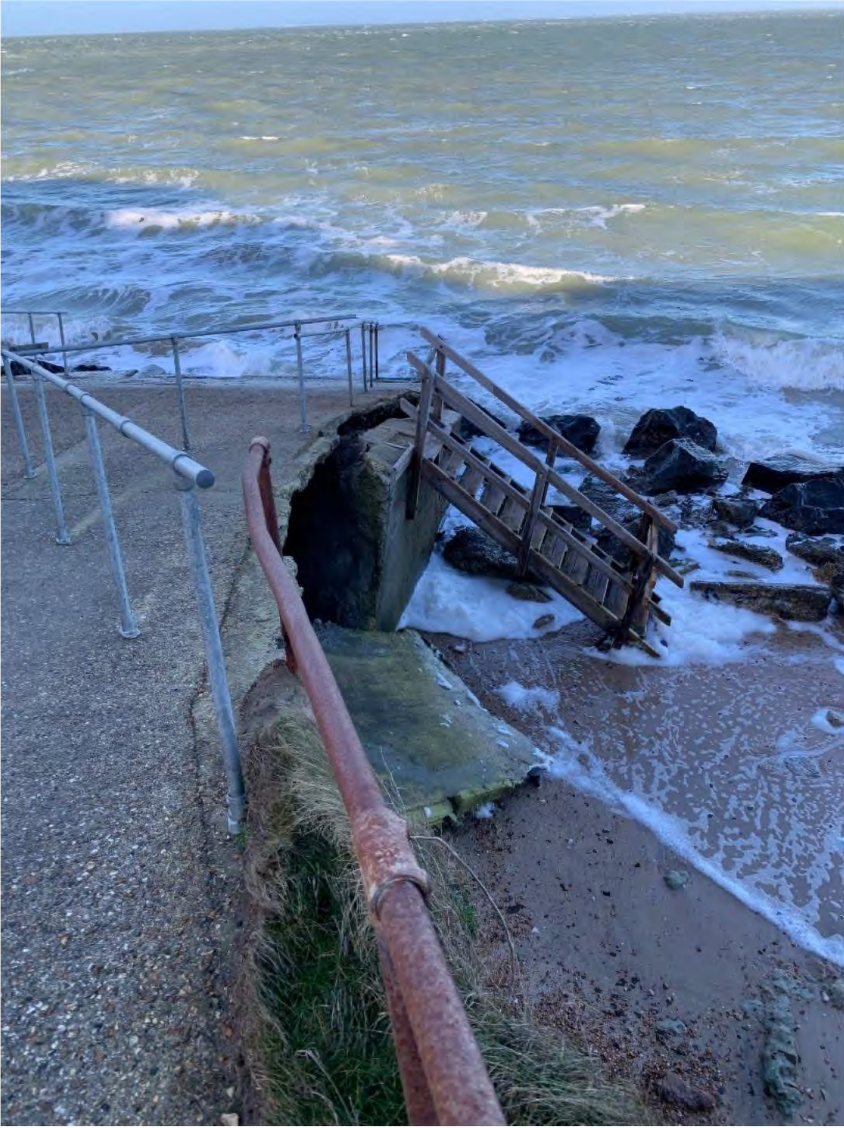
The Ramblers proposed route alignment would not lead to a 'significant loss of income or privacy' (sect. 8.18 CA Scheme) for Linstone Holiday Village owners or guests. Circa 24 chalets would no longer have the coast path running close by. A short new section of trail would be 30m plus from the rear of 8 chalets which would maintain full privacy for their front patios overlooking the sea.

Natural England need to review their conclusions for this part of the coast and be prepared to engage effectively with the limited group of chalet free holders who would be affected by the implementation of a truly coastal trail to achieve a better balance of public interests.

	<p>Natural England proposed inland diversion along Monks Lane access road.</p>
--	--

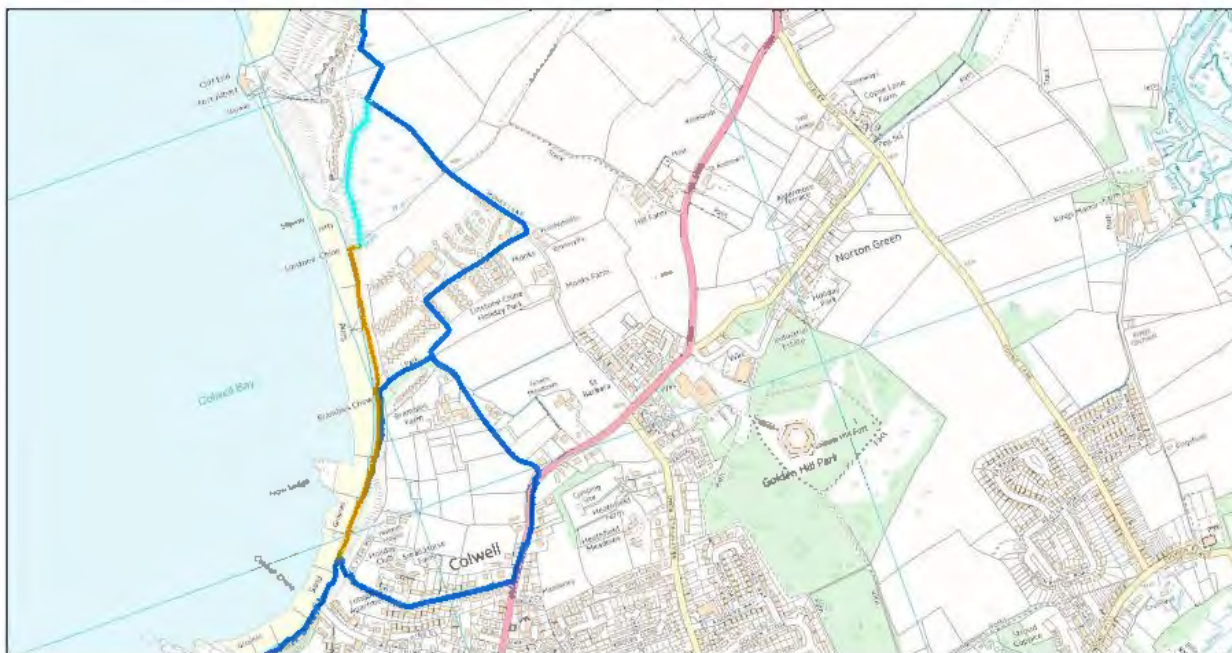
Natural England's pictures of Brambles Chine slipway 2021-2023







Proposals for alternative options through Linstone Chine Holiday Park



Brambles and Linstone
 Orange line - gps route from Colwell Chine to recreation ground at Linstone.
 Light blue hatched line, suggested further connection to rejoin ECP.
 Dark blue line is proposed ECP

1:10,000



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Date: 20/05/2021



Brambles and Linstone
 Orange line - gps route from Colwell Chine to recreation ground at Linstone May survey.
 Light blue hatched line, suggested further connection to rejoin ECP.
 Dotted line GPS survey from 8 June.
 Dark blue line is proposed ECP
 A - approximate location of children's play area
 B - approximate location of waste storage tanks

1:4,000



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Date: 14/06/2021



Cliff slope path to Linstone Chine with new signage.



Refused at appeal flights of steps installed by LCMC without consent in 2006 and subsequently removed.

[redacted] Key Issue Paper 6F – Hamstead Gully Cope

Key Issue Paper 6F – Hampstead Gully Cope

Nat. Eng. proposal Map IOW 6f (Nat. Eng. Report IOW-6 S081 to S085)



IOW Ramblers Proposal



Coastal views and beach at Gully Copse not part of Natural England Proposal.



Natural England / Ramblers route options

Nat. Eng. Propose that the trail runs inland from Bouldner Copse through Cranmore and Hamstead Farm to Hamstead Ledge, a 2.5 km of inland route along the current Coast Path.

