

**Annex I**

**Coastal Access – South Hayling to East Head  
lengths SHE1 to SHE3 and SHE5**



**Representations with Natural England’s  
comments**

**March 2024**

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**1. Introduction**

This document records the representations Natural England has received on the proposals in length reports SHE1 to SHE3 and SHE5 from persons or bodies. It also sets out any Natural England comments on these representations.

Where representations were made that relate to the entire stretch for South Hayling to East Head they are included here in so far as they are relevant to lengths SHE1 to SHE3 and SHE5 only.

**2. Background**

Natural England’s compendium of reports setting out its proposals for improved access to the coast from South Hayling to East Head, comprising an overview and five separate length reports, was submitted to the Secretary of State on 3 October 2019. This began an eight-week

period during which representations and objections about each constituent report could be made.

In total, Natural England received 123 representations pertaining to length reports SHE1 to SHE3 and SHE5, of which 29 were made by organisations or individuals whose representations must be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These 'full' representations are reproduced in Section 4 in their entirety, together with Natural England's comments. Also included in Section 4 is a summary of the 94 representations made by other individuals or organisations, referred to as 'other' representations. Section 5 contains the supporting documents referenced against the representations.

### 3. Layout

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

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

## Length Report SHE1 - South Hayling to Langstone Bridge

#### *Full representations*

<b>Representation number:</b>	MCA/SHE Stretch/R/1/SHE2307
<b>Organisation/ person making representation:</b>	<p>The Solent Recreation Mitigation Partnership (Bird Aware Solent)</p> <p>The Solent Recreation Mitigation Partnership is 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 &amp; Isle of Wight Wildlife Trust, and Chichester Harbour Conservancy.</p> <p>The Partnership for Urban 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.</p>
<b>Route section(s) specific to this representation:</b>	Whole Stretch
<b>Other reports within stretch to which this</b>	SHE 2, SHE 3, SHE 4 and SHE 5

<b>representation also relates:</b>	
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### **Representation in full**

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

We recognise and thank you for your timely and inclusive approach to engaging with us during the development of a route for the ECP. As you are aware those parts of the Solent being identified as a potential route for the ECP are covered also by our mitigation programme, 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 SRMP partners' local knowledge and ecological expertise. We understand that this input has formed part of the evidence to define a route which does not lead to additional impacts on the Solent's SPA birds and their habitats. We appreciate that the proposed ECP route will need to satisfy the Habitats Regulations and that avoidance and mitigation may be required for the chosen route. This is in the same way that SRMP is a response to allowing development to proceed in satisfaction of those same regulations.

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

#### **Mapping of Spreading Zone**

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

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

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**

The Secretary of State thanks The Solent Recreation Mitigation Partnership for their contribution and support to the development of the proposed route.

**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 between South Hayling and East Head 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 the SRMP and other organisations with relevant local knowledge, and are satisfied that sufficient measures are included to mitigate the risks. After careful consideration, we believe that the proposals we have made will not lead to an adverse effect on the integrity of the European sites. In reaching this conclusion, we have taken account of the relevant conservation objectives for the European sites involved and their ecological characteristics.

Our Habitats Regulations Assessment (see page 30, 'Bird Aware Solent', under 'D2. Contextual statement on the current status, influences, management and condition of the European Site and those qualifying features affected by the plan or project') states that:

Proposals for coastal access have been made following a series of workshops and discussions with Bird Aware Solent representatives during which we have checked that detailed design of the access proposals is compatible with the Solent Recreation Mitigation Strategy and latest thinking on how it will be delivered, including site-specific visitor management measures.

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 developed in collaboration with Bird Aware Solent.

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. This document has been developed in consultation with Natural England's staff involved in Bird Aware Solent.

Ongoing maintenance of the path and the associated mitigation measures have been considered within the Overview and individual reports for the stretch.

**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 distinctively on OS maps.

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.

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.

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

<b>Representation number:</b>	MCA/SHE Stretch/R/5/SHE1809
<b>Organisation/ person making representation:</b>	[redacted] - Ramblers Hampshire Area
<b>Route section(s) specific to this representation:</b>	Whole Stretch (only the sections within Hampshire)
<b>Other reports within stretch to which this representation also relates:</b>	SHE 2
<b>Representation in full</b>	
<b>General Comment</b>	
<p>This is a disappointing section, there is very little 'coastal' path about the Hayling Island part of the route!</p> <p>It is also disappointing that, unlike the remainder of the Hampshire coast, Ramblers were not afforded the opportunity to discuss the problems with this section with the NE team during their development of their proposals.</p> <p>As a consequence, we believe that some opportunities have been missed to alleviate some of the difficulties created by the wildlife considerations on this section.</p> <p>There would also seem to be many potential issues with spreading room that will result from the path being so far from the coast for almost the whole of the eastern half of Hayling Island.</p>	
<b>Natural England's comments</b>	
<p>Natural England acknowledge the Ramblers disappointment that there are areas on Hayling Island where we have chosen to use a route not directly on the coast.</p> <p>Meetings were held between the ECP Team and various key stakeholder to discuss the route including the Ramblers. The ECP Team met with the Hampshire Area Ramblers on the 17th of May 2016, and had meetings with the Sussex Ramblers on the 15th of December 2015 and the 3rd of March 2016. We were aware when developing our proposal of the desire some stakeholders had to create a more coastal route on Hayling Island, and it is something we fully explored when developing our proposals.</p> <p>As part of our process we have to consider the possible impacts of our proposals on the features of designated sites. These considerations are documented in the Habitats Regulations Assessment and Nature Conservation Assessment included as part of our proposals. One of the key reasons the proposed route was chosen was to reduce the likelihood of disturbance to sensitive wildlife, by not encouraging new or increased access in sensitive areas. Natural England did consider possible mitigation measures, such as screening to reduce bird disturbance, however this was not feasible as it would have resulted in disturbance to flight lines between the harbour and the marshes.</p> <p>In addition to nature conservation considerations, there were other considerations that also contributed to the selection of the proposed more inland route. These are explored further in Report 1 and included issues relating to the current land use and the requirement that would have arisen for significant expenditure on new infrastructure.</p> <p>The proposed route does bring a significant area on the eastern side of the island into the coastal margin. However, not all of this land would be subject to access rights, as any excepted land, such as land covered by buildings or their gardens or curtilage would not be subject to access rights. 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. The spreading room created by our proposals is therefore likely to be significantly smaller than the coastal margin displayed on the map.</p> <p>In addition to this, areas that are particularly sensitive from a nature conservation perspective that would otherwise be subject to coastal access rights have also been excluded by direction under s26(3)(a) of the Countryside and Rights of Way Act (2000).</p>	

<p><b>Relevant appended documents (see section 6):</b> N/A</p>

<b>Representation number:</b>	MCA/SHE Stretch/R/7/SHE2390
<b>Organisation/ person making representation:</b>	The Environment Agency
<b>Route section(s) specific to this representation:</b>	Whole Stretch (excluding comments on 2e and 4h which have been submitted separately).
<b>Other reports within stretch to which this representation also relates:</b>	SHE 2, SHE 3, SHE 4 and SHE 5
<b>Representation in full</b>	
<p>Thank you for consulting the Environment Agency. The areas in this report cover the patches under the remit of both the Hampshire and Isle of Wight &amp; West Sussex Partnership and Strategic Overview (PSO) Teams.</p> <p>Any works that are due to take place within the 8m boundary of non-tidal Statutory Main Rivers, or more likely, the 16m boundary of tidal Statutory Main Rivers could be subject to requiring a Flood Risk Activity Permit (FRAP).</p> <p>You can check the locations of Statutory Main Rivers online: <a href="https://environment.maps.arcgis.com/apps/webappviewer/index.html?id=17cd53dfc524433980cc333726a56386">https://environment.maps.arcgis.com/apps/webappviewer/index.html?id=17cd53dfc524433980cc333726a56386</a></p> <p>Where the route is merely utilising and upgrading existing footpaths, it is likely that these works will fall under our FRAP exemption rule FRA28. Details of which can be found online: <a href="https://www.gov.uk/government/publications/environmental-permitting-regulations-exempt-flood-risk-activities/exempt-flood-risk-activities-environmental-permits#improvement-works-for-existing-tracks-and-paths-fra28">https://www.gov.uk/government/publications/environmental-permitting-regulations-exempt-flood-risk-activities/exempt-flood-risk-activities-environmental-permits#improvement-works-for-existing-tracks-and-paths-fra28</a></p> <p>However, where the proposals include the construction of new footpaths then a 'bespoke permit' would be required, if they fall within the parameters of requiring a FRAP. Guidance regarding FRAPs can be found online: <a href="https://www.gov.uk/guidance/flood-risk-activities-environmental-permits">https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</a></p> <p>Where the works involve activities in, over or under an Ordinary Watercourse (a river not shown on the above mentioned Statutory Main River map) then the Lead Local Flood Authority should be contacted.</p> <p>Feel free to contact the Hampshire and Isle of Wight &amp; West Sussex PSO teams with any queries or to discuss specific FRAP applications. The email address have been supplied at the bottom of this form.</p>	
<b>Natural England's comments</b>	

Natural England welcome the information supplied by the Environment Agency. The Access Authorities (who carry out the establishment works) will seek advice from the Environment Agency, as to whether a FRAP is required for the locations where works are planned. They will ensure all the relevant consents and permits are in place prior to any establishment works. In our consultation with the EA we were made aware that as the route on this stretch is merely utilising and upgrading existing footpaths, it is likely that these works will fall under the FRAP exemption rule FRA28.

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

N/A

<b>Representation number:</b>	MCA/SHE Stretch/R/12/SHE2300
<b>Organisation/ person making representation:</b>	[redacted] - Historic England
<b>Route section(s) specific to this representation:</b>	Whole Stretch
<b>Other reports within stretch to which this representation also relates:</b>	SHE 2, SHE 3, SHE 4 and SHE 5

**Representation in full**

**England Coast Path Stretch: South Hayling to East Head**

As the Government’s adviser on the historic environment, Historic England is keen to ensure that the protection of the historic environment is fully taken into account in the establishment of the England Coast Path and associated public access to coastal land, under the Marine and Coastal Access Act 2009.

Historic England notes that all the sections within this stretch would follow existing footpaths, pavements, roads or other existing walked route, with the exception of sections SHE-3-S014 and SHE-3-S015. Non-designated heritage assets have been identified on or near to the proposed route in sections SHE-3-S014 and SHE-3-S015:

A Second World War bombing decoy site at Cobnor Point. Aerial photography from 1967 shows a shelter located at SU 7932 0236.

An archaeological evaluation was carried out at a site approximately 250m to the north of the proposed route at SU 7899 0230, (site code: CCP09). The work revealed significant remains from three broad periods: Bronze Age, mid-late Iron Age and Post-medieval, which may indicate the presence of further remains in the area.

If any physical works that would affect the bombing decoy site, or any digging in the area, is proposed to implement the walking route, the County Archaeologist for West Sussex should be consulted. However, neither this area, nor the rest of the stretch is identified as an Archaeological Notification Area for West Sussex.

As noted above, other elements of the route in this stretch would follow existing routes. However, parts of section SHE-4 also pass near and across Fishbourne Roman Site, a scheduled monument.

Scheduled monument consent is required for most works and other activities that physically affect a scheduled monument. In practice this is a very strict regime under which very little, if any, disturbance of the monument is possible without consent.

Carrying out an activity without consent where it was needed is a criminal offence. Consent must be obtained from the Secretary of State for Digital, Culture, Media and Sport through Historic England for any of the following:

- Works resulting in the demolition or destruction or any damage to a scheduled monument.
- Works for the purpose of removing, repairing, adding to or altering a scheduled monument.