Ramblers propose a route along existing paths through Gully Copse and woodland/field edges which provides access to a stretch of beach and views across the Solent. It also avoids the trail passing through Hamstead working farm.



Photos of paths along Ramblers proposed route



a) Start PROW S2



b) S2



c) Exposed Tree roots



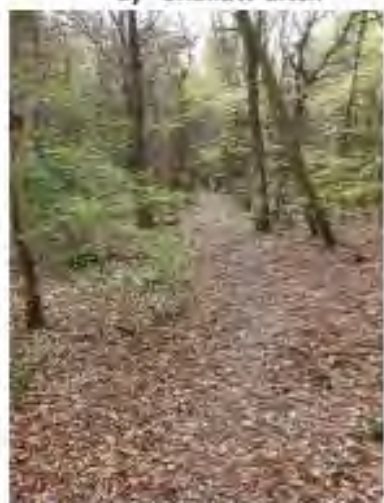
d) Shallow ditch



e) S2 towards coast



f) Beach and views



g) Informal path leading to fields



h) View of potential field edge alignment

The Ramblers are proposing a viable route including the only stretch of beach accessible between the extensive landslip areas of Bouldnor Cliffs and Hamstead Cliffs.

This Gully Copse route has been considered by Nat. Eng. They have opted for their proposed inland route because:

Natural England consideration of other options 6.3.3 IOW Maps 6e-f.	IOW Ramblers Response
A. <i>'It offers the most convenient route to walkers.'</i>	Along a 2.5 km stretch of inland path, walkers will welcome a route through woodland to the coastline
B. <i>'The public right of way into Gully Copse is extremely muddy when wet and subject to coastal erosion.'</i>	The proposed paths require surface upgrades in places. These paths are definitely not subject to coastal erosion. (See photos above) Sections S081 – S082 of the Nat. Eng. route have muddy stretches that would need addressing.
C. <i>'The infrastructure required was not feasible due to the terrain'</i>	The terrain in Gully Copse presents no special difficulties. Significantly more challenging terrain is being tackled in locations like Priors Woods (IOW Report 2).
D. <i>'The considered route provides no coastal views'</i>	Please note the pictures of the shoreline and Solent from Gully Copse where S2 meets the coast.

In the light of this evidence Natural England need to reconsider their route proposals to ensure these route enhancements are realised.

Sea views through Hamstead





Email from Isle of Wight Council regarding confirmation of representation withdrawal for 6.1

From: [REDACTED]
Sent: 01 March 2021 14:37
To: [REDACTED]
Cc: [REDACTED]
Subject: MCA/IOW6/R/18/IOW0145 (6.1) - Confirmation of withdrawal of representation re proposed England Coast Path

Dear [REDACTED]

Please accept this email as confirmation of our withdrawal of our representation re the proposed England Coast Path in respect of the stretch between Colwell Chine and Hamstead Point. We are prepared to do this following your confirmation that the cost of all reasonable works to bring the path up to standard will be funded at the time of establishment.

With best wishes

[REDACTED]

[REDACTED] | Rights of Way Officer (England Coast Path) | Directorate of Neighbourhoods Public Rights of Way | Isle of Wight Council | County Hall | Newport | Isle of Wight | PO30 1UD

[REDACTED]

Map 6.2 and photographs 6.2 (1) to (3)



Photo 6.2 (1) existing path in coastal slope (point X on Map 6.2)



Photo 6.2 (2) Extension to low tide route - section D-X on Map 6.2



Photo 6.2 (3) Scrub land with numerous paths - Field B on Map 6.2



Email from [redacted] regarding confirmation of representation withdrawal for 6.3

From: [redacted]
Sent: 01 March 2021 14:36
To: [redacted]
Cc: [redacted]
Subject: MCA/IOW6/R/20/IOW0145 (6.3) - Confirmation of withdrawal of representation re proposed England Coast Path

Dear [redacted]

Please accept this email as confirmation of our withdrawal of our representation re the proposed England Coast Path in respect of land west of Hamstead Farm and Gully Copse. After further consideration of the identification of a route which seeks to balance access with conservation objectives we are prepared to accept the route as proposed.

With best wishes

[redacted]
[redacted] Rights of Way Officer (England Coast Path) | Directorate of Neighbourhoods Public Rights of Way | Isle of Wight Council | County Hall | Newport | Isle of Wight | PO30 1UD
[redacted]

Individual customer reference: IOW0158

Letter reference: IOW2L-S15/2



Coastal Access Delivery team – South Hub
Natural England

[Redacted signature and name]

Date sent: 10th January 2019

Dear [Redacted]

Thank you for your email of 13th December 2018 and taking the time to further explain your concerns and issues as per our letter, which you kindly distributed to your members and which confirms we are proposing to align our draft route away from the coastline here, following the existing Isle of Wight Coastal Path route, where it crosses over Linstone Chine Holiday Park land.

I apologise that you feel we haven't kept you regularly informed or up to date, this is simply due to the size of the area we cover and the number of similar issues we are dealing with across the island. As a result it can often take time to confirm decisions internally because we have to ensure a consistent approach across the country. Our two site visits (in November 2017 and May 2018) along with our email correspondence throughout this year have been vital in helping us make a decision on the route here. As and when decisions have been made we have contacted you and I hope you will understand this is an iterative process and we need to explore all the options, given the duty placed on Natural England by the Marine and Coastal Access Act. I note that you are pleased that the management company's views and those of local residents and other stakeholders have been considered and used to formulate our final draft route.

To address the main issue, I would like to clarify that we are not "designating" Linstone Chine Holiday Park land as public access. I'm aware the terminology we use isn't always clear and that the difference between "coastal margin" and "spreading room" isn't always apparent to those outside of our project team. The following is probably rather wordy but I hope it goes some way to explain the difference and allay your concerns.

As previously discussed, Part 9 of the Marine and Coastal Access Act 2009 aims to improve public access to 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. The 2009 Act places a duty on Natural England and the Secretary of State to use their powers to secure the twin objectives of a route and associated margin. **Any land that falls seaward of the trail automatically becomes**

Coastal Margin, this is as per Countryside Rights of Way (CROW) Act 2010 and in adherence to the Coastal Access Scheme. Section 2.3 on page 9 of the scheme explains this in more detail.

Land which forms part of the coastal margin would be subject to access rights, other than any **excepted** land, such as land covered by buildings or their gardens or curtilage. I have included at the end of this letter a copy of the excepted land categories table from the Approved Scheme which summarises in full the categories of excepted land under the legislation. We use the term "**spreading room**" to describe any land, other than the trail itself, which forms part of the coastal margin and which has public rights of access. Land is not described as spreading room in the Scheme if it falls into one of the descriptions of excepted land.

As a result of moving the trail further back from the shore here, the area of seaward Coastal Margin has increased. The concerns you have raised is not about the route of the path, but about the subsequent coastal margin, how that is mapped and whether land that would fall within the seaward margin would be excepted from coastal access rights. Our final proposals that we publish include no detail on what is spreading room within the coastal margin. It simply states that all land seaward of the trail automatically becomes coastal margin. Our report maps do not show the seaward coastal margin. Unfortunately Natural England do not and cannot classify land as excepted. However, you as landowner are in your right to maintain land is excepted and erect (or keep up current) notices saying there are no access rights over it.

The Ordnance Survey (OS) are responsible for mapping the coastal margin that appears on their maps. The decision as to how to depict the England Coast Path and the 'coastal margin' resulted from detailed discussions with the coastal access national stakeholder group. This group, representing a balance of interests including user, conservation and land manager representative organisations (CLA & NFU included), considered it imperative that coastal margin be depicted.

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

It is important to note there will be no new public access rights to the coast in this area until our final proposals have been approved by the Secretary of State. You will of course be sent further notification of our formal submission and how you can respond to this. I hope I have addressed the issues raised in your letter but if you have any further questions please do contact me directly.