<p>Flooding or tipping operations on land in, on or under which there is a scheduled monument.</p> <p>These comments are based on the information provided by you at this time and for the avoidance of doubt does not reflect our obligation to advise you on, and potentially object to, any specific development proposal which may subsequently arise from this or later versions of the plan and which may, in our view, have adverse effects on the historic environment.</p>
<p><b>Natural England's comments</b></p> <p>Thank you for the advice provided in your representation. Please see our comments on the relevant reports, relating to the specific sites raised in SHE3 and SHE4.</p>
<p><b>Relevant appended documents (see Section 5):</b> N/A</p>

<b>Representation number:</b>	MCA/SHE1/R/5/SHE1809
<b>Organisation/ person making representation:</b>	[redacted] - Ramblers Hampshire Area
<b>Route section(s) specific to this representation:</b>	SHE 1, Map 1c, route sections SHE-1-S028 to SHE-1-S038
<b>Other reports within stretch to which this representation also relates:</b>	N/A
<b>Representation in full</b>	
<p>There is an already well-used opportunity to gain access to a route along the shore when it is not affected by a high tide by leaving the proposed route after SHE-1-S027 and using Wittering Road and Havant FP 517 to reach the shore just south of the Yacht Harbour. When it is not high tide the shore can be followed westwards for some distance before using the access lane to re-join the proposed route at the junction of S038/S039. This route is shorter than the proposed pavement route through a housing estate which makes for uninspiring walking. The proposed route can be defined as the high tide route, as has been done for sections of Langstone Harbour in SHE-2.</p> <p>This bit of shore-line is clearly already well-used, so it is important that the proposed Section 25A exclusion leaves a sufficient gap at the shore line to allow this usage to continue, even if the coastal path is not moved.</p>	
<b>Natural England's comments</b>	
<p>When selecting a route Natural England has to consider the continuity of the trail. People should be able to expect continuity at all states of the tide (para 4.4.2 of the Coastal Access Scheme), so the trail normally avoids any route which is prone to tidal encroachment. We may propose an optional alternative route during high tides in some areas where there are no other viable options, however in this case the proposed route of the trail was seen as a viable option as it is a convenient and direct route which is also safe to walk on and accessible for those with reduced mobility.</p> <p>The route the Ramblers have suggested would provide a gain of 0.5km of coastal walking when the tide allows. However their suggested route is aligned on intertidal mudflats, which we have already proposed to exclude from coastal access rights under s25A because they are unsuitable for public access (see Directions May SHE 1A in Report SHE 1) . In addition, walkers will not know the route is unavailable until they had walked down to the coast, at which point they would need to turn back on themselves and return to SHE-1-S027. Wittering Road does not have a pavement so walkers would have to make use</p>	

of the carriageway for access which is not ideal, and could be unsafe. This route was therefore not seen as a convenient option for walkers in comparison to the proposed route.

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

N/A

<b>Representation number:</b>	MCA/SHE1/R/6/SHE1809
<b>Organisation/ person making representation:</b>	[redacted] - Ramblers Hampshire Area
<b>Route section(s) specific to this representation:</b>	SHE 1, Map 1f, route sections SHE-1-S083 to SHE-1-S086
<b>Other reports within stretch to which this representation also relates:</b>	N/A

**Representation in full**

**Walking beside A3023**

Walking along the pavement of the A3023, from SHE-1-S083 to SHE-1-S086 is a dire experience. The road is always busy, and in the summer it often becomes very congested with queuing traffic, creating an unhealthy atmosphere for walking. Consideration should be given to utilising the nearby PRoW, Havant FP 87, between grid ref SU723 007 and the Maypole public house at SU722 013, thereby reducing the road stretch by about two thirds.

**Natural England's comments**

We chose the proposed route because it was the first viable route closest to the coast and provides a convenient and safer connecting route to the adjoining route sections, than the route suggested by the Ramblers. There is a footway along the eastern side of the road which the Highways Authority have confirmed is safe to walk along and it also provides walkers with some views of the estuary.

We do agree, however, that the A3023 is busy and carries a high volume of traffic. The route the Ramblers have suggested would involve creating a new road crossing along this busy road in order connect to the adjoining route sections and would only gain c0.7km of improved walking experience. The new road crossing would be near to the Maypole pub vehicle entrance, which would also make it harder to cross the A3023 safely. In addition, this route would require walking c200m inland along the A3023 from SHE-1-S080 to access the public footpath. The public footpath itself crosses arable fields which have been identified as Brent geese supporting habitat for the Special Protection Area (please refer to the [Solent Waders and Brent Goose Strategy](#)). Therefore on balance Natural England did not consider there to be significant benefits gained from using the PRoW, as opposed to the proposed route.

In 2017 the Road Safety Audit Team at Hampshire Country Council produced a Safety Assessment for Natural England in relation to the coast path (see supporting document 6.5, site 11). They advised that the pavement is already a well-established route for pedestrians alongside the A3023, but recommended that any maps or guides should warn the public that this is a busy road and extra care should be taken when walking along this section of the route. We will seek further advice from the Access Authority during the establishment works as to whether any additional safety signs are required for pedestrians along the Coast Path here.

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

N/A

<b>Representation number:</b>	MCA/SHE1/R/7/SHE1809
<b>Organisation/ person making representation:</b>	[redacted] - Ramblers Hampshire Area
<b>Route section(s) specific to this representation:</b>	SHE 1, Maps 1e, 1f, 1g, 1h, 1i, route sections SHE-1-S063 to SHE-1-S114
<b>Other reports within stretch to which this representation also relates:</b>	N/A
<b>Representation in full</b>	
<p>We have a major concern about the almost total lack of a coastal route for the large part of the east coast of Hayling Island.</p> <p>There is almost no view of the coast on the proposed route from 1-S063 at Selsmore up to S114 in Northney. A distance of 4¾ miles. The only place the path is in sight of the coast is S090 to S099 to the west of Gutner Point. A distance of 1/3 mile. Even this is not a view to the east but a view south to the other side of the inlet.</p> <p>There are several areas which could provide access to the coast on the east coast: Tournerbury Woods, Middle Marsh, Verner Common, Gutner Point, Northney Marshes. These have all been individually rejected, many because of wildlife disturbance. These areas should be revisited as a group to allow at least one of them to be used for access to the east coast.</p> <p>In particular we note that there is already a Chichester Harbour Conservancy self-guided walk which includes a section from Northney village to the coast and back (<a href="http://conservancy.co.uk/assets/files/cms_item/59/d-Northney_Explorer_Walk-WjdhAfVie4.pdf">http://conservancy.co.uk/assets/files/cms_item/59/d-Northney_Explorer_Walk-WjdhAfVie4.pdf</a>).</p> <p>The section of this walk east of Northney village could readily be incorporated into the proposed route of the coastal path and presents an opportunity to mitigate the unpleasant road-walk between 1-S104 and S106 raised as a separate Representation. It has apparently been rejected because of the risk of increasing its usage. This reason does not make sense on a path which is currently promoted by the Harbour Conservancy.</p>	
<b>Natural England's comments</b>	
<p>Natural England shares the Ramblers disappointment that there are areas on Hayling Island where we have chosen not to align the Coast Path directly adjacent to the coast. During the development of our proposals we explored all options for a coastal alignment here.</p> <p>We were aware, when developing our proposals, of the preference by some stakeholders to create a more coastal route around Hayling Island, and it is something we fully explored when developing our proposals.</p> <p>In determining the proposed alignment, we considered a number of options in this area, as presented in Table 1.3.2 Other Options Considered of the report. These included aligning around the eastern coastline of Hayling Island. This option would have brought public benefits, such as increased coastal views, as described in the representation. However new access was discounted here due to concerns over the potential impacts on wildlife.</p> <p>The eastern shoreline and marshes of Hayling Island (including Tournerbury Woods, Middle Marsh, Verner Common, Gutner Point, Northney Marshes) has been identified as an important breeding and wintering bird site in the Chichester and Langstone Harbours SPA and forms a crucial part of the network of high tide roost sites. Some of the best high tide roosting and feeding sites of the SPA are located along the eastern coastline of Hayling Island.</p> <p>In the HRA we concluded that new access, or more formalised access rights on existing permissive routes, along the eastern shoreline of Hayling Island would result in disturbance to the important bird</p>	

populations at all times of year, by affecting the birds' ability to feed or rest effectively on intertidal areas and roost sites in the winter, spring and autumn, with nesting affected in spring and summer on land adjacent to the seawall. As a result, new access was discounted here as we couldn't conclude that there would be no adverse impact on the bird populations of the Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site (as considered as part of the published HRA). The precautionary principle applies in such cases, if we cannot rule out a possible adverse effect, then the proposal cannot go ahead.

In addition to nature conservation considerations, there were other considerations that also contributed to the selection of the proposed route. These are explored further in Report SHE 1 and included issues relating to the current land use and the likely significant cost of new infrastructure.

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

N/A

<b>Representation number:</b>	MCA/SHE1/R/8/SHE1809
<b>Organisation/ person making representation:</b>	[redacted] - Ramblers Hampshire Area
<b>Route section(s) specific to this representation:</b>	SHE 1, Map 1h, route sections SHE-1-S104 to SHE-1-S106
<b>Other reports within stretch to which this representation also relates:</b>	N/A
<b>Representation in full</b>	
<p><b>Road Walking</b></p> <p>The section of road between 1-S104 and S106 is not appropriate for a promoted walking route. Whilst this route may seem acceptable it is often used as a 'rat-run' in the summer when the A3023 becomes congested. Even walking it during mid-week in November we were constantly ducking out of the way of passing cars and vans. Some effort needs to be made to take the route off the road into adjacent fields (which, we assume, will in any case become spreading room).</p>	
<b>Natural England's comments</b>	
<p><b>Other route options considered</b></p> <p>Whilst developing our proposals we looked into various route options in this location, as set out in the Other Options Considered Table in the report. The option to align the Coast Path in the fields adjacent to the road, as suggested by the Ramblers, was discounted as these fields either side of the road have been identified as important supporting habitat for the SPA, in particular for foraging brent geese. In addition, this field route could lead to concerns from the residents whose gardens are adjacent to the fields. These gardens currently have low fences and no natural screening so a route adjacent to these gardens could impact their privacy. Whilst the Ramblers are correct in saying the field seaward of the road will become spreading room, it is not our intention to facilitate access into this field due to the reasons set out above.</p>	
<p><b>Road safety</b></p> <p>Natural England carefully considered the safety and suitability of the proposed route here, and commissioned Hampshire County Council's Road Safety Audit team to carry out a safety assessment of the proposed route along SHE-1-S104 to SHE-1-S106 in 2017 (see supporting document 6.5, sites 8 and 20). The road is already used by local residents as a walking route who use the existing step off points as safe refuge areas. The Road Safety Audit team assessed the road route and concluded that</p>	

although there are no footways on Copse Lane and St Peter's Road, there are very good sightlines so there should be good visibility between pedestrians and drivers. They further commented that there have been no recorded injury accidents involving pedestrians during the current five year period. Therefore the overall level of risk of using this road for the coast path was categorised as low.

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

N/A

***Other representations with common points***

<b>Representations containing similar or identical points</b>	
<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA/SHE1/R/4/SHE1767	[redacted] - Chichester Harbour Conservancy
MCA/SHE1/R/10/SHE2393	[redacted] - Elected Councillor to Hampshire County Council
<b>Name of site:</b>	SHE 1
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	SHE-1-SO73 to Langstone Bridge.
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of point:</b>	
<p><b>Comments on Natural England proposals</b> Health and safety concerns about the lack of a footpaths along Yew Tree Road, Copse Lane, St Peter's Road and Northney Road, the absence of street lighting along roads which the ECP is proposed to use and the general absence of coastal views to the North East of Hayling Island, along the proposed route.</p> <p><b>Alternative proposals</b> They propose a new figure of "6" route for Hayling Island stating that it will address their health and safety concerns whilst placing more of the route along the coast, although they recognise that this returns walkers along a route already travelled.</p> <p>This alternative proposed route starts from point SHE-1-SO72 in the stretch report, and proceeds as shown in the map on supporting document 6.1, before joining the Billy Trail to take walkers back to the North of the Island.</p>	
<b>Natural England's comment:</b>	
Natural England is supportive of improvements to public access on Hayling Island, however, these proposals do not change our view on the best alignment of the Coast Path.	

The proposed ECP route along the eastern periphery of the island is as aligned as close to the eastern coastline as possible (in accordance to the Coastal Access Scheme) whilst simultaneously protecting areas of nature conservation sensitivities. The route in the northern section of Northney does provide some coastal views, which would be excluded if the proposed alternative was followed.

### **Road Safety**

In relation to the health and safety concerns of using Yew Tree Road, Copse Lane, St Peter's Road and Northney Road, Natural England carefully considered the safety and suitability of the proposed route here, and commissioned Hampshire County Council's Road Safety Audit team to carry out a safety assessment of the proposed route along these roads (see supporting document 6.5, sites 7, 8, 10 and 20). The advice we were given in relation to these roads was:

- **Yew Tree Road to Copse Lane** - Yew Street Road is a narrow two way road that is subject to a 30mph speed limit. Pedestrians will have to walk in the carriageway but there is good forward visibility and the speeds are predicted to be low, so there should be good interaction with drivers. There are existing pedestrians in road warning signs. Care must be taken when joining Copse Lane to avoid conflict with vehicles negotiating the junction. Copse lane is a two way rural road that is subject to a 30mph speed limit. Pedestrians will have to walk in the carriageway but there is good forward visibility so there should be good interaction with drivers. There are existing pedestrians in road warning signs.