Kind regards,



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6	Appropriate balance
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7	Coastal land cover
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Glossary	

Figure 1

Excepted land

This table lists those categories of land which are excepted from the coastal access rights under Schedule 1 to CROW, as amended by the Order.

<p>Excepted in full</p> <p>The following land categories are excepted in full:</p> <ul style="list-style-type: none"> ■ land covered by buildings¹ or the curtilage of such land; ■ land used as a park or garden (see section 8.18); ■ land used for the getting of minerals by surface working including quarrying (except, under certain circumstances, the removal of sand or shingle from an area of foreshore or beach - see section 8.24); ■ land used for the purposes of a railway (including a light railway) or tramway; ■ land covered by pens in use for the temporary detention of livestock²; ■ land used for the purposes of a racecourse or aerodrome; ■ land which is being developed and which will become excepted land under certain other excepted land provisions; ■ land covered by works used for the purposes of a statutory undertaking (other than flood defence works or sea defence works) or the curtilage of such land; ■ land covered by works used for an electronic communications code network or the curtilage of any such land; ■ land the use of which is regulated by byelaws under section 14 of the Military Lands Act 1892 or section 2 of the Military Lands Act 1900; ■ land which is, or forms part of, a school playing field or is otherwise occupied by the school and used for the purposes of the school; and ■ land which is, or forms part of, a highway (within the meaning of the Highways Act 1980) - see below.
<p>Excepted, with provision for an access strip</p> <p>The following land categories are excepted land, but we have the power to recommend that the trail should cross them on an access strip - in which case the strip itself is not excepted from the coastal access rights.</p> <ul style="list-style-type: none"> ■ land on which the soil is being, or has at any time within the previous 12 months been, disturbed by any ploughing or drilling undertaken for the purposes of planting or sowing crops or trees (see section 8.7); ■ land used for the purposes of a golf course (see section 8.20); ■ land which is, or forms part of, a regulated caravan or camping site (see section 8.19 of the Scheme); and ■ land which is, or forms part of, a burial ground. <p>The access strip will normally be 4 metres wide (2 metres either side of the approved route), although we may recommend that its landward boundary should coincide with a physical feature such as a fence, wall or hedge³. Where appropriate we will use this power to "work with the grain" of existing physical features along the access strip, resulting in sections that are wider or narrower than 4 metres or not of uniform width.</p> <p>Highways, including public rights of way</p> <p>Coastal access rights do not apply to existing public highways including roads and public rights of way such as byways, bridleways and footpaths. The public already has rights to use such highways and these take precedence over the coastal access rights. This does not prevent the route from following a public footpath or other highway, and in many instances it will. Nor does it prevent people continuing to use highways that fall within the wider coastal margin.</p>

Please reply to [REDACTED]

Ref: Report IOW 6, Section 6a S007 to S012

Support for the proposed England Coast Path (ECP) PLUS additional comments

Dear Sir,

I write on behalf of Linstone Chine Management Company Ltd ("LCMC"), a company wholly owned by the 268 individual owners of bungalows on Linstone Chine Holiday Village in support of the published proposals for the ECP. The combined value of the company is in the order of £21,500,000.

We have lived in harmony with the Isle of Wight Coastal Trail and worked to support the Isle of Wight Rights of Way Dept for many years. For the last 2 years, however, we have lived under the threat of a revised route for the ECP crossing our private beach and our private golf course, sports field and trim trail recreational area.

- 1. We support the current proposals for routing the Coastal Path**, which in sections '6 S007 to S012' adhere to the existing coastal trail. Following detailed representations from LCMC and individual members we appreciate Natural England recognising our holiday site's Excepted Land, commercial interests, privacy, and our concerns for security for children, inappropriate access by dogs and misuse of sports and holiday facilities that might arise by allowing uncontrolled access to the general public.

We note that Natural England's published material estimates the footfall on our section of the route as between 249,000 to 343,000 people – that significant number only reinforces our concerns.

NB. In supporting the proposed ECP LCMC undertakes to work with the Isle of Wight Rights of Way Dept where possible, to maintain the height of hedges alongside Monks Lane so as to allow walkers good views and maintain visual contact with the coast.

- 2. IOW 6 S007 – 6 S008 – Brambles Chine**

Natural England recommend installing a new set of steps from the existing slipway at IOW 6 S007. We suggest they should be installed on the 'Colwell' side of the slipway, to allow walkers to more closely follow the flow of the proposed route and help to avoid people 'straying' onto areas of the holiday village via its private beach.

3. IOW 6 S009 FP – S010 FP – Linstone Chine Holiday Village

We are concerned that new signs are displayed prominently to ensure walkers are clearly aware of the route to Monks Lane and do not wander onto the site's access road and into the heart of the site and facilities.

NB. LCMC would like detailed consultation on this and are prepared to co-operate with signage issues as they clearly affect our site.

4. Coastal Margin and Spreading Room.

There appears to be a significant omission in the consultation maps, where the legend refers to Coastal Margin (the purple wash) but it is not shown on the maps provided. This is a serious matter that compromises land owners and could cause conflict between walkers and property owners. It has implications for the entire coastal path, far beyond just the Section IOW6.

We have been advised by Natural England that they are not designating Linstone Chine Holiday Park as having public access which we understand as there being no spreading room within this part of the coastal margin. We understand that this will not be illustrated on maps of the route, where we anticipate being included in the purple wash of Coastal Margin.


We would like to work with Natural England and the Sec of State to avoid confusion and ensure that areas where public access is inappropriate will be clearly indicated on all signs for the coastal path through Linstone Chine Holiday Park.

In Conclusion

- LCMC supports the proposed IOW6 route
- Brambles Chine steps should assist walkers to follow the direction of the route.
- Signage within the holiday village should assist walkers to keep to the route
- Signage should clearly indicate where there is no public access in all sections of the CP.

LCMC are happy to actively assist and co-operate with Natural England in achieving these objectives.

Yours faithfully


Chairman LCMC
17th April 2020



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-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.

Cover letter

England Coast Path: Isle of Wight

General comments on the report

I found the overview quite confusing to read through and to correlate the various aspects with each other and to cross reference.

Each report dealt with a specific length of the route but I found that the length of route described in each report varied greatly. It would have been useful if each report dealt with an approximately similar length and this would have made representation easier.

I found it awkward to delineate specific sections of route to refer to as the point markers eg IOW - -S007 do not appear to relate to any specific point ie path junction.

There is reference to "criteria" which are used as a basis of the route planning. However there are a number of cases where NE ignore the "criteria" or do not clarify how those criteria fit with their route choices.

I find that the use of "directions" in certain instances appear to be to enable a certain position to be taken by NE. To clarify by example: At Quarr Abbey a direction is proposed so that this direction can then be quoted as a reason to not use a particular route. I do not think that this is the intention of "directions".

The complex and long nature of the whole document plus the representations form that needs to be used may well deter members of the public from feeling able to make a representation.

I trust that NE will publish, in due course, information as to how many representations and objections have been made and what the general subject of them has been.

In closing I would say that the NE staff on this part of the project have been exceptionally helpful in how they have dealt with the subject and the public. This is a wide ranging report and will prove to be the basis of information for many years.



Supporting representation letter

England Coast Path Delivery Team-South

5 June 2020

Dear Natural England

Representation on the Coastal Access Reports: Isle of Wight sections numbered 2 and 6-10.

Complaint relating to the (undated, anonymous) Habitats Regulations Assessment of England Coastal Path proposals between Wootton Bridge and East Cowes ferry terminal ... etc.

This representation is made in my role as a private person. Whilst I have had a variety of professional roles relating to landownership, management and conservation on the Solent coast this representation should not be taken as relating to those roles. My locus in making this representation is of a concerned individual who has lived and worked on the Island's coast and has been an enthusiastic walker of the Island's coastal paths since the 1980s.