**St. Peter's Road to Copse Lane** - This road is rural in nature and subject to a 40mph speed limit (now 30mph). It has good forward visibility so there should be good interaction between pedestrians and drivers. Pedestrians will have to cross Gutner Lane but this is a very quiet road so the risk of conflict is considered to be low.

**St Peter's Road** - St. Peter's Road is a narrow two way road with a 30mph speeds limit. There are no footways but there is very good forward visibility so there should be good interaction between pedestrians and drivers.

**Northney Road (7)** - Northney Road is rural in nature and subject to 40mph speed limit. There is a footway on the north side of Northney Road from Langstone Road to a layby approximately 200 metres to the east. From this point there is a worn track behind a ditch leading to Northney Marina and then a wide verge along the east side of the road to the end of the section. This allows pedestrians to walk the route without walking in the carriageway. There are also signs to warn drivers that pedestrians may be walking in the carriageway.

The safety assessment concluded that aligning the Coast Path on these aforementioned roads was rated as low risk, therefore suitable for a National Trail.

### **In relation to the alternative proposals**

The proposals put forward by the Harbour Conservancy and [redacted] would bring the majority of the island into the seaward coastal margin, thus creating spreading room over a considerably larger area than was put forward under our proposals. It is considered that having such a large area of the island in the coastal margin would confuse ECP users regarding their coastal access rights. Managing this would be likely to require a significant amount of additional signage.

The increase in the coastal margin would also correspond to a significant increase in the amount of landowners that would be affected by our proposals. It could be argued that we would not be striking a fair balance between the public and private interests (as set out in section 297 of the Marina and Coastal Access Act 2009) if we discounted a viable route that was closer to the coast.

The western periphery of the island is covered by the Portsmouth to South Hayling (PSH) stretch of the coast path. Walkers already have the chance to experience the close up views of Langstone Harbour on this stretch. The objective of the South Hayling to East Head stretch was therefore to create a route as close to the coast as possible on the eastern periphery of the island, rather than follow the same route as the PSH stretch.

However, we do recognise that some ECP users would prefer to avoid road walking where possible, especially at night, so Natural England proposes to convene a meeting with Hampshire County Council, Havant Borough Council and Chichester Harbour Conservancy to discuss the feasibility for local signposting of this east/west footpath connection (as suggested by the Harbour Conservancy) and options for promoting it on the National Trails website as a local route.

**Relevant appended documents (see Section 6):**  
6.1 of proposed new figure of “6” route for Hayling Island

***Other representations with non-common points***

<b>Representation ID:</b>	MCA/SHE Stretch/R/2/SHE2325
<b>Organisation/ person making representation:</b>	[redacted] - Havant Borough Council
<b>Name of site:</b>	Whole Stretch (only the sections within the area covered by Havant Borough Council)
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 2
<b>Summary of representation:</b> Havant Borough Council raised no objection to this scheme.	
<b>Natural England’s comment:</b> Natural England welcomes the comments from Havant Borough Council.	
<b>Relevant appended documents (see Section 6):</b> N/A	

<b>Representation ID:</b>	MCA/SHE Stretch/R/3/SHE1767
<b>Organisation/ person making representation:</b>	[redacted] - Chichester Harbour Conservancy
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A

<b>Other reports within stretch to which this representation also relates</b>	SHE 2, SHE 3, SHE 4 and SHE 5
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**Summary of representation:**

Natural England is advised that the projected annual maintenance costs are likely to be far greater than the figure forecast (£22,699). The reason being that one bad storm could result in significant damage, requiring a much greater sum for remedial action. The shoreline of Chichester Harbour is 53 miles (86 kilometres).

It is recommended that a block of funds is set-aside, or ring-fenced, to only be used in instances of severe weather, as a contingency.

See below table, from the Establishment of Trail Section of the Reports:

Segment	Installation Features	Installation costs (ex. VAT)	Annual Maintenance Cost (ex. VAT)
SHE 1	Signs & interpretation, boardwalks, surfacing works, project management and variance	£61,384	£5,277
SHE 2	Signs & interpretation, steps, surfacing works, footbridges and walkways, wooden bollards, pedestrian gates, handrails, project management and variance	£133,950	£6,872
SHE 3	Signs & interpretation, surfacing works, hedgerow infill, <u>Cobnor Point</u> – ramp, bridges and hedge removal. Project management and variance	£16,274	£4,988
SHE 4	Signs & interpretation, kissing gate, surfacing works, <u>hand rails</u> , project management and variance. Capital costs only grant	£122,321	£1,900
SHE 5	Signs & interpretation, boardwalks, post and rail fence, hedgerow infill, surfacing works, project management	£73,527	£3,662
<b>Total</b>		<b>£407,456</b>	<b>£22,699</b>

**Natural England's comment:**

NE understands and appreciates the unpredictability of coastal events (and other similar naturally occurring events that impact upon the quality of the National Trails). The approach to this was covered with the trails partnerships as part of the funding formula development discussions, as was the possibility of NE holding back a portion of 'in year budget' in case of major events. The decision of the trail partnerships was not to take this approach, but to implement a formula that distributed the full available budget. NE does not therefore set aside a portion of budget as a contingency fund, and the Access Authority has the autonomy to manage their budget as they see fit.

In practice, where such major events occur, and funding is not immediately available, the local authority would secure a temporary diversion to enable people to continue their journeys, whilst a permanent solution is determined and implemented, taking into account influencing factors e.g. the existence of roll back, nature conservation concerns, local restrictions, etc.

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

N/A



<b>Representation ID:</b>	MCA/SHE Stretch/R/4/SHE2387
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 2, SHE 3, SHE 4 and SHE 5
<p><b>Summary of representation:</b></p> <p>[redacted] notes that in several places within our reports we mention the need to avoid/prevent disturbances, both to the wildfowl and also to other users. At present there are several notices posted along the paths pointing out the need to control dogs to prevent disturbing the wildfowl.</p> <p>[redacted] is concerned that there are a large number of dog owners who let their dogs run wildly about, not on leads. These dogs, he says, sometimes chase after walkers, including young children, sometimes jumping up and causing some distress to these other walkers. They run into the water causing disturbance to birds and also leave behind faeces on the path.</p> <p>[redacted] requests that:</p> <ul style="list-style-type: none"> <li>• We install more notices locally.</li> <li>• We are more specific when we mention the need to avoid disturbance.</li> <li>• We state that dogs must be kept under control, and include the fact it can be an offence for a dog not to be on a lead on a public footpath.</li> </ul>	
<p><b>Natural England's comment:</b></p> <p>We take into account environmental protection objectives when developing our proposals for improved coastal access. We produce a Habitats Regulations Assessment and a Nature Conservation Assessment, relating to any potential impact on the conservation objectives of European sites, as well as other potential impacts on nature conservation. These assessments detail the measures we have taken to reduce the likelihood of disturbance to birds.</p> <p>One of the key measures we have taken on this stretch is choosing to align the main route of the trail away from the coast in areas that have been highlighted as particularly sensitive to disturbance. We have also placed Section 26(3)(a) directions for reasons of nature conservation over some particularly sensitive areas. These measure have been put in place to reduce the likelihood of interaction between walkers with or without dogs, and sensitive wildlife.</p> <p>With regards to signage we have proposed to install interpretation panels to inform users of the local environmental sensitivities and where appropriate fencing has been used to guide walkers and dogs away from sensitive areas. These panels will explain the risk of disturbance caused by dogs and ask walkers and dog owners to behave responsibly in the vicinity of birds.</p> <p>Much of the route follows existing public rights of way. Coastal access rights do not apply to existing public highways including roads and public rights of way such as footpaths. Because coastal access</p>	

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rights do not take precedence on public rights of way we cannot place restrictions on dog access on those sections of the trail.

There are subtle differences between the legal requirements on land subject to coastal access rights and those subject to PRow rights. Any signs relating to dogs in the area would have to be specific to the access regime in force on that particular piece of land.

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

N/A

<b>Representation ID:</b>	MCA/SHE Stretch/R/9/SHE2315
<b>Organisation/ person making representation:</b>	[redacted] - Member of the council of the Solent Protection Society
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 2, SHE 3, SHE 4 and SHE 5

**Summary of representation:**

The Society has submitted a representation which relates to the whole stretch, however within that representation there is a specific comment about Thorney Island. We set out our response to that part of the representation in our comments on report SHE 2.

The Society welcomes and supports the proposals in this section of the ECP and is pleased with the links that have been proposed to join up various sections of path and create a more continuous route right round both Chichester and Langstone harbours and has not simply stopped either side of the mouth.

They say that the route and descriptions appear to have been thoroughly thought through with perhaps more detail than they have seen in earlier sections. Proposals on roll back are welcome. They acknowledge that in the past they have misunderstood how alternative routes function, having assumed they were 'instead of the proposed route' whereas they are 'temporary alternatives' if the proposed route is out of use for some reason such as because of tidal inundation at Conigar Point (SHE-2-S013 to SHE-2-S021). SPS therefore supports the alternative routes proposed in various places. They particularly welcome the support for the Itchenor Ferry to avoid "the very much less satisfactory" alternative during the low season.

Finally SPS supports the proposed S25A and S26(3)(a) designations proposed throughout the route to exclude the public from the seaward coastal margin in these extensive important protected areas. They hope that adequate signage is proposed throughout the route to inform the public of the exclusions and that in critical areas fencing is proposed to physically restrict public and particularly dog access.

As identified in the reports this area supports nationally and internationally important numbers of over wintering and breeding bird species. Disturbance from walkers, particularly those with dogs, is already

at a level of considerable concern. SPS would therefore like assurance that funds are made available to support a wardening scheme.

**Natural England’s comment:**

Natural England acknowledge these comments in response to our stretch proposals, and are grateful for the statements of support.

We agree with the Society, that well placed interpretation panels can play an important role in managing visitor behaviour. We have proposed to install interpretation panels to inform users of the local environmental sensitivities in certain places along this stretch. In addition, where appropriate, fencing has been used to guide walkers and dogs away from sensitive areas. Further details about the location of these access management measures can be found in our report documents.

We take into account environmental protection objectives when developing our proposals for improved coastal access. We produce a Habitats Regulations Assessment and a Nature Conservation Assessment, relating to any potential impact on the conservation objectives of European sites, as well as other potential impacts on nature conservation. These assessments detail the measures we have taken to reduce the likelihood of disturbance to nationally and internationally important numbers of over wintering and breeding bird species.

One of the key measures we have taken on this stretch is choosing to align the main route of the trail away from the coast in areas that have been highlighted as particularly sensitive to disturbance. This measure has been put in place to reduce the likelihood of interaction between walkers with or without dogs, and sensitive wildlife.

Natural England has put measures in place to ensure no adverse effect on the integrity of the European sites affected by the trail and wardening is not something we identified as necessary. The Bird Aware project has rangers on the ground, talking to the public and undertaking education work on bird disturbance and our proposals have been developed to complement their work.

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

N/A

<b>Representation ID:</b>	MCA/SHE Stretch/R/11/SHE0008
<b>Organisation/ person making representation:</b>	[redacted] - The Disabled Ramblers
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 2, SHE 3, SHE 4 and SHE 5
<b>Summary of representation:</b>	
<p>The Disabled Ramblers is concerned that Natural England has not recognised that there is a significant and steadily increasing number of people with reduced mobility who use all-terrain mobility scooters and other mobility vehicles to enjoy routes on rugged terrain in the countryside, including uneven grass, bare</p>	

soil or rocky paths, foreshore areas and some sea walls and beaches. Slopes of 1:4, obstacles 6" high, water to a depth of 8" are all challenges that users of all-terrain mobility scooters are used to managing.

These people have the same legitimate rights to access that walkers do, so Natural England should ensure that, unless the natural terrain itself prevents access, any existing or new infrastructure along the Coast Path does not present a barrier to their ability to progress along the Coast Path.