This representation includes a formal complaint relating to the manner in which Natural England has undertaken the Habitats Regulations Assessment; the complaint is set out in detail later. I would be grateful if the complaint is addressed using Natural England's standard procedure and that the complaint, together with the outcome of the complaint, is reported to the Secretary of State and to the Inspectorate as part of the report on the consultation.

This representation relates to the Island's estuarine coast, namely section 2 and sections 6-10 inclusive. In this representation I address points of principle but I am open to provide detailed examples if that was helpful.

Overview of nature conservation interests

The Island's estuarine coast is an integral part of the complex of coastal wetlands that comprise the Solent. These wetlands have long been regarded as of exceptional importance to nature conservation, an importance which is partially reflected in statutory designations including Sites of Special Scientific Interest, Natura 2000 sites and wetlands of international importance under the Ramsar convention.

The breadth of interests of importance to nature conservation at a national and international level are reflected in the statutory designations. The qualifying features of the Natura 2000 sites were identified when the sites were classified and designated, similarly the Site of Special Scientific Interest citations describe the reasons for notification although these are more broadly expressed than in Natura 2000 sites. The Ramsar site designations are even more inclusive in setting out the

criteria for selection and then citing examples of such features without seeking to present a complete and definitive list. Since these statutory designations were made in the late twentieth century there has been a growth in understanding and appreciating the features present on the Island's coast including the recognition of additional habitats, populations and species relating to Natura 2000 site selection together with additional features meeting SSSI selection criteria along with additional features of international importance under the Ramsar convention. Collectively these additional features fall within, and without, the boundaries of existing designations. The statutory designations describe this coast at an historical point in time and do not necessarily reflect the current breadth of interests that are material when considering proposals such as a coastal path.

The Island's estuarine coastline has not been subject to the same level of systematic survey as have other sections of England's coastline. This circumstance means that there is a deficiency of data upon which to plan and assess proposals such as the coastal path. It is of great concern that the route of the path, and the concomitant 'spreading room' has been progressed without being adequately informed as to the likely consequences to nature conservation interests. In this regard it is particularly unfortunate that the reports under consultation do not show a simple map which identifies the route of the path in combination with the spreading room.

In making the points set out above I do not belittle the importance of nature conservation interests that are regarded as being of less than national importance. These features are of value, albeit subject to different means of assessment than the interests covered by statutory designations.

Habitats Regulations Assessment

The Habitats Regulations Assessment accompanying the proposed coastal path is unusual in that the body responsible for proposing the 'Plan or Project' (in this case coastal access) is also responsible for drafting and approving the Habitats Regulations Assessment. The Assessment (page 6) seeks to offer reassurances that this potential conflict of interest has been identified and addressed; however, there is nothing in the documentation to demonstrate how this has been achieved, indeed the technical inadequacy of the assessment suggests that the document has not been subject to the rigour of scrutiny that would have been applied by Natural England should the applicant had been another party. The process of producing the Habitats Regulations Assessment demonstrates a lack of natural justice whereby Natural England have adopted a process where they are effectively 'marking their own homework'.

The anonymous nature of the assessment raises questions as to the relationship and competencies of the officers of Natural England who drafted and approved the assessment. It is usual for a Habitat Regulations Assessment to identify the authors and their collective competencies together with setting out the data upon which they based their assessments. Similarly, it is usual for there to be transparency in how a draft assessment is scrutinised and approved.

Had the Habitats Regulation Assessment demonstrated an understanding of the sensitivities of the Island's estuarine coast, and then established effective remedies for the issues it highlighted, then the issue of natural justice would be of less concern. However, that is not the case.

The Habitats Regulations Assessment is faulty in a number of regards; including

- The lack of analysis as to whether the data available to the authors was adequate, which in turn results in a failure to identify and address any significant deficiencies in data. Through my professional background I am all too familiar with the inadequacy of data relating to high water wader roosts within and outside the boundary of statutory sites around the Solent together with the inadequacy of data on the character and condition of intertidal habitats that will be included in the 'spreading room', particularly higher upper-saltmarsh transitions into freshwater grasslands and estuarine woods. This is material as we know from more accessible coasts that these internationally important habitats are vulnerable to abrasion from even modest levels of recreational use.
- There is a lack of data on the management regimes upon which the features of interest depend; this is material as coastal access is associated with impacts on the ability of the land owners to manage their sites, particularly relating to livestock, with unintended adverse consequences of site abandonment or the 'fencing off' of vulnerable sites.
- There is an absence of analysis of features included in the Annexes of the 'Birds' and 'Habitats' Directives that were not recognised at the time of designation but are present at the time of assessment. Article 6 of the Directive requires these features to be included in the assessment, as was recently clarified in the Judgement on the Holohan Case (ECJ: C-461/17).
- The failure to identify options for the route and spreading room whereby mitigation is not required.
- Having failed to adequately describe or quantify the issues to be addressed, the Habitats Regulation Assessment then sets out mitigation works that are vague in intent and naïve in application in that they appear to rely on exhortations to the public to behave responsibly, combined with an expectation that there will be little, if any, increase in the recreational use of vulnerable places such as the Western Haven of Newtown Harbour. There is no baseline data offered on the current level of adverse impacts, nor a reasoned quantitative prediction as to likely changes with or without mitigation. Without such data it is not possible to assess whether the mitigation is effective. Such baseline data is essential to enable the impacts to be monitored and if necessary, to trigger further mitigation or the modification or closure of the path. It is usual in Habitats Regulation Assessments for mitigation works to be precise in their proposals, confident in their efficacy and binding in their delivery. What is proposed on the Island's estuarine coast falls far short of the obligations that Natural England, quite reasonably, places on other proposers of 'Plans and Projects'.

The inadequacy of the Habitats Regulations Assessment relating to proposed coastal access along the Island's estuarine coast is therefore the subject of a formal complaint in that it fails to meet the standards than one may reasonably expect from a Habitats Regulations Assessment.

In summary the HRA;

- 1 fails to establish the necessary evidence base relating to the distribution and condition of the habitats and species concerned,
- 2 fails to assess the implications of the plan or project on the conservation objectives – most importantly, it makes an inadequate assessment of the impact of the 'spreading room' created within the designated Coastal Margin,
- 3 reaches a conclusion of no adverse effect based on un-tested and inadequate mitigation measures.

As a consequence, the conclusion of the Habitats Regulation Assessment cannot be relied upon as it is unsound both in law and in its assessment of ecological effects.

There is a risk that if Natural England approve this sub-standard Assessment then other parties promoting 'Plans and Projects' affecting Natura 2000 sites will cite it as representing a reasonable standard and thereby dilute the conservation measures available to safeguard these sites.

A way forward

The English coastal footpath is enshrined in primary statute and is a laudable venture in its own right. However, the delivery of the footpath requires a high degree of sensitivity and the proper consideration of other statutory interests, particularly in highly designated vulnerable coastlines such as the Island's Solent coast.

At best the proposed route of the footpath and spreading room is premature. Further work is required to address the deficiencies of the Habitats Regulation Assessment along with a more general sensitivity towards the natural features and working life of this coastline which are essential to the enjoyment of people who will use the path. There is a need to revisit the evidence base which will inform identifying the path's alignment and spreading room. Given the inadequacy of existing records it is likely that a phase of targeted field work will be required to address gaps in the data.

Where mitigation is required, having fulfilled the necessary tests to avoid the need for mitigation, then it is necessary that the proposed mitigation works are guaranteed in their efficacy with necessary monitoring and safeguards to address unforeseen impacts.

I look forward to your acknowledgement of receipt of this representation and formal complaint. This letter has addressed the principles of concern and if it was helpful, I would be happy to explore the details of the issues.



(signed electronically)

Complaint correspondence

Date: 03 July 2020



Customer Services



BY EMAIL ONLY

Dear [REDACTED]

Representation on the Coastal Access Reports: Isle of Wight sections numbered 2 and 6-10

Complaint The HRA of ECP Proposals Wootton Bridge and East Cowes Ferry Terminal

Thank you for your email. Please take this as Natural England's response to your complaint raised regarding the recent England Coastal Path consultation, particularly with reference to a stretch covering the Isle of Wight.

Natural England as statutory consultee for planning applications in England frequently see planning applications from competent authorities. Local Planning Authorities do consult us on planning applications prepared by themselves for work on land they own. The Habitats Regulations Assessment (HRA) in those cases is prepared by and thus ratified in the same manner. It is not regular but neither is it unusual.

As this approach is the case here, then it is subject to more rigour and scrutiny than other HRAs prepared by third parties. This process of assessment has been designed nationally by Natural England to instil a level of consistency in the way in which we assess England Coast Path proposals and is repeated on all of the coastal stretches around England. Other stretches of the Coastal Path have successfully been adopted using this methodology.

Page 102 shows who prepared this document for Natural England and whom at Manager Level signed the document off.

As an evidence led organisation, I can assure you that the officers had the most relevant and up to date data available to them when considering the implications of this project.

It is uncommon for Natural England to consider the management regimes within an HRA. Management of the site is something that the land owner is responsible for and can be eligible for monies through Countryside Stewardship (CS) and similar programmes. The absence of this does not affect the integrity of this HRA. That said, in terms of ECP we do seek to align with local management and CS agreements, through discussion with the landowners and the Natural England SSSI Responsible Officer so as not to negatively affect them. For instance in part of Newtown Harbour where we are adding new access, we have proposed a route to largely run along the edges of fields subject to CS agreements. This is to protect water birds but also with the knowledge that a

secondary benefit would be to reduce stress on the habitats.

In terms of the Habitats Regulations Annexes, other protected species outside of designations get considered in the Nature Conservation Assessment along with SSSI features. Just those designated in N2K sites are addressed in the HRA. This distinction between the two documents is outlined on page 2 of the Nature Conservation Assessment document:

A HRA is required for European sites (SPA, SAC and Ramsar sites). The HRA is published alongside the Coastal Access Reports.

This document, the Nature Conservation Assessment (NCA), covers all other aspects (including SSSIs, MCZs and undesignated but locally important sites and features) in so far as any HRA does not already address the issue for the sites and feature(s) in question.

In depth consideration of all alternative options for the route are covered within the specific documents relating to each section, also submitted as part of the proposals. It is not covered with the HRA itself, although there is some consideration of alternatives within that.

Having reviewed the HRA and the other accompanying documents supporting the ECP proposals I have read much detail about the package of mitigation measures. The HRA contains a lot of information about time restrictions and alternative routing due to both health and safety concerns and ecological sensitives. These types of mitigation are common and regularly accepted when it comes to Habitats Regulations considerations. There are then other measures on top of these, either considered in detail within the HRA, or considered in detail in the respective Isle of Wight ECP proposal documents available online.

You mention scrutiny in terms of other plans or projects. The majority of Habitats Regulations implications in South Hampshire relate to impact pathways generated from new housing whether that be as a result of increased recreational disturbance or increased nutrient loading. In those cases there are direct impact pathways that need consideration. In the case of the proposals for the England Coast Path the impact of those pathways is lessened by the mitigation and avoidance incorporated into the proposals. This is not comparable to other Strategic Solutions in Hampshire where the sensitive locations are permanently open to the public and behavioural traits in terms of visitation can be built up and established.


With regard your point around baseline information. Between report chapters IOW2 to 10 in the HRA Section D3, there is an Access Baseline assessment for each of the areas, which have been identified relevant to environmental risks. The mitigation that has been proposed is relevant to the current access levels and risk to environmental features on that particular area of coast.

Finally in terms of your summary point about Coastal Margin and the failure to assess it properly, I will refer you back to the following on page 94, under a section entitled Coastal Margin.

Under s25 of CROW access will be excluded to the vast majority of the saltmarsh and mudflat. It has been established that these areas are unsuitable for public access due to hazardous and unsafe terrain.

It seems quite logical to me that this area need not be assessed as public access as access will be restricted to it. This is due to the risks to human health the habitat and terrain offers. We wouldn't normally expect an HRA to assess every possible eventuality, only where an impact pathway is likely to occur. In this case people and dogs won't be getting to the sensitive habitat and will have no legal right to do so, so I can concur with the conclusions within the HRA.

Yours sincerely,


Senior Adviser
Thames Solent Team



Date: 6th August 2020

By Email

Natural England



Dear [REDACTED]

Representation on the Coastal Access Reports: Isle of Wight sections numbered 2 and 6-10.

Further to your complaint (Ref: 7552) regarding the HRA of ECP Proposals Wootton Bridge and East Cowes Ferry Terminal, I am responding at Stage 2 of our complaints process.

Natural England's Proposals were submitted to the Secretary of State on 18th March 2020. They were subject to an eight week period within which objections or representations could be made: this closed on 9th June 2020. You made a representation to the Proposals on 5th June, and the points you made in this will be considered in due course by Defra.

The decision to approve the Proposals, with or without modifications, rests with the relevant Minister (see s.52 of National Parks and Access to the Countryside Act 1949). The Proposals will not take effect before they have been determined in this way.

After taking legal advice, Natural England can confirm that the appropriate forum for resolution of the points you make in your representation is now this statutory process, not by way of separate Complaint (Ref 7552) to Natural England. The approval of the Proposals, including whether it is necessary or appropriate to make modifications to them as a result of your arguments, now rests with the Secretary of State.

As such, Natural England does not consider it appropriate at this stage to respond to detailed points you are making when these points are also raised in your representation. Instead it will allow them to be considered as above as part of the statutory process provided for that purpose.

We expect the statutory process, undertaken and managed by the Planning inspectorate from this point onwards, to conclude towards the end of 2020.

We have also taken advice on your request to see the competencies and grades of the officers who drafted and approved the HRA. It was concluded that we do not need to provide that information at this stage on the basis that this is NE's corporate assessment which it must satisfy itself that it has carried out properly and in accordance with its practices, guidance and scheme of delegation. It is therefore for Natural England to decide whether it has relied upon staff with appropriate skills and experience to do this.

If you are not satisfied with this Stage 2 response, you can escalate your complaint to Stage 3 where it will be looked at by a Director. If you wish to do so, please contact our Customer Focus Team via the Customer.Feedback@naturalengland.org.uk mailbox.

Please be aware that Natural England's complaints process has three stages. If you choose to go through all three stages, and you are still not satisfied, then you will need to contact the Parliamentary and Health Service Ombudsman's (PHSO) office. Further details on our complaints procedures can be found on our gov.uk webpage: http://www.naturalengland.org.uk/about_us/contact_us/complaints/default.aspx

Yours sincerely,



Manager
Thames Solent Team

[REDACTED]

13 August 2020

Dear [REDACTED]

Complaint relating to the Habitats Regulations Assessment of the England Coastal Path. Isle of Wight. Reference 7552

Thank you for your letter of 6th August.

As I understand it, your letter suggests that the issues subject to my complaint are most properly addressed by the Inspectorate and the Secretary of State through the consultation into the proposed Isle of Wight Coastal Path.

I believe that this conclusion is in error for three reasons; namely,

- That both Defra and the Inspectorate would be reasonable to accept Natural England's advice at face value and not question its veracity. The principle of statutory bodies not being required to verify the adequacy of Natural England's advice was established in the judgement of the Supreme Court on the Morge case <https://www.supremecourt.uk/cases/docs/uksc-2010-0120-judgment.pdf>. My concern is therefore that Defra and the Inspectorate are being asked to determine a case on the basis of advice which I believe to be flawed.
- My locus in the England Coastal Path consultation is restricted to making representations and as such I may not pursue my concerns directly with the Inspectorate. As such, Natural England cannot rely on that process to address my complaint.
- My complaint is a legitimate complaint into the internal processes of Natural England which stands in its own right, irrespective of the context of any other process.