The Disabled Ramblers has identified many instances where Natural England proposes to retain structures or introduce new ones which are, or may, be barriers to access for those with limited mobility, particularly on mobility scooters. (The sites have not been visited by the Disabled Ramblers to verify whether or not the infrastructure restricts access, but they say it is likely that it would do.) These structures include the following:

- Pedestrian Gates (these should be suitable for access by riders of large mobility vehicles, riders who are on their own and will remain on their mobility vehicles, and should comply with *British Standard BS5709: 2018 Gaps Gates and Stiles.*)
- Bristol Gates (these are always a barrier to mobility vehicles and should be replaced with an appropriate structure which complies with *British Standard BS5709: 2018 Gaps Gates and Stiles.*)
- Cycle Chicanes (in many instances these are impassable by mobility vehicles, in which case they should be replaced with an appropriate structure which complies with *British Standard BS5709: 2018 Gaps Gates and Stiles.*)
- Kissing Gates (these are usually impassable by mobility scooters, so unless these are specifically designed for access by large mobility vehicles, they should be replaced with an appropriate structure which complies with *British Standard BS5709: 2018 Gaps Gates and Stiles.*)
- Undefined barriers (very often these are A or K frames which are set too narrow so are a barrier to access by mobility vehicles which can legally be up to 85 cm wide)
- Footbridges and board walks (need to be wide enough for mobility vehicles, and wherever possible should be reached by ramps, not steps. Consideration should also be given to handrails to assist those with visual impairments.)
- Sleeper bridges (very often these are 3 sleepers wide, but at least 4 are needed for mobility vehicles)
- Bollards (spacing should be checked to ensure a gap through which mobility scooters can pass.)

The following proposed changes have been detailed in the Natural England reports. If not designed carefully these changes may become barriers to those with limited mobility:

- Sections SHE-2-S019 to S0120: gravel resurfacing. Gravel is a very difficult surface for mobility vehicles, very often proving a barrier to access, so a more appropriate material should be chosen for resurfacing.
- Sections SHE-2-S022 to SHE-2-S026: replacing a bridge and extending a raised footway. Natural England should ensure that ramps, not steps, are built to reach the raised footway, and ensure it is appropriately designed and sufficiently wide for use by mobility vehicles.
- Sections SHE-3-S014 to SHE-3-S015 Cobnor Point: footbridges over a ditch. Natural England should ensure that ramps, not steps, are built to reach the footbridges, and ensure they are appropriately designed and sufficiently wide for use by mobility vehicles.

Disabled Ramblers requests that Natural England

- reconsider their proposals for all existing and new structures, ensuring compliance with *British Standard BS5709: 2018 Gaps Gates and Stiles*, because in many cases these structures bar legitimate access along the Coast Path for those with limited mobility.
- comply with the Equality Act 2010 (and the Public Sector Equality Duty within this act) comply with the Countryside Rights of Way Act 2000

**Natural England’s comment:**

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 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.*

In drawing up our proposals we have taken all reasonable steps to make the trail as easy as possible for those with reduced mobility and been mindful of British Standard BS5709:2018 Gaps Gates and Stiles.

Natural England does however recognise that since our proposals were submitted we have worked a lot more closely with the Disabled Ramblers and have gained an increased understanding of structures which are, or may be barriers to access for those with limited mobility, particularly those on mobility scooters. There may be inherent reasons or restrictions due to the nature of certain sites, why certain structures we have proposed are necessary or existing structures cannot be removed. However, when we begin the establishment of this section of coast path we will look again at where it might be possible for us to make targeted adjustments to the structures we have proposed to make the trail more accessible for people with reduced mobility.

The representation submitted does not highlight any specific proposed changes in Report SHE 1 that may become barriers to those with limited mobility, as it does in relation to reports SHE 2 and SHE 3. The specific issues raised in relation to reports SHE 2 and SHE 3 will be discussed in our comments in relation to representations received for those reports.

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

6.2 Photographic examples of people using mobility vehicles on various terrain

<b>Representation ID:</b>	MCA/SHE Overview/R/1/SHE0040
<b>Organisation/ person making representation:</b>	[redacted] - Lichfields, on behalf of Bourne Leisure Limited
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A

<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 2, SHE 3, SHE 4 and SHE 5
<b>Summary of representation:</b>	
<p><b>Rollback</b></p> <p>The Overview report states on page 32 that in determining the new route, Natural England will take into account “any views expressed by people with a relevant interest in affected land” but does not specifically state that Natural England will contact and consult with landowners.</p> <p>On behalf of Bourne Leisure, we request that the Overview report is amended to specifically state that Natural England will contact and consult with owners and occupiers in relation to any rollback – including where the trail is being adjusted to follow the current feature. This is important in order to ensure that landowners are kept informed, so that any issues can be raised with Natural England and that landowners’ views are taken into account if rollback needs to take place.</p>	
<b>Natural England’s comment:</b>	
<p>As highlighted by Lichfields, The Overview report states on page 30 that in determining the new route, Natural England will take into account “any views expressed by people with a relevant interest in affected land”. This can be read as a commitment to talk to the owner/occupiers of the land when determining a new alignment for a rolled back route.</p> <p>In addition, in the individual reports, the “Roll back” tables explain that where complex roll back will occur, we will chose a route following discussions with owners and occupiers. This is a written commitment to talk to landowners and occupiers. Furthermore, NE retains a duty to strike a ‘fair balance’ in aligning a roll back route, in much the same way it has for our original route proposals.</p>	
<b>Relevant appended documents (see section 6):</b>	
N/A	

<b>Representation ID:</b>	MCA/SHE1/R/1/SHE2339
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	SHE 1
<b>Report map reference:</b>	Map 1f
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of representation:</b>	
[redacted] has raised concerns that Natural England has failed in their duties to secure new coastal access rights along the eastern coastline at Hayling Island, in particular at Tournerbury.	

**Natural England’s comment:**

Natural England acknowledges [redacted] disappointment that the route we have proposed around the east of Hayling Island largely follows existing inland paths.

We were aware, when developing our proposals, of the preference by some stakeholders to create a more coastal route around Hayling Island, and it is something we fully explored when developing our proposals. Details are presented in Table 1.3.2 Other Options Considered section of the report.

The main reason for proposing an inland route in this area is to avoid any additional disturbance from recreational activities to birds in this area. The eastern shoreline and marshes of Hayling Island (including Tournerbury Woods, Middle Marsh, Verner Common, Gutner Point, Northney Marshes) are within Chichester and Langstone Harbours Special Protection Area (SPA). There are several relatively undisturbed locations in this area, that are key places for birds to roost at high tide, as well as important areas for foraging birds. Further details of the specific features present at Tournerbury and Middle Marshes, and possible impacts of improved access on them, are given in the Habitats Regulations Assessment we published with our proposals.

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

N/A

<b>Representation ID:</b>	MCA/SHE1/R/2/SHE0285
<b>Organisation/ person making representation:</b>	[redacted] and [redacted]
<b>Name of site:</b>	SHE 1
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	SHE-1-S123 to SHE-1-S124
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of representation:</b>	
<p>[redacted] and [redacted] suggest that the existing path is inadequate for the ECP, as it is narrow, uneven and prone to flooding. They state that as a consequence most people walk in the road, raising safety concerns, especially at the bend in Northney Road, as the road is narrow and unlit. They request that the bank is reinforced both to allow a safer path and to manage the path’s impact, as the bank provides limited flood protection for the road.</p> <p>[redacted] and [redacted] have concerns that hoggin improvements to the path would get washed away at the first high tide and contaminate the ditch and that a permanent solution is required.</p>	
<b>Natural England’s comment:</b>	
<b>Safety of the proposed route</b>	

In relation to the health and safety concerns of using the bank adjacent to Northney Road at SHE-1-S123 to SHE-1-S124, Natural England carefully considered the safety and suitability of the proposed route here and have concluded it to be suitable for the England Coast Path.

We commissioned Hampshire County Council’s Road Safety Audit team to carry out a safety assessment of the proposed route adjacent to these roads (see supporting document 6.5, site 7). The assessment categorised Northney Road as low in the Safety Assessment due to the worn track being in place for pedestrians. Additionally, signs warn drivers on Northney Road that pedestrians may be in the carriageway, which we believe may occur on the occasion that the bank is flooded. In the event that the road does become flooded in its entirety, there is an existing public footpath slightly inland (between SHE-1-S110 and SHE-1-S127) which people could utilise. We will discuss additional signage of this inland route with the Access Authority prior to establishment.

**Infrastructure improvements to the route**

We are aware that the bank can flood on occasions, however maintenance and improvement to the coastal defences are the responsibility of the local authorities or landowners and not, as suggested by [redacted] and [redacted], the access authority. The existing signage makes drivers aware that people may be walking in the road here, which may happen if the path floods. In addition, there is an existing public footpath slightly inland (between SHE-1-S110 and SHE-1-127) which people could utilise instead of the road when the path floods. We will discuss additional signage of this inland route with the Access Authority prior to establishment.

Natural England is unable to carry out any major works to the path (as suggested by [redacted] and [redacted]) that would permanently damage the designated saltmarsh habitat of Chichester and Langstone Harbours Special Protection Area (SPA)/Ramsar and the Solent Maritime Special Area of Conservation (SAC). As a result, significant path improvements were discounted here as we couldn’t conclude that there would be no adverse impact on the saltmarsh habitat of the Solent Maritime SAC and Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site (as considered as part of the published HRA).

In light of the concerns raised about the proposed path improvements being washed out by the tides and smothering saltmarsh communities, Hampshire County Council have reviewed the proposed route and confirmed that no new improvements to the worn track are required. Therefore, Natural England propose to remove the planned hoggin improvements for the path.

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

N/A

<b>Representation ID:</b>	MCA/SHE1/R/3/SHE0099
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	SHE 1 (Mengeham Rythe Sailing Club)
<b>Report map reference:</b>	Map 1d
<b>Route sections on or adjacent to the land:</b>	The launching ramps at approximately SHE-1-S060
<b>Other reports within stretch to which this representation also relates</b>	N/A



**Summary of representation:**

[redacted] requests Natural England propose a year round exclusion of public access to the two ramps. This follows correspondence between [redacted] and Natural England (included as Supporting Document 6.3), which led [redacted] to believe that our reports for South Hayling to East Head stretch would contain a proposal for a Land Management Direction under s24 of the CROW Act 2000 excluding public access to the launching ramps at Mengham Rythe Sailing Club (immediately NW of point SHE-1-S060). The slipway is shown in Supporting Document 6.4.

The case [redacted] makes for a Direction under section 24 is summarised below:

Safety - The ramps lead only to an area on which is proposed a Direction under section 25A CROW Act 2000. The ramps are slippery when wet and are used by the club all year round for launching craft, causing potential hazard to members of the public standing or walking on the slipway.

Excluding public access to the ramps takes nothing from the public benefit, with views and recreation access from the nearby sea wall and jetty. It adds to the safety of the public, and gives the Club the reassurance that, if necessary, it can take proportionate steps to limit access.

**Natural England's comment:**

Throughout the development of our proposals we have engaged extensively with Mengham Rye Sailing Club regarding the excepted land status of his slipway, and the need for a direction to exclude access in accordance with Chapter 6 of the Coastal Access Scheme.

**Excepted land status of the slipway**

We have examined this site and have concluded that it should be treated in the same way as any slipway, i.e. slipways are not included in the definition of excepted land (Coastal Access Scheme para 8.25.2). Therefore slipways are considered part of the spreading room created under coastal access rights, unless restricted by a direction.

**Direction to exclude access under s24 or s25A of the CROW Act**

When striking an appropriate balance between public and private interests, we first need to consider the need for intervention if legitimate landowner concerns are raised. If intervention is necessary, we then propose the least restrictive option amongst the range of solutions available to us (Coastal Access Scheme para 6.1.5).

Natural England carried out a site visit in 2018 to consider the concerns raised by the Mengham Rye Sailing Club, namely conflict between the sailing club users and increased public access to the wooden slipway (see photos, section 6.4) resulting from new coastal access rights. We concluded that access patterns to the path and coastal margin were unlikely to change as a result of our proposals here as we have aligned the Coast Path along the existing public footpath, which is already well used by the local community. The sailing club already informally manage any conflict between boats accessing and egressing the harbour and walkers using the public footpath. Our position is that a direction to exclude access, under land management grounds (s24) is not warranted in this location given the small size of the slipway and the ease of managing access informally here. Informal management in this location could include the current measures that the sailing club already use, and/or new advisory signs. Informal management techniques are an effective way to minimise any conflicts between public access and land management, and in this situation, are the least restrictive option to manage access here.

The section 25A direction is specifically for salt marsh or flat that is unsuitable for public access, so it is also not appropriate for the slipway.

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

6.3 Correspondence between Mengeham Rythe Sailing Club and Natural England

6.4 Photograph of slipway at Mengeham Rythe Sailing Club

<b>Representation ID:</b>	MCA/SHE1/R/9/SHE0040
<b>Organisation/ person making representation:</b>	[redacted] - Lichfields, on behalf of Bourne Leisure Limited
<b>Name of site:</b>	SHE 1
<b>Report map reference:</b>	Map 1d
<b>Route sections on or adjacent to the land:</b>	SHE-1-SO42 to SHE-1-SO47
<b>Other reports within stretch to which this representation also relates</b>	N/A

**Summary of representation:**

**Route**

Further to Lichfield’s discussions with Natural England on behalf of Bourne Leisure during the drafting of the Coast Path proposals, they can confirm that Bourne Leisure finds the proposed Coast Path route at SHE-1-SO42 FP to SHE-1-SO47 FP to be acceptable.