I sympathise with the point you raise regarding providing personal details of named officers. May I reassure Natural England that I do not seek to personalise these issues. What I am seeking to establish is the competencies of the authors and assessors of the Habitats Regulations Assessment,

together with the relative place of those parties in the hierarchy of the organisation. In my experience it is usual for such information to accompany an Assessment.

I therefore request that you reconsider your conclusion and proceed with investigating my complaint.

Thank you for your invitation to discuss my concerns. May I suggest, by exchange of e-mail later this month, that we find an opportunity to talk.

[Redacted signature]

[Redacted signature]

(signed electronically)

Note of a conversation by teleconference with [REDACTED] and [REDACTED] of Natural England (NE).
15th Sept 2020

The purpose of the conversation was to consider my complaint to NE no. 7552

I explained my locus in this issue and summarised my concerns as being the inadequacy of the Habitat Regulations Assessment (HRA) accompanying the proposed English Coastal Footpath (ECP) puts the conservation of the Isle of Wight's estuaries at risk. The objective of my complaint was to ensure that the Inspectorate have all the necessary information to form a decision. The remedy I seek from my complaint is for NE to review their HRA, preferably using an independent third party, and if necessary, to revise the HRA and advise the Inspectorate accordingly.

SR confirmed that NE were resolute in their view that they could not consider a complaint in the context of the statutory processes relating to the ECP. Whilst I neither understood nor agreed with this position there was no hope of pressing NE to take another view. NE invited me to resubmit my complaint as a 'stand alone' complaint which would then be considered. I undertook to consider this option but was concerned that it would not meet my objective in making the original complaint.

We explored the HRA. NE advised that they had drawn on the best available evidence in drafting the HRA, as was standard practice in ECP casework. I challenged this, given the lack of data in many parts of the Islands estuaries, notably the Western Haven of Newtown, and pressed the point that HRA's require adequate data, which in many circumstances require the proponents of plans and projects to undertake field work and surveys. NE advised that they did not regard themselves in the same context as other developers (such as housebuilders) as their motivations differed.

NE offered to monitor the impacts of the ECP on the Island's estuaries and to adjust their management measures accordingly. My response was this was a welcome offer, but was a promissory note which NE had no means to guarantee delivery. Furthermore, the acceptance that there may be future issues to address, emphasises the failure of the HRA to apply the necessary legal tests of certainty. The failure of this aspect of the HRA forms part of my complaint and raises questions as to the competencies of those drafting and approving the HRA. Finally, I noted that the lack of baseline data would hinder the effectiveness of future monitoring.

NE advised that they would shortly be summarising my representations and passing them to the Inspectorate. I requested that the Inspectorate be given a full copy of my representations, and if not, that my concerns and complaint be reported to them.

I thanked [REDACTED] for their courtesy and consideration.

[REDACTED] 15 Sept 2020.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

30th September 2020

Dear Natural England

Complaint concerning a Habitats Regulations Assessment prepared by Natural England, relating to a stretch of the English Coastal Footpath on the Isle of Wight.

Thank you for your e-mail of 25th September.

This complaint is made in my role as a private person. Whilst I have had a variety of professional roles relating to landownership, management and conservation on the Solent coast this representation should not be taken as relating to those roles. My locus in making this representation is of a concerned individual who has lived and worked on the Island's coast and has been an enthusiastic walker of the Island's coastal paths since the 1980s.

I have approached this matter as a 'critical friend' who wishes Natural England to put its own house in order so that the Inspectorate and the Secretary of State are properly informed when they come to consider the case of the footpath on the Isle of Wight. At Natural England's invitation I have recast my earlier complaint, no 7552, so that it is separated from my representation on the England Coastal Footpath. The recast complaint repeats the concerns originally expressed in complaint 7552.

In recasting my complaint, I have accepted, at face value, Natural England's advice that the original complaint cannot be progressed as it is linked to another statutory process. I have re-familiarised myself with the CROW Act and the guidance notes published online which set out the details of implementation of the England Coastal Footpath. It is possible that I have overlooked the relevant information but I can find nothing specific which prevents a complaint, such as 7552, being considered by Natural England. If you can direct me to the relevant sections of the documents which Natural England rely on in giving their advice, I would be grateful.

The details of my concerns are set out in the appendix accompanying this letter. In summary, my complaint is that the Habitats Regulations Assessment (HRA) that Natural England prepared to accompany the Coastal Footpath consultation is of an inadequate quality to properly inform the consultees, furthermore I contend that the inadequate nature of the HRA leaves the Inspectorate and the Secretary of State inadequately informed to safely arrive at recommendations and decisions. In expressing these concerns I am aware that statutory bodies do not need to verify the adequacy of Natural England's advice. This circumstance was established in the judgement of the Supreme Court in the Morge case, *Morge v HCC* [2011] UKSC 2.

At its heart, my concern is that the Secretary of State and the Inspectorate are being asked to determine a case on the basis of information which I believe to be significantly flawed.

My concerns about the quality of the HRA may be summarised as follows:

- That the HRA relies on 'best available' evidence and has failed to identify the scope of issues to be addressed or to consider the adequacy of the 'best available' evidence. My contention is the 'best available' evidence is inadequate and, as is common with other HRAs, the necessary information should have been secured through survey and appraisal. Natural England officers have advised me that the use of 'best available' evidence is standard practice when considering the English Coastal Footpath. I contend that whilst this standard practice may be appropriate where the 'best available' evidence is adequate to inform assessments, it is not appropriate where there is inadequate information available. The terrestrial hinterlands of Isle of Wight estuaries in general, and Newtown Harbour in particular, are significantly data deficient.
- That in drawing their conclusions in the HRA, Natural England have failed to apply the necessary tests applicable to Habitat Regulations Assessments, notably those ensuring the necessary degree of certainty that the integrity of Natura 2000 features will not be put at risk. To paraphrase case-law, the HRA fails to offer complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt. The acceptance by Natural England of the likelihood of residual risks, following mitigation, is reflected in their offer to monitor outcomes and adjust mitigation measures, if required.

My request is that in considering this complaint, that Natural England review the adequacy of their HRA, preferably through an independent professional body such as the CIEEM. I request that those undertaking the review are made aware of the details of my complaint and concerns. If the conclusion is that the HRA falls short of acceptable standards, then I request that the Inspectorate considering the England Coastal Footpath be advised, so that their decisions are properly informed.

As set out above, I have approached this complaint as a 'critical friend' with a clear, open objective as to the remedy I seek. In preparing this response to your e-mail of 25th September I reviewed my earlier decision to pursue the matter as a complaint. So that you may understand my thinking, I have summarised my options below. These are in no particular order.

- Continue to pursue 7552 taking it to the third stage, at present this complaint is as stage 2. As NE remain resolute not to consider the details and merits of my complaint, such an exercise is unlikely to be satisfactory.
- To recast my complaint as invited by Natural England.
- To apply for a Judicial Review that seeks to quash the conclusion of the Habitats Regulations Assessment. In the past I've worked with chambers on reviews who were kind enough to assist *pro bono*. Reviews are simple to submit but tend to polarise relationships and thus reduce the chances of achieving my objective.

- Promoting the issue to the media/ social media. This is a wildcard that is unlikely to have a satisfactory conclusion.
- Refer the matter to the relevant Defra Minister through my Member of Parliament. Knowing the individuals concerned I am confident that I'd get a reasoned reply. However, the 'Red Jacket' process is seldom a satisfactory means of finding a way forward.
- Make a direct approach to [REDACTED] or one of the other board members who I have worked with in the past. This would probably be referred back to officers for due process but it would raise awareness of my complaint at the highest levels. An alternative would be a direct approach to [REDACTED] who is a former colleague.

Whilst there is still goodwill, I urge Natural England to consider the details and merits of my complaint, either as originally drafted or in its recast form. Given the nature of the complaint, and the desired remedy, I seek reassurance that this will be done in a timely fashion and that our exchanges following my original complaint on 5th June do not mean that the desired remedy is overtaken by events.

[REDACTED]
[REDACTED]

The Appendix continues below:

Complaint concerning a Habitats Regulations Assessment prepared by Natural England, relating to a stretch of the English Coastal Footpath on the Isle of Wight.Deficiency on data upon which to base an Assessment

The Island's estuarine coast is an integral part of the complex of coastal wetlands that comprise the Solent. These wetlands have long been regarded as of exceptional importance to nature conservation, an importance which is partially reflected in statutory designations including Sites of Special Scientific Interest, Natura 2000 sites and wetlands of international importance under the Ramsar convention.

The breadth of interests of importance to nature conservation at a national and international level are reflected in the statutory designations. The qualifying features of the Natura 2000 sites were identified when the sites were classified and designated, similarly the Site of Special Scientific Interest citations describe the reasons for notification although these are more broadly expressed than in Natura 2000 sites. The Ramsar site designations are even more inclusive in setting out the criteria for selection and then citing examples of such features without seeking to present a complete and definitive list.

Since these statutory designations were made in the late twentieth century there has been growth in understanding and appreciating the features present on the Island's coast including the recognition of additional habitats, populations and species relating to Natura 2000 site selection together with additional features meeting SSSI selection criteria along with additional features of international importance under the Ramsar convention. Collectively these additional features fall within, and without, the boundaries of existing designations. The statutory designations describe this coast at an historical point in time and do not necessarily reflect the current breadth of interests that are material when considering proposals such as a coastal path. These additional features are material to a Habitats Regulations Assessment, as clarified through the Holohan Case (ECJ: C 461/17).

The Island's estuarine coastline has not been subject to the same level of systematic survey as have other sections of England's coastline. There is no evidence of Natural England having properly considered that adequacy of the data that was available to them. Similarly, there is no evidence as to Natural England having surveyed the land in question to determine what features are present together with the current condition of those features; neither is there evidence of Natural England identifying the current level and pattern of use of this coastline by visitors. As a consequence, the baseline against which an assessment can be made has not been properly established. Natural England's position cannot be reconciled with the obligation to use the 'best available scientific knowledge in the field' and to use up-to-date information.

This circumstance means that there is a deficiency of data upon which to plan and assess proposals such as the coastal path. It is of great concern that the route of the path, and the concomitant 'spreading room' has been progressed without being adequately informed as to the likely consequences to nature conservation interests. In this regard it is particularly unfortunate that the

reports available during the consultation do not show a simple map which identifies the route of the path in combination with the spreading room.

In making the points set out above I do not belittle the importance of nature conservation interests that are regarded as being of less than national importance. These features are of value, albeit subject to different means of assessment than the interests covered by statutory designations.

Deficiency of the Habitats Regulations Assessment

A Habitats Regulations Assessment should an analysis of the consequences of a plan or project on all Annex I features and Annex II species. As set out above, there are inadequate data to inform an assessment. The analytical section of the Assessment is hindered by this lack of data, a problem that is then compounded by the failure of the authors to apply the correct legal tests of certainty, as clarified through case-law.

The Habitats Regulations Assessment accompanying the proposed coastal path is unusual in that the body responsible for proposing the 'Plan or Project' (in this case coastal access) is also responsible for drafting and approving the Habitats Regulations Assessment. The Assessment (page 6) seeks to offer reassurances that this potential conflict of interest has been identified and addressed; however, there is nothing in the documentation to demonstrate how this has been achieved, indeed the technical inadequacy of the assessment suggests that the document has not been subject the rigour of scrutiny that would have been applied by Natural England should the applicant had been another party. The process of producing the Habitats Regulations Assessment demonstrates a lack of natural justice whereby Natural England have adopted a process where they are effectively 'marking their own homework'.

The nature of the assessment raises questions as to the relationship and competencies of the officers of Natural England who drafted and approved the assessment. It is usual for a Habitat Regulations Assessment to identify the competencies of the authors; similarly, it is usual for there to be transparency in how a draft assessment has been scrutinised and approved.

Had the Habitats Regulation Assessment demonstrated an understanding of the sensitivities of the Island's estuarine coast, and then established effective remedies for the issues it highlighted, then the issue of natural justice would be of less concern. However, that is not the case.

The Habitats Regulations Assessment is faulty in a number of regards; including

- The lack of analysis as to whether the data available to the authors was adequate which in turn results in a failure to identify and address any significant deficiencies in data. Through my professional background I am all too familiar with the inadequacy of data relating to high water wader roosts within and outside the boundary of statutory sites around the Solent together with the inadequacy of data on the character and condition of terrestrial and intertidal habitats that will be included in the 'spreading room', particularly higher upper-saltmarsh transitions into freshwater grasslands and estuarine woods. This is material as we know from more accessible coasts that these internationally important habitats are vulnerable to abrasion from even modest levels of recreational use.

- There is a lack of data on the management regimes upon which the features of interest depend; this is material to the assessment as coastal access is associated with impacts on the ability of the land owners to manage their sites, particularly relating to livestock, with unintended adverse consequences, such as site abandonment and the 'fencing off' of vulnerable sites. The reliance of the Habitats Regulations Assessment on the landowners/managers to carry the responsibility of managing these impacts cannot be demonstrated to be an effective remedy. At best, the means to support this management, such as through Countryside Stewardship and similar programmes, are short-term measures.
- There is an absence of analysis of features included in the Annexes of the 'Birds' and 'Habitats' Directives that were not recognised at the time of designation but are present at the time of assessment. Article 6 of the Directive requires these features to be included in the assessment, as was recently clarified in the judgement on the Holohan Case (ECJ: C 461/17).
- The failure to identify options for the route and spreading room whereby mitigation is not required.
- Having failed to adequately describe or quantify the issues to be addressed, the Habitats Regulation Assessment then sets out mitigation works that are vague in intent and naïve in application in that they appear to rely on exhortations to the public to behave responsibly, combined with an expectation that there will be little, if any, increase in the recreational use of vulnerable places such as the Western Haven of Newtown Harbour. There is no baseline data offered on the current level of adverse impacts, nor a reasoned quantitative prediction as to likely changes with or without mitigation. Without such data it is not possible to assess whether the mitigation is effective. Such baseline data is essential to enable the impacts to be monitored and if necessary, to trigger further mitigation or the modification or closure of the path. It is usual in Habitats Regulation Assessments for mitigation works to be precise in their proposals, confident in their efficacy and binding in their delivery. NE are not in a position to conclude that the appropriate assessment meets the test set in case-law as comprising 'complete precise and definitive findings and conclusions capable of removing all reasonable scientific doubt'. (C-304/05 paragraph 69, together with C-239/04 and C-404/09). What is proposed on the Island's estuarine coast falls far short of the obligations that Natural England, quite reasonably, places on other proposers of 'Plans and Projects'.
- The absence of adequate data and analysis means that NE are not in a position to conclude that '... the access proposal...will not have an adverse effect' p.101 of the assessment, nor to on the following page to advise the Secretary of State that the proposals '... are fully compatible with the relevant European site conservation objectives'.

ends



Date: 23rd October 2020

Your ref: 7600

By Email

Natural England



Dear 

I am responding at Stage 1 of our complaints process.