**Rollback**

Report SHE1 states that rollback is proposed for route sections including SHE-1-SO42 FP to SHE-1-SO47 FP in the case of coastal erosion/other geomorphological processes/significant encroachment by the sea or in order to link with other parts of the route that have been affected.

Report SHE1 states:

*“If it is no longer possible to find a viable route seaward of the specified caravan park, campsite and holiday village we will choose a new route after detailed discussions with all relevant interests, either (a) to pass through the site, or (b) if this is not practicable, to pass somewhere on the landward side of it. In reaching this judgement we will have full regard to the need to seek a fair balance between the interests of potentially affected owners and occupiers and those of the public.”*

Lichfield’s endorse the inclusion of the statement in the Report and emphasise that Natural England should engage with Bourne Leisure if any rollback is proposed. They suggest this will be important in order to ensure that Bourne Leisure is able to continue to provide a high quality experience for its guests at Lakeside Coastal Village and to attract visitors that will bring expenditure to the local area.

**Natural England’s comment:**

We welcome Lichfield’s supportive comments, and confirm that if route sections SHE-1-SO42 to SHE-1-SO47 do need to roll back in the future due to coastal erosion then we will liaise with the landowners and other interested parties to find a viable route as set out in Report SHE 1.

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

N/A

## Length Report SHE2 - Langstone Bridge to Prinsted

### *Full representations*

<b>Representation number:</b>	MCA/SHE Stretch/R/1/SHE2307
<b>Organisation/ person making representation:</b>	<p>The Solent Recreation Mitigation Partnership (Bird Aware Solent)</p> <p>The Solent Recreation Mitigation Partnership is 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 &amp; Isle of Wight Wildlife Trust, and Chichester Harbour Conservancy.</p> <p>The Partnership for Urban 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.</p>
<b>Route section(s) specific to this representation:</b>	Whole Stretch
<b>Other reports within stretch to which this representation also relates:</b>	SHE 1, SHE 3, SHE 4 and SHE 5
<b>Representation in full</b>	
<p>As representatives of the SRMP partnership, we welcome the concept of the England Coast Path as something of value to local people and residents, but we have some real concerns that we would like addressing.</p> <p>We recognise and thank you for your timely and inclusive approach to engaging with us during the development of a route for the ECP. As you are aware those parts of the Solent being identified as a potential route for the ECP are covered also by our mitigation programme, 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.</p> <p>We acknowledge the ECP team have consulted with us and hope that the ECP team have benefitted from SRMP partners’ local knowledge and ecological expertise. We understand that this input has formed part of the evidence to define a route which does not lead to additional impacts on the Solent’s SPA birds and their habitats. We appreciate that the proposed ECP route will need to satisfy the Habitats Regulations and that avoidance and mitigation may be required for the chosen route. This is in the same way that SRMP is a response to allowing development to proceed in satisfaction of those same regulations.</p>	

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

**Mapping of Spreading Zone**

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

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

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 between South Hayling and East Head 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 the SRMP and other organisations with relevant local knowledge, and are satisfied that sufficient measures are included to mitigate the risks. After careful consideration, we believe that the proposals we have made will not lead to an adverse effect on the integrity of the European sites. In reaching this conclusion, we have taken account of

the relevant conservation objectives for the European sites involved and their ecological characteristics.

Our Habitats Regulations Assessment (see page 30, 'Bird Aware Solent', under 'D2. Contextual statement on the current status, influences, management and condition of the European Site and those qualifying features affected by the plan or project') states that:

Proposals for coastal access have been made following a series of workshops and discussions with Bird Aware Solent representatives during which we have checked that detailed design of the access proposals is compatible with the Solent Recreation Mitigation Strategy and latest thinking on how it will be delivered, including site-specific visitor management measures.

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 developed in collaboration with Bird Aware Solent.

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. This document has been developed in consultation with Natural England's staff involved in Bird Aware Solent.

Ongoing maintenance of the path and the associated mitigation measures have been considered within the Overview and individual reports for the stretch.

### **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 distinctively on OS maps.

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.

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.

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

N/A

<b>Representation number:</b>	MCA/SHE Stretch/R/5/SHE1809
<b>Organisation/ person making representation:</b>	[redacted] - Ramblers Hampshire Area
<b>Route section(s) specific to this representation:</b>	Whole Stretch (only the sections within Hampshire)
<b>Other reports within stretch to which this representation also relates:</b>	SHE 2

**Representation in full****General Comment**

This is a disappointing section, there is very little 'coastal' path about the Hayling Island part of the route!

It is also disappointing that, unlike the remainder of the Hampshire coast, Ramblers were not afforded the opportunity to discuss the problems with this section with the NE team during their development of their proposals.

As a consequence, we believe that some opportunities have been missed to alleviate some of the difficulties created by the wildlife considerations on this section.

There would also seem to be many potential issues with spreading room that will result from the path being so far from the coast for almost the whole of the eastern half of Hayling Island.

**Natural England's comments**

Natural England acknowledge the Ramblers disappointment that there are areas on Hayling Island where we have chosen to use a route not directly on the coast.

Meetings were held between the ECP Team and various key stakeholder to discuss the route including the Ramblers. The ECP Team met with the Hampshire Area Ramblers on the 17th of May 2016 and had meetings with the Sussex Ramblers on the 15th of December 2015 and the 3rd of March 2016. We were aware when developing our proposal of the desire some stakeholders had to create a more coastal route on Hayling Island, and it is something we fully explored when developing our proposals.

As part of our process, we have to consider the possible impacts of our proposals on the features of designated sites. These considerations are documented in the Habitats Regulations Assessment and Nature Conservation Assessment submitted alongside our proposals. One of the key reasons the proposed route was chosen was to reduce the likelihood of disturbance to sensitive wildlife, by not encouraging new or increased access in sensitive areas. Natural England did consider possible mitigation measures, such as screening to reduce bird disturbance, however this was not feasible as it would have resulted in disturbance to flight lines between the harbour and the marshes.

In addition to nature conservation considerations, there were other considerations that also contributed to the selection of the proposed more inland route. These are explored further in Report 1 and included issues relating to the current land use and the requirement that would have arisen for significant expenditure on new infrastructure.

The proposed route does bring a significant area on the eastern side of the island into the coastal margin. However, not all of this land would be subject to access rights, as any excepted land, such as land covered by buildings or their gardens or curtilage would not be subject to access rights. 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. The spreading room created by our proposals is therefore likely to be significantly smaller than the coastal margin displayed on the map.

In addition to this, areas that are particularly sensitive from a nature conservation perspective that would otherwise be subject to coastal access rights have also been excluded by direction under s26(3)(a) of the Countryside and Rights of Way Act (2000).

<p><b>Relevant appended documents (see section 6):</b> N/A</p>

<b>Representation number:</b>	MCA/SHE Stretch/R/6/SHE1776
<b>Organisation/ person making representation:</b>	[redacted] - Sussex Ramblers
<b>Route section(s) specific to this representation:</b>	Whole Stretch (SHE 2, SHE 3, SHE 4 and SHE 5)
<b>Other reports within stretch to which this representation also relates:</b>	SHE 3, SHE 4 and SHE 5
<b>Representation in full</b>	
We are delighted with the proposed footpath and the work of Natural England. We are particularly pleased with the re-grading of the footpath to the Bosham - Itchenor ferry. And the solution to the Bosham Hoe route.	
<b>Natural England's comments</b>	
Natural England welcomes the comments made by Sussex Ramblers.	
<p><b>Relevant appended documents (see section 6):</b> N/A</p>	

<b>Representation number:</b>	MCA/SHE Stretch/R/7/SHE2390
<b>Organisation/ person making representation:</b>	The Environment Agency
<b>Route section(s) specific to this representation:</b>	Whole Stretch (excluding comments on Maps 2e and 4h which have been submitted separately).
<b>Other reports within stretch to which this representation also relates:</b>	SHE 1, SHE 3, SHE 4 and SHE 5
<b>Representation in full</b>	
<p>Thank you for consulting the Environment Agency. The areas in this report cover the patches under the remit of both the Hampshire and Isle of Wight &amp; West Sussex Partnership and Strategic Overview (PSO) Teams.</p> <p>Any works that are due to take place within the 8m boundary of non-tidal Statutory Main Rivers, or more likely, the 16m boundary of tidal Statutory Main Rivers could be subject to requiring a Flood Risk Activity Permit (FRAP).</p>	



You can check the locations of Statutory Main Rivers online: <https://environment.maps.arcgis.com/apps/webappviewer/index.html?id=17cd53dfc524433980cc333726a56386>

Where the route is merely utilising and upgrading existing footpaths, it is likely that these works will fall under our FRAP exemption rule FRA28. Details of which can be found online: <https://www.gov.uk/government/publications/environmental-permitting-regulations-exempt-flood-risk-activities/exempt-flood-risk-activities-environmental-permits#improvement-works-for-existing-tracks-and-paths-fra28>

However, where the proposals include the construction of new footpaths then a ‘bespoke permit’ would be required, if they fall within the parameters of requiring a FRAP. Guidance regarding FRAPs can be found online: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Where the works involve activities in, over or under an Ordinary Watercourse (a river not shown on the above mentioned Statutory Main River map) then the Lead Local Flood Authority should be contacted.

Feel free to contact the Hampshire and Isle of Wight & West Sussex PSO teams with any queries or to discuss specific FRAP applications. The email address have been supplied at the bottom of this form.

**Natural England’s comments**

Natural England welcome the information supplied by the Environment Agency. The access authorities (who carry out the establishment works) will seek advice from the Environment Agency, as to whether a FRAP is required for the locations where works are planned. They will ensure all the relevant consents and permits are in place prior to any establishment works.

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

N/A

<b>Representation number:</b>	MCA/SHE Stretch/R/8/SHE1765
<b>Organisation/ person making representation:</b>	[redacted], Countryside Services Manager - West Sussex County Council
<b>Route section(s) specific to this representation:</b>	Whole Stretch (only the sections in West Sussex)
<b>Other reports within stretch to which this representation also relates:</b>	SHE 3, SHE 4 and SHE 5
<b>Representation in full</b>	
<b>Representation on behalf of West Sussex County Council on Natural England’s Coastal Access Report for South Hayling to East Head, West Sussex</b>	
Question 5 of the representation form requests details and reasons for the representation being made by West Sussex County Council (WSCC) to Natural England’s (NE) Coastal Access Report for South Hayling to East Head (SHE) to form part of the England Coast Path	

(ECP). This sheet provides the detail for the headings listed under question 5 of the completed representation form.

### **Roles and responsibilities**

1. WSCC is both the local access authority (LAA) and the local highway authority (LHA) for the SHE section of the ECP within West Sussex. This begins at the northern extent of section SHE-2-S056FP, being the county boundary with Hampshire, and continues south and east.
2. The majority of the proposed route follows existing public highway, mostly in the form of public footpaths but in part as public road or associated footway. As LHA, WSCC maintains the surface of these to standards it considers appropriate for the county-wide network, and additionally enforces (formally or informally) duties of third parties to ensure availability of the highways for reasonable and appropriate use by the public.

### **Status of the new England Coast Path**

3. WSCC understands the sections of the ECP created on land currently not considered public highway will not create new public highway; an example is SHE-4-OA106. The ECP, when outside of existing public highway, will be considered the equivalent of Access Land, i.e. the land will remain in someone's private title with a public walking access right over it and with a duty of maintenance from the LAA. Should landowners in future have issues arising from creation and/ or use of the ECP, these will be directed to NE for response.
4. There are instances where the proposals maps incorrectly record public highway status. At least one section of the proposed route will follow a private road or street, being Court Barn Lane (SHE-4-A065RD and part of SHE-4-A066RD); as the lane is not recorded on the Highways Gazetteer, the legal record of publicly maintainable highways, the LHA has no duty to maintain the surface and it is incorrect to record this section as 'RD'. Further, it is incorrect to record SHE-2-A022FP as this does not have an existing public highway status.
5. Various proposed ECP lengths are suggested as following legally recorded PROW; however, this may not be the case. Those identified as part of this review are noted below and the proposal record should be amended:
  - SHE-2-A012FP
  - SHE-2-S069FP (part)
  - SHE-2-S077 (part)
  - SHE-3-S014 (part)
  - SHE-4-A041FP
  - SHE-5-S022FP (part)
6. WSCC require NE to review and revise the entire length of the ECP SHE section so as to accurately record its intentions and the LHA interest. In the event this is not completed accurately, future issues arising will be referred back to NE.
7. Further, sections SHE-3-S010-11-12 are all now following a formalised public footpath following a Diversion Order several years ago; again, the proposal record should be amended.