I refer to your complaint dated 30th September 2020 regarding **representation on the Coastal Access Reports: Isle of Wight sections numbered 2 and 6-10.**

As you are aware, we received a number of representations and objections concerning our proposals, particularly in the Newtown Harbour area. In light of the information and comments we have received, we have started a review of the HRA. We have re-engaged with land managers, local experts and enthusiasts on the Island who are in the process of supplying us with additional data they feel would be helpful for us to consider.

As part of this process we will be considering all the points you have made to us in your representation of the 5th June and separately in complaint No. 7552. Following this process, the HRA will be updated as we deem necessary.

Due to the need to gather and process additional data, the representations process is likely to take longer than originally anticipated. As we discussed previously, once the statutory process is complete and you have been notified of the outcome, you will of course have the option to tell us or Defra of any residual issues or concerns you may have.

In specific reference to complaint No. 7600, in which you recast your original complaint (No. 7552) into a more generic concern around the HRA process. After considering your letter in full, we and our national team have concluded that it is simply not possible to separate out the specific nature of your original complaint and we are unable to take this line of enquiry further.

Given that we are unable to take complaint No 7600 further, it would seem sensible to close it and keep No. 7552 open, as previously agreed. I will await your instruction on this.

If you are not satisfied with this Stage 1 response, you can escalate your complaint to Stage 2 where it will be looked at by a Team Leader or Manager. If you wish to do so, please contact our Customer Focus Team via the Customer.Feedback@naturalengland.org.uk mailbox.

Please be aware that Natural England's complaints process has three stages. If you choose to go through all three stages, and you are still not satisfied, then you will need to contact the Parliamentary and Health Service Ombudsman's (PHSO) office.

Further details on our complaints procedures can be found on our gov.uk webpage:

http://www.naturalengland.org.uk/about_us/contact_us/complaints/default.aspx

Yours sincerely,

A black rectangular redaction box covering the signature of the sender.

Manager
Thames Solent Team
Natural England

[REDACTED]

[REDACTED]

6th November 2020

Dear [REDACTED]

Complaint Reference 7600

Thank you for your letter of 23rd October 2020 which sets out Natural England's response to my complaint of 30th September, your reference 7600.

Thank you for advising me that Natural England has decided to review the Habitats Regulation Assessment for the Wight Coastal Footpath. This is a welcome move and I thank you for it. However, we are still in a position where Natural England have prepared and approved a Habitats Regulation Assessment for the proposed Coastal Footpath which, despite the review being an implicit acceptance of its inadequacy, remains the published position of Natural England.

Your letter infers that this matter will not be put to the Inspectorate until the review of the Assessment has been completed; this is welcome. It would be helpful if you could clarify that any amendments to the Assessment, or to the path and spreading room, will be subject to a fresh round of consultation and representations.

Friends and colleagues on the Island have advised me of having been approached by your colleagues who are undertaking the review. It is concerning that the review appears to be following the same process that resulted in the current Assessment, namely a gathering of best available evidence followed by the failure to apply the correct legal tests. My complaint is, and remains, that this process will not result in an adequate Assessment and will not provide a safe body of evidence to be considered by the Inspectorate. The details of this complaint are set out in my letter of 24th September.

I note Natural England's conclusion that it is not possible to consider elements of my complaint. I do not accept that this is a reasonable conclusion and assert that Natural England are not immune to scrutiny or self-reflection where their internal processes are resulting in Assessments such as that subject to this complaint.

I therefore request that this complaint be escalated to Stage 2.

[REDACTED]



Date: 15th January 2021

Your ref: 7552

By Email

Natural England



Dear 

This letter forms part of our response to your complaint ref 7552 (your other complaint, 7600 has been closed) which is currently at stage 2 and which follows our telephone conversation on 19th November 2020. Please accept my apologies for the delay in providing you with this response.

I can confirm that as part of considering objections and representations made to our proposals for improving access to the coast on the Isle of Wight between Wootton Bridge and the Medina we intend to review the associated HRA.

As previously advised we will, in the course of carrying out this review, be considering all of the comments you have previously made about the HRA. We will also provide a summary of them to the Planning Inspectorate.

The Coastal Access delivery programme is concerned with securing and where appropriate improving the provision and management of public access on foot around the English coast. Our approach to developing our detailed proposals for a coastal area is iterative. If, using the best available evidence, we are not able to rule out beyond reasonable scientific doubt the possibility of a particular path alignment (or any other facet of the resulting arrangements) having an adverse effect on a European site's integrity, then we adjust the detail of the proposals until we can rule this out.

The evidence requirements for a Habitats Regulations Assessment depend on the nature and scale of possible effects of the proposals on the site conservation objectives: there is no one size fits all in terms of what is required. As our proposals err on the side of caution as necessary, we do not normally gather additional evidence before undertaking our HRA.

In this case however, after publishing our proposals on 18th March 2020, we received further information that is relevant to the HRA. Several local experts have also come forward with relevant knowledge of key locations. It is for these reasons that we intend to review the HRA. Until we have completed this review, you will understand that it would not be appropriate for me to comment further on any implications for our published proposals.

The key focus of the appropriate assessment we undertook previously as part of the HRA is practical aspects of how access will be managed on the ground, such as how people are likely to behave in all the local circumstances, and whether any interventions delivered through the programme will support the site conservation objectives, at least in terms of preventing any significant additional adverse impact arising from these new arrangements.

Once the HRA has been reviewed, we will be able to consider the way forward. There are several ways the access proposals could be changed if this proves necessary, either if the HRA Review were to signal this is necessary, or otherwise. Changes might be triggered by an objection or representation, with the Secretary of State (SoS) opting to amend our proposals accordingly; or Natural England could advise the SoS that it wishes to modify its proposals for a given part of the stretch, in which case the revised proposals for this part would then be published and would be subject to a further round of objections and representations.

Thank you for your continued interest in the programme, and please be assured that the comments you have made will be fully taken into account as this process unfolds.

If you are not satisfied with this Stage 2 response, you can escalate your complaint to Stage 3 where it will be looked at by an Area Manager. If you wish to do so, please contact our Customer Focus Team via the Customer.Feedback@naturalengland.org.uk mailbox.

Please be aware that Natural England's complaints process has three stages. If you choose to go through all three stages, and you are still not satisfied, then you will need to contact the Parliamentary and Health Service Ombudsman's (PHSO) office.

Further details on our complaints procedures can be found on our gov.uk webpage:

http://www.naturalengland.org.uk/about_us/contact_us/complaints/default.aspx

Yours sincerely,



Manager
Thames Solent Team
Natural England

By email. Customer.Feedback@naturalengland.org.uk

[Redacted]
[Redacted]
[Redacted]

12th February 2021

Dear Natural England

Complaint Reference 7552

Thank you for your letter of 15th January 2021 in which Natural England describes a process which has the potential to address my complaint.

This is a welcome step in the right direction. However, we are at risk of repeating the circumstances which lead to my complaint/s; namely that NE appear to persist in seeking to determine the issues on the basis of 'best available' evidence.

What I look forward to seeing is a comprehensive look at what Natura 2000, SSSI or other important features are present along the corridor of the proposed coastal footpath, followed by a systematic approach to gathering data that can then be used to inform decisions. This is usual practice in assessments and in most circumstances there is a need to undertake survey and assessment where pre-existing information is inadequate. The use of 'best available' data is unlikely to address my complaint.

Natural England's letter of 15th January is silent on another element of my complaint/s; namely, the matter of measures that are necessary to address risks to Natura 2000 site interests, should the assessment conclude there are such risks. Previously Natural England were relying on measures whose efficacy and certainty did not meet the standards usually applied in Habitats Regulations Assessments.

My conclusion is therefore it is too early to determine whether my complaint has been addressed and this will only become clear when the amended assessment is published. I therefore request that my complaint is considered unresolved and to be revisited once the process you describe in your letter is complete.

[Redacted]
[Redacted]
[Redacted] Natural England