### **Funding**

8. NE has detailed funding to establish and maintain the ECP along length SHE as per costings shown in Table 1.

**Table 1: NE costings for establishment and maintenance of ECP (length SHE)**

		Capital	Maintenance
<b>SHE-1</b>		Relevant only to HCC	
<b>SHE-2</b>	*	£133,950.00	£6,872.44
<b>SHE-3</b>		£16,274.00	£4,987.85
<b>SHE-4</b>		£122,321.00	£1,899.99
<b>SHE-5</b>		£73,527.00	£3,661.97

\* Required to be split between HCC and WSCC  
All costs ex VAT

9. Given the estimated costs were calculated some while ago, NE must review the projected costs before its report is signed off. Further, it is recommended to review the specifications given the time elapsed, both as changes are likely to have occurred 'on the ground' (such as from recent storms) and need or standards may have changed, such as boardwalks should be widened or non-slip surfacing added.
10. NE has suggested the sums above to be needed annually to maintain the SHE length and it envisages maintenance to the National Trail quality standards. It has calculated the figures in Table 1 using the formula used to calculate NE's contribution to the maintenance of other National Trails. WSCC understands the NE fund used to support National Trails is reducing in quantum, and with the fund having to support more National Trails (through creation of further ECP lengths) this will put further pressure on the NE fund. WSCC is concerned this will leave a funding shortfall for National Trails, which will impact and be a pressure on LHAs and LAAs to maintain National Trails.
11. WSCC acknowledges it is expected to deliver on-going maintenance of the ECP. A previous report detailed NE will provide on-going funding subject to match funding by the Authority, at a rate of 3:1, i.e. NE to provide £3k when WSCC commits £1k for annual maintenance. This ratio does not appear to be referred to in this report; NE must confirm its commitment to on-going maintenance funding. WSCC will use best endeavours to provide the match funding; however, in the event NE is unable to continue the maintenance funding for the ECP at the ratio 3:1 stated above, WSCC will be unable to fund the shortfall and this could result in an inability to meet the standards of maintenance expected for a National Trail.

### **Routing**

12. NE is asked to confirm the ECP is being established using year-round operation of the Bosham – Itchenor ferry. The report states NE will fund the purchase of a second boat and operation of which will rely on a 'season ticket' arrangement developed by local residents. WSCC requests details of this scheme including contact points as at some future time the funding or operation may come into question. Should such question arise, WSCC expects NE to resolve the matter having first consulted WSCC.
13. Various alternative routes have been identified to overcome existing tidal flooding, routing around Fishbourne Channel and the occasional unavailability of the public footpath around the MOD site at Thorney Island. WSCC requests clarification that these routes will be permanently signed, and the costs of both signage and any establishment works are included in the various sums in Table 1.
14. The routing intention for section SHE-3-S039FP is uncertain. The proposal document refers to following the line of the public footpath; however, for a short section south-

east of the property Grey Thatch the legally recorded line does run within the harbour and floods on the tide. NE is recommended to review this.

### **Establishment**

15. The Report to the Secretary of State does not specify whether NE or WSCC will deliver the necessary works. WSCC expects NE to deliver the works to establish the ECP, including consultation with various landowners and occupiers, given it has undertaken enquiries with various parties in forming the proposal and is familiar with the standard the ECP will be provided to. This is, however, subject to prior consultation with WSCC and receiving its support.
16. Improving accessibility is a key aim of the WSCC Local Transport Plan and listed as a key indicator within the National Trail Quality Standards. WSCC encourages accessibility to be improved for all users, be they in a wheelchair or using a pushchair, a cyclist, dog walker, skateboarder or other. Consideration should be given to accessibility to the beach for all users where the surface remains as shingle.
17. Any new structures, such as kissing gates, proposed to be sited within an existing highway boundary will need to be sited with lawful authority. NE must make appropriate application to WSCC in its capacity as LHA and receive its consent prior to installation.

### **Maintenance**

18. The level of maintenance to be delivered by the LAA/ LHA will be to ensure the route is suitable for the intended purpose by users exercising their rights properly and reasonably.
19. Creation of the ECP will require increased regard from WSCC in the form of additional maintenance on those sections of the ECP following existing public highways, e.g. to new signs. It will also expand WSCC's role as LAA to sections of the ECP that are not public highway and to new furniture on those sections, such as kissing gates (WSCC does not manage gates as part of its existing PROW service).
20. WSCC will not accept responsibility for a sub-standard path delivered to it. WSCC recommends that a process is established as part of any handover practice and agreed with WSCC prior to implementation of any works by NE. A process similar to that followed when adopting a road is suggested.
21. WSCC recommends NE produces and agrees with WSCC an easy-to-read guide detailing the differences between the Highways or PROW standards and the National Trail standards.
22. In due course it can be reasonably expected that issues of encroachment or other fault by landowners/ occupiers, including default of any agreement established by NE to create the ECP, will occur and will require resolution by WSCC. In essence the issues will be similar to issues found and managed around the existing public highway network but, given the differing status of the ECP to public highway, could likely require more specialist support to investigate legal issues and decide on appropriate mechanisms for resolution. There are provisions for LAAs to recover reasonable costs from landowners incurred when acting to protect the ECP. NE is requested to confirm it has conveyed guidance to landowners/ occupiers as to their on-going duties and responsibilities, and shares this with WSCC as it may need to refer to this in future.

### **Signage**

23. The proposals do not provide detail about locations and specification of signs. Promotional signs do not fall into the WSCC priority criteria of safety or regulatory and

will be another resource implication. The style of signage, including any fixings, must be agreed with WSCC in advance of installation. It is recommended that NE avoid signs and markings that are visually intrusive or could cause a hazard to cyclists who may be using paths at any time, maybe as trespass.

24. Interpretation boards are proposed at a number of locations. In a harsh coastal environment these will be prone to bleaching or rapid oxidation if there are any metal components. They take time and money to design and produce and they can be a target for vandalism. In addition, they can be seen as introducing visual clutter. There is already a lot of street and sign clutter and WSCC does not support the new National Trail adding to the problem. In addition, some people object to any manmade objects (such as signage) being introduced to the environment at all. NE should encourage use of QR codes or other modern technology instead of interpretation boards to promote the ECP. This will also help minimise the on-going costs of management and support the increasing trend to use of mobile technology.

### **Future route development**

25. As the route is more widely promoted, it may become more popular and there will be sections along the route that will need to be widened to accommodate increased congestion. NE is requested to identify whether a change to surfacing of part of the ECP will require its formal consultation and/ or agreement, and what additional funding will be made available to meet the costs.
26. The West Sussex Walking and Cycling Strategy 2016–2026 contains a list of over 300 potential new routes suggested by local stakeholders. The routes have been prioritised for future delivery subject to feasibility work and the identification of funding. WSCC is keen to ensure that the existence of the ECP should not preclude the potential to upgrade such sections of these routes in order to facilitate cycling as well as walking. NE should clarify it does not need to grant express permission for WSCC to develop and deliver a scheme that is on part of the ECP.
27. WSCC recommends the avoidance of any restrictions placed on the new path to preclude any future cycle path proposals.
28. NE must provide a shapefile accurately detailing the final alignment, widths, surfacing, all infrastructure and the LHA's interests along the ECP, enabling WSCC services to enter this data easily into their management systems.

### **WSCC as landowner**

29. WSCC is a landowner for part of the proposed ECP. It understands that once the ECP is provided, and where the route is not already a public highway, landowners will hold a limited occupiers liability. This is understood to be that a person accessing the land is no longer classed as a visitor and the landowner will not be liable for risk resulting from any natural feature of the landscape, river, stream, ditch or pond nor a risk of injury when passing over, under or through any wall, fence or gate, except by proper use of the gate or stile; however, the landowner/ occupier remains liable for any of their actions that deliberately or recklessly create a risk on their land.

### **Other landowners**

30. In managing the ECP, WSCC expects it will need to contact various landowners/ occupiers at certain times. WSCC requests data on all the landowners/ occupiers along the ECP to assist it to identify and approach these parties in future as necessary.

**Environment**

31. The report has been reviewed with regard to environmental impact and WSCC is broadly supportive of the proposals, which appear to have addressed many ecological sensitivities.

**Promotion**

32. The ECP, along with associated TV programmes and other promotions, will attract people to the West Sussex coast. Whilst WSCC supports the promotion of walking and the idea of attracting tourists to the area, it does not want to encourage car use in a part of the country where the roads are already heavily congested (e.g. A27 and A259). It is recommended NE looks to promote connections to public transport to users of this path so as not to generate more vehicle traffic in the area.
33. The above said, some car use is inevitable and recommended connection points and parking locations to the path should be designed to cater for this in materials developed by NE.
34. WSCC welcomes the opportunity to work with NE to inform it in developing suitable materials.

**Natural England's comments**

Whilst some of the comments below relate specifically to the South Hayling to East Head (SHE) proposals, a number of other comments raised in this representation from West Sussex County Council (WSCC) were previously submitted following the publication of East Head to Shoreham (EHS) in September 2017 and Shoreham to Eastbourne (SEB) in September 2018. From the outset of the development of our proposals that fall within West Sussex we have worked closely with WSCC and are aware that they have had longstanding concerns about their role in the delivery and maintenance of the England Coast Path. Throughout the development of our proposals we have endeavoured to work constructively with the Council and after they submitted the representation in relation to EHS we met with WSCC to discuss their concerns. We came away from that meeting satisfied we have provided full answers to their general questions relating to the England Coast Path. We also provided Defra with our comments on their representations for EHS and SEB in September 2018 and January 2019 respectively. For ease of reference we have set out the Council's comments in full and then provided our responses in red.

**Roles and responsibilities**

1. WSCC is both the local access authority (LAA) and the local highway authority (LHA) for the SHE section of the ECP within West Sussex. This begins at the northern extent of section SHE-2-S056FP, being the county boundary with Hampshire, and continues south and east. **Noted**
2. The majority of the proposed route follows existing public highway, mostly in the form of public footpaths but in part as public road or associated footway. As LHA, WSCC maintains the surface of these to standards it considers appropriate for the county-wide network, and additionally enforces (formally or informally) duties of third parties to ensure availability of the highways for reasonable and appropriate use by the public. **Noted**

**Status of the new England Coast Path**

3. WSCC understands the sections of the ECP created on land currently not considered public highway will not create new public highway; an example is SHE-4-OA106. The

ECP, when outside of existing public highway, will be considered the equivalent of Access Land, i.e. the land will remain in someone's private title with a public walking access right over it and with a duty of maintenance from the LAA. Should landowners in future have issues arising from creation and/ or use of the ECP, these will be directed to NE for response.

Since the submission of the Coastal Access reports for the South Hayling to East Head stretch of the ECP, Natural England and WSCC have been involved in lengthy discussions to find a mutually beneficial solution in relation to delivering the establishment stage of the ECP and further forming a Trail Partnership designed to manage the ECP and resolve any issues such as this, to ensure the path is well maintained and secured for the future.

When it has been formed, the expectation of the Trail Partnership is that the day to day management of the ECP National Trail (including maintenance of structures where needed) would be undertaken by the access authority following formal completion of the route.

This work is supported by Natural England grant aid which is currently allocated on an annual basis. Where the ECP does not follow the line of a PROW, local agreements can be put in place between the local authority and landowners as part of creation works for the future maintenance of structures, depending on local circumstances.

Following the discussions between WSCC and Natural England, it was agreed that Natural England would support WSCC in recruiting a dedicated ECP project officer to support the establishment of both the SHE and EHS stretch of the ECP.

On the 4th October 2021 WSCC employed a dedicated England Coast Path Project officer to carry out all works related to establishment for the England Coast Path South Hayling to East Head stretch.

4. There are instances where the proposals maps incorrectly record public highway status. At least one section of the proposed route will follow a private road or street, being Court Barn Lane (SHE-4-A065RD and part of SHE-4-A066RD); as the lane is not recorded on the Highways Gazetteer, the legal record of publicly maintainable highways, the LHA has no duty to maintain the surface and it is incorrect to record this section as 'RD'. Further, it is incorrect to record SHE-2-A022FP as this does not have an existing public highway status. **See comments below point 7.**
5. Various proposed ECP lengths are suggested as following legally recorded PROW; however, this may not be the case. Those identified as part of this review are noted below and the proposal record should be amended:
  - SHE-2-A012FP
  - SHE-2-S069FP (part)
  - SHE-2-S077 (part)
  - SHE-3-S014 (part)
  - SHE-4-A041FP
  - SHE-5-S022FP (part)**See comments below point 7**
6. WSCC require NE to review and revise the entire length of the ECP SHE section so as to accurately record its intentions and the LHA interest. In the event this is not

completed accurately, future issues arising will be referred back to NE. **See comments below point 7**

7. Further, sections SHE-3-S010-11-12 are all now following a formalised public footpath following a Diversion Order several years ago; again, the proposal record should be amended.

Natural England recognise that there are mapping errors at several locations along this stretch incorrectly recording the status of the existing roads or streets, and public footpaths. We will work with West Sussex County Council to update our mapping data, where required. We are unable to change the information in our proposals as submitted, but will update our current GIS meta data where necessary to ensure these areas are recorded correctly.

The private roads or streets and the other existing walked routes mentioned do not fall into any of the excepted land categories and therefore our ability to include these in our proposals for the route of the England Coast Path for this stretch is unaffected.

**Funding**

8. NE has detailed funding to establish and maintain the ECP along length SHE as per costings shown in Table 1.

**Table 1: NE costings for establishment and maintenance of ECP (length SHE)**

		Capital	Maintenance
<b>SHE-1</b>		Relevant only to HCC	
<b>SHE-2</b>	*	£133,950.00	£6,872.44
<b>SHE-3</b>		£16,274.00	£4,987.85
<b>SHE-4</b>		£122,321.00	£1,899.99
<b>SHE-5</b>		£73,527.00	£3,661.97

\* Required to be split between HCC and WSCC  
All costs ex VAT

9. Given the estimated costs were calculated some while ago, NE must review the projected costs before its report is signed off.

We contacted West Sussex County Council prior to publication and they confirmed that they were happy for NE to use the figures we sent them for items of standard infrastructure. With regards to the costings for the specific works within West Sussex, they also confirmed that they were happy for NE to use the costs they had previously provided. We do however recognise that variations to our estimated cost may occur if the situation on the ground has changed by the time we get to the establishment stage of the process.

10. Further, it is recommended to review the specifications given the time elapsed, both as changes are likely to have occurred ‘on the ground’ (such as from recent storms) and need or standards may have changed, such as boardwalks should be widened or non-



slip surfacing added.

It is acknowledged that the costs of our proposals may change due to circumstances such as erosion or storm events. Natural England was not made aware of any such incidences in time for the publication of this stretch, but as we have communicated to WSCC we would be happy to meet to discuss any areas where they feel changes have occurred. Detailed designs for infrastructure items such as boardwalks will be discussed with West Sussex Country Council at the establishment stage.

11. NE has suggested the sums above to be needed annually to maintain the SHE length and it envisages maintenance to the National Trail quality standards. It has calculated the figures in Table 1 using the formula used to calculate NE's contribution to the maintenance of other National Trails. WSCC understands the NE fund used to support National Trails is reducing in quantum, and with the fund having to support more National Trails (through creation of further ECP lengths) this will put further pressure on the NE fund. WSCC is concerned this will leave a funding shortfall for National Trails, which will impact and be a pressure on LHAs and LAAs to maintain National Trails.  
**Noted**

12. WSCC acknowledges it is expected to deliver on-going maintenance of the ECP. A previous report detailed NE will provide on-going funding subject to match funding by the Authority, at a rate of 3:1, i.e. NE to provide £3k when WSCC commits £1k for annual maintenance. This ratio does not appear to be referred to in this report; NE must confirm its commitment to on-going maintenance funding. WSCC will use best endeavours to provide the match funding; however, in the event NE is unable to continue the maintenance funding for the ECP at the ratio 3:1 stated above, WSCC will be unable to fund the shortfall and this could result in an inability to meet the standards of maintenance expected for a National Trail. **Given that NE itself is currently dependent upon annual budget allocations from central government it is not able to make an unequivocal commitment to funding year on year. Currently however NE does offer funding at 3:1 although it is not specified that the match has to come from the Local Authority it is anticipated that most would. Once Trail Partnerships are established then it would be for the TP to determine how the necessary match contribution is going to be achieved and also to pursue opportunities arising for income generation from the trail.**

### **Routing**

13. NE is asked to confirm the ECP is being established using year-round operation of the Bosham – Itchenor ferry. The report states NE will fund the purchase of a second boat and operation of which will rely on a 'season ticket' arrangement developed by local residents. WSCC requests details of this scheme including contact points as at some future time the funding or operation may come into question. Should such question arise, WSCC expects NE to resolve the matter having first consulted WSCC.

**We can confirm that the ECP is using the year-round operation of the Bosham to Itchenor ferry as part of the main route. WSCC would need to contact the ferry operator directly should they have any questions regarding the 'season ticket' arrangement or the operation of the ferry. Should the service cease altogether or become less suitable for the purpose, Natural England will review its trail alignment and if appropriate, will prepare a separate variation report to the Secretary of State to ensure an uninterrupted journey for this part of the coast.**

14. Various alternative routes have been identified to overcome existing tidal flooding, routing around Fishbourne Channel and the occasional unavailability of the public

footpath around the MOD site at Thorney Island. WSCC requests clarification that these routes will be permanently signed and the costs of both signage and any establishment works are included in the various sums in Table 1.

The alternative routes will be permanently signed, and the costs of both signage and any establishment works on them are included in the various sums in Table 1.

15. The routing intention for section SHE-3-S039FP is uncertain. The proposal document refers to following the line of the public footpath; however, for a short section south-east of the property Grey Thatch the legally recorded line does run within the harbour and floods on the tide. NE is recommended to review this.

We are aware that a small section of the route here floods for a short period of time at high tide. On these occasions walkers will have to wait a short amount of time for the tide to subside. This point will be addressed more fully in our comments on Report SHE 3.

### **Establishment**

16. The Report to the Secretary of State does not specify whether NE or WSCC will deliver the necessary works. WSCC expects NE to deliver the works to establish the ECP, including consultation with various landowners and occupiers, given it has undertaken enquiries with various parties in forming the proposal and is familiar with the standard the ECP will be provided to. This is, however, subject to prior consultation with WSCC and receiving its support.

Natural England pays for 100% of the establishment works. The statutory methodology (the Coastal Access Scheme) recognises that the access authority will typically then undertake any establishment works necessary to make the trail fit for use as the ECP and to enable users of it to be clear and confident about its alignment on the ground. This is a model that has been successfully adopted throughout the country.

Since the submission of the Coastal Access reports for the South Hayling to East Head stretch of the ECP, Natural England and WSCC have been involved in lengthy discussions to find a mutually beneficial solution in relation to delivering the establishment stage of the ECP. Following these discussions, it was agreed that Natural England would support WSCC in recruiting a dedicated ECP project officer to support the establishment of both the SHE and EHS stretch of the ECP.

On the 4<sup>th</sup> October 2021 WSCC employed a dedicated England Coast Path Project officer to carry out all works related to establishment for the England Coast Path South Hayling to East Head stretch.

17. Improving accessibility is a key aim of the WSCC Local Transport Plan and listed as a key indicator within the National Trail Quality Standards. WSCC encourages accessibility to be improved for all users, be they in a wheelchair or using a pushchair, a cyclist, dog walker, skateboarder or other. Consideration should be given to accessibility to the beach for all users where the surface remains as shingle.

Noted. We have considered accessibility along the whole South Hayling to East Head stretch and the proposed route within West Sussex mainly utilises well used public footpaths. Due to the inherent physical constraints of some parts of the route, creating more accessible surfaces was not considered feasible due to significant construction and stabilisation works and associated costs as well as environmental constraints.

Where the route is on shingle, we have explained the rationale for choosing that route. The England Coast path is for access on foot and does not normally consider accessibility for cyclists, skateboarders or horses for example.

18. Any new structures, such as kissing gates, proposed to be sited within an existing highway boundary will need to be sited with lawful authority. NE must make appropriate application to WSCC in its capacity as LHA and receive its consent prior to installation. NE has worked with the Access Ranger and officers from West Sussex Country Council to identify any necessary infrastructure and signage along the stretch within West Sussex.

As per our comments at point 16, WSCC are involved in the establishment works and therefore will ensure all the necessary consents and applications are made.

### **Maintenance**

19. The level of maintenance to be delivered by the LAA/ LHA will be to ensure the route is suitable for the intended purpose by users exercising their rights properly and reasonably. **Noted**
20. Creation of the ECP will require increased regard from WSCC in the form of additional maintenance on those sections of the ECP following existing public highways, e.g. to new signs. It will also expand WSCC's role as LAA to sections of the ECP that are not public highway and to new furniture on those sections, such as kissing gates (WSCC does not manage gates as part of its existing PROW service). **Noted**
21. WSCC will not accept responsibility for a sub-standard path delivered to it. WSCC recommends that a process is established as part of any handover practice and agreed with WSCC prior to implementation of any works by NE. A process similar to that followed when adopting a road is suggested.

As mentioned above WSCC's dedicated ECP Project Officer is responsible for establishment and will be responsible for ensuring that works are of a suitable standard.

22. WSCC recommends NE produces and agrees with WSCC an easy-to-read guide detailing the differences between the Highways or PROW standards and the National Trail standards. NE have previously shared our National Trails standards document and have dedicated National Trails Partnership Managers that are available to discuss any aspect of National Trail Standards.
23. In due course it can be reasonably expected that issues of encroachment or other fault by landowners/ occupiers, including default of any agreement established by NE to create the ECP, will occur and will require resolution by WSCC. In essence the issues will be similar to issues found and managed around the existing public highway network but, given the differing status of the ECP to public highway, could likely require more specialist support to investigate legal issues and decide on appropriate mechanisms for resolution. There are provisions for LAAs to recover reasonable costs from landowners incurred when acting to protect the ECP. NE is requested to confirm it has conveyed guidance to landowners/ occupiers as to their on-going duties and

responsibilities, and shares this with WSCC as it may need to refer to this in future.

Guidance for landowners and the public is provided on gov.uk: <https://www.gov.uk/guidance/manage-your-land-on-the-england-coast-path>

### **Signage**

24. The proposals do not provide detail about locations and specification of signs. Promotional signs do not fall into the WSCC priority criteria of safety or regulatory and will be another resource implication. The style of signage, including any fixings, must be agreed with WSCC in advance of installation. It is recommended that NE avoid signs and markings that are visually intrusive or could cause a hazard to cyclists who may be using paths at any time, maybe as trespass.

NE discussed the proposed waymarking sign locations with the Access Ranger and West Sussex County Council Officers during the development of the South Hayling to East Head stretch. We also provided WSCC with the relevant GIS files showing the proposed locations. We will continue to work with WSCC regarding details for the signs, including their detailed location, design, materials and text. We do not include location of signage in the reports due to how cluttered it would make the maps. As per point 16, WSCC have taken an active lead in the establishment works and so therefore have oversight on all infrastructures.

25. Interpretation boards are proposed at a number of locations. In a harsh coastal environment these will be prone to bleaching or rapid oxidation if there are any metal components. They take time and money to design and produce and they can be a target for vandalism. In addition, they can be seen as introducing visual clutter. There is already a lot of street and sign clutter and WSCC does not support the new National Trail adding to the problem. In addition, some people object to any manmade objects (such as signage) being introduced to the environment at all. NE should encourage use of QR codes or other modern technology instead of interpretation boards to promote the ECP. This will also help minimise the on-going costs of management and support the increasing trend to use of mobile technology.

The interpretation panels have been agreed for use at sensitive nature conservation sites, as part of the requirement for mitigation for the ECP identified through our Habitats Regulations Assessment and the Nature Conservation Assessment. The design and siting of them will be in consultation with the NE Responsible Officer, WSCC Rangers and the relevant landowner.

### **Future route development**

26. As the route is more widely promoted, it may become more popular and there will be sections along the route that will need to be widened to accommodate increased congestion. NE is requested to identify whether a change to surfacing of part of the ECP will require its formal consultation and/ or agreement, and what additional funding will be made available to meet the costs.

NE would require details as to where the access authority believes the ECP will need widening, as currently the existing path width is considered sufficient. We worked closely with WSCC officers in developing the route and agreeing works required for establishment during the planning stage.

27. The West Sussex Walking and Cycling Strategy 2016–2026 contains a list of over 300 potential new routes suggested by local stakeholders. The routes have been prioritised for future delivery subject to feasibility work and the identification of funding. WSCC is

keen to ensure that the existence of the ECP should not preclude the potential to upgrade such sections of these routes in order to facilitate cycling as well as walking. NE should clarify it does not need to grant express permission for WSCC to develop and deliver a scheme that is on part of the ECP.

It is suggested that any major upgrade to the trail for multi-use should be communicated to NE's National Trails team as part of a consultation before works are carried out. However, the decision to dedicate routes as multi-user or for other higher rights sits with the landowner and the presence of the ECP does not prevent landowners from developing their land as they see fit.

28. WSCC recommends the avoidance of any restrictions placed on the new path to preclude any future cycle path proposals.

No such restrictions are proposed in the South Hayling to East Head proposals.

29. NE must provide a shapefile accurately detailing the final alignment, widths, surfacing, all infrastructure and the LHA's interests along the ECP, enabling WSCC services to enter this data easily into their management systems.

NE is happy to ensure up to date GIS shapefiles continue to be shared with WSCC.

### **WSCC as landowner**

30. WSCC is a landowner for part of the proposed ECP. It understands that once the ECP is provided, and where the route is not already a public highway, landowners will hold a limited occupiers liability. This is understood to be that a person accessing the land is no longer classed as a visitor and the landowner will not be liable for risk resulting from any natural feature of the landscape, river, stream, ditch or pond nor a risk of injury when passing over, under or through any wall, fence or gate, except by proper use of the gate or stile; however, the landowner/ occupier remains liable for any of their actions that deliberately or recklessly create a risk on their land.

The CLA has produced an excellent guidance note on liabilities in the coastal margin: <https://www.cla.org.uk/advice/coastal-liabilities>

### **Other landowners**

31. In managing the ECP, WSCC expects it will need to contact various landowners/ occupiers at certain times. WSCC requests data on all the landowners/ occupiers along the ECP to assist it to identify and approach these parties in future as necessary.

Natural England can provide such details to support establishment works.

### **Environment**

32. The report has been reviewed with regard to environmental impact and WSCC is broadly supportive of the proposals, which appear to have addressed many ecological sensitivities. **Noted**

### **Promotion**

33. The ECP, along with associated TV programmes and other promotions, will attract people to the West Sussex coast. Whilst WSCC supports the promotion of walking and the idea of attracting tourists to the area, it does not want to encourage car use in a part of the country where the roads are already heavily congested (e.g. A27 and A259). It

<p>is recommended NE looks to promote connections to public transport to users of this path so as not to generate more vehicle traffic in the area.</p> <p><b>Noted. We would recommend WSCC, their partners and any future Trail Partnership work with us and our National Trails promotion partners to maximise the opportunities afforded by the National Trails website to promote the new trail, local services and facilities.</b></p> <p><b>34.</b> The above said, some car use is inevitable and recommended connection points and parking locations to the path should be designed to cater for this in materials developed by NE. <b>See above response to point 33.</b></p> <p><b>35.</b> WSCC welcomes the opportunity to work with NE to inform it in developing suitable materials. <b>See above response to point 33.</b></p>
<p><b>Relevant appended documents (see section 6):</b> N/A</p>

<b>Representation number:</b>	MCA/SHE Stretch/R/12/SHE2300
<b>Organisation/ person making representation:</b>	[redacted] - Historic England
<b>Route section(s) specific to this representation:</b>	Whole Stretch
<b>Other reports within stretch to which this representation also relates:</b>	SHE 1, SHE 3, SHE 4 and SHE 5

<p><b>Representation in full</b></p> <p><b>England Coast Path Stretch: South Hayling to East Head</b></p> <p>As the Government’s adviser on the historic environment, Historic England is keen to ensure that the protection of the historic environment is fully taken into account in the establishment of the England Coast Path and associated public access to coastal land, under the Marine and Coastal Access Act 2009.</p> <p>Historic England notes that all the sections within this stretch would follow existing footpaths, pavements, roads or other existing walked route, with the exception of sections SHE-3-S014 and SHE-3-S015. Non-designated heritage assets have been identified on or near to the proposed route in sections SHE-3-S014 and SHE-3-S015:</p> <p>A Second World War bombing decoy site at Cobnor Point. Aerial photography from 1967 shows a shelter located at SU 7932 0236.</p> <p>An archaeological evaluation was carried out at a site approximately 250m to the north of the proposed route at SU 7899 0230, (site code: CCP09). The work revealed significant remains from three broad periods: Bronze Age, mid-late Iron Age and Post-medieval, which may indicate the presence of further remains in the area.</p> <p>If any physical works that would affect the bombing decoy site, or any digging in the area, is proposed to implement the walking route, the County Archaeologist for West Sussex should be</p>
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consulted. However, neither this area, nor the rest of the stretch is identified as an Archaeological Notification Area for West Sussex.

As noted above, other elements of the route in this stretch would follow existing routes. However, parts of section SHE-4 also pass near and across Fishbourne Roman Site, a scheduled monument.

Scheduled monument consent is required for most works and other activities that physically affect a scheduled monument. In practice this is a very strict regime under which very little, if any, disturbance of the monument is possible without consent.

Carrying out an activity without consent where it was needed is a criminal offence. Consent must be obtained from the Secretary of State for Digital, Culture, Media and Sport through Historic England for any of the following:

- Works resulting in the demolition or destruction or any damage to a scheduled monument.
- Works for the purpose of removing, repairing, adding to or altering a scheduled monument.
- Flooding or tipping operations on land in, on or under which there is a scheduled monument.

These comments are based on the information provided by you at this time and for the avoidance of doubt does not reflect our obligation to advise you on, and potentially object to, any specific development proposal which may subsequently arise from this or later versions of the plan and which may, in our view, have adverse effects on the historic environment.

**Natural England's comments**

Thank you for the advice provided in your representation. Please see our comments on the relevant reports, relating to the specific sites raised in SHE3 and SHE4.

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

N/A

<b>Representation number:</b>	MCA/SHE2/R/60/SHE1809
<b>Organisation/ person making representation:</b>	[redacted] - Ramblers Hampshire Area
<b>Route section(s) specific to this representation:</b>	SHE 2, Maps 2a and 2b, Route Sections SHE-2-S013 to SHE-2-S022
<b>Other reports within stretch to which this representation also relates:</b>	N/A

**Representation in full**

**Conigar Point**

The exclusion of the section of coast around Conigar Point, SHE-2-S013 to S022, is particularly unrealistic. We note that this alternative is discussed in table 2.3.3. This section has been left out on the basis of wildlife considerations. It is unclear what exclusions (if any) are proposed for the spreading room south of these sections, nor is it precisely clear where is the exact landward boundary of the proposed S25A 'mud flat' exclusion area.

However, at anything other than a very high tide (when the stretch west of Conigar Point is covered) the public are already extensively using the shore, largely as a dog-walking route. This has been the case for many years, partly encouraged by the Havant Borough access area (Nore Barn Wood) immediately to the east. The Council, the Friends of Nore Barn Wood, and the Chichester Harbour Conservancy all have a part in managing the area.

There are signs at the east end of Nore Barn Wood which show the low tide route around Conigar Point. There is also a Chichester Harbour Conservancy self-guided walk which follows this route ([https://www.conservancy.co.uk/assets/files/cms\\_item/59/d-Emsworth\\_to\\_Langstone\\_Walk-SPDCMvlnsE.pdf](https://www.conservancy.co.uk/assets/files/cms_item/59/d-Emsworth_to_Langstone_Walk-SPDCMvlnsE.pdf)).

There is a sign in the same area which advises horse riders to keep to the signposted trail within the woods, but also suggests they ride on the beach.

In addition there is a Natural England permissive path which leads south from the proposed route east of Warblington Church (<http://cwr.naturalengland.org.uk/default.aspx?Site=6729>). This path offers additional access to this part of the coast and the notice mentions the 'permissive coastal access along the sea wall'

Even on a cold mid-week early afternoon in November we witnessed more than a dozen people walking dogs around Conigar Point at low tide.

In the light of all the above, and given the large local population of Emsworth and the long-established custom of walking here (local members talk of walking here for 40+ years!), it is unrealistic to use 'increased disturbance' to bird life as a reason for avoiding this coastal route. We would expect to see evidence of existing usage monitoring, set against projected use of the coast path in order to justify any such directions. Neither is it sensible to exclude that part of the beach adjacent to the shoreline as 'Unsuitable for Public Access'. It is equally impossible to envisage how exclusion would be achieved without a great deal of fencing or other restrictions.

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

Natural England acknowledge there is existing local use of the beach route at Conigar Point as the Ramblers have pointed out.

Natural England have chosen to align the England Coast path inland at this site as currently the beach route around Conigar point is impassable at some stages of the tide. Additionally, our conservation assessments identified that although there is existing access at Conigar Point, aligning the trail here would likely increase disturbance to an unacceptable level. Existing bird usage of this area is explored on page 43 of the Habitats Regulation Assessment produced alongside our proposals. Therefore, in our opinion the proposed route which is aligned inland instead of around Conigar Point is a better fit with the alignment criteria and the Coastal Access Scheme.

An Optional Alternative route inland with the main alignment around Conigar Point was discussed and investigated, however for the reasons explained above this option was discounted.

To confirm, there are no restrictions imposed on the beach area adjacent to the shoreline. The Section 25A restriction is on the mudflats which is seaward of the well-used coastal route around Conigar Point. There will be no other restriction imposed on the spreading room seaward of our proposed route so the well-used existing coastal route will not be blocked off other than when it is impassable due to high tide.



The S25A direction we have proposed is intended to avoid any new public rights being created over the area in question in view of the hidden dangers to which new users of the land would be subject to.

These directions will not prevent or affect:

- any use of the land by existing right: such use is not covered by coastal access rights;
- use of any registered rights of common or of any individual or local rights that operate at common law or by Royal Charter etc; or
- any use that people already make of the land with the express permission of the landowner, or where such permission is implied by existing signage, site management arrangements etc.

Any such use that already takes place locally is not prohibited or limited by these arrangements - though it remains open to the landowner, as now, to vary any existing permissions.

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

N/A

<b>Representation number:</b>	MCA/SHE2/R/61/SHE1809
<b>Organisation/ person making representation:</b>	[redacted] - Ramblers Hampshire Area
<b>Route section(s) specific to this representation:</b>	SHE 2, Map 2b, Route Sections, SHE-2-S022 to SHE-2-S023, Replacement bridge
<b>Other reports within stretch to which this representation also relates:</b>	N/A
<b>Representation in full</b>	
<b>Replacement Bridge</b> We strongly support the proposed bridge improvements at 2-S022/S023 west of Emsworth.	
<b>Natural England's comments</b>	
Natural England welcomes the comment made by Ramblers Hampshire Area. Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.	
<b>Relevant appended documents (see section 6):</b>	
N/A	

<b>Representation number:</b>	MCA/SHE2/R/64/SHE2390
<b>Organisation/ person making representation:</b>	Environment Agency
<b>Route section(s) specific to this representation:</b>	Map 2e

<b>Other reports within stretch to which this representation also relates:</b>	N/A
<b>Representation in full</b>	
<p>The proposed footpath is shown to fall within the parameters of the Emsworth Channel, a classified 'main river' under the jurisdiction of the Environment Agency, and subject to byelaws. Therefore any works in, under or over or within 16 metres of the landward toe, a FRAP will potentially need to be applied for.</p> <p>The Agency have no sea defence 'coastal assets' for this area, and therefore Chichester may need to be consulted as the coastal authority with an interest in these frontages. Otherwise normal 'riparian ownership' for maintenance and landowner permissions apply.</p> <p>However it should be borne in mind that the Agency are in advanced discussions with the landowners, for this particular stretch of frontage and are looking at potential options for a 'managed retreat' type environment which will likely mean that the footpath route shown will be inaccessible due to the long term aspiration to provide additional wetlands.</p>	
<b>Natural England's comments</b>	
<p>The access authorities (who carry out the establishment works) will seek advice from the Environment Agency, as to whether a FRAP needs to be applied for where works are planned in, under or over or within 16 metres of the landward toe. The access authorities will ensure all the relevant consents and permits are in place prior to any establishment works. They will consult with Chichester Country Council as the coastal authority with an interest in these frontages, as required. In our consultation with the EA, we were made aware that as the route on this stretch is merely utilising and upgrading existing footpaths, it is likely that these works will fall under the FRAP exemption rule FRA28.</p> <p>We are aware that the Environment Agency is in discussions with the landowners, for this particular stretch of frontage and is looking at potential options for a 'managed retreat' type environment. Our proposals in this area include roll back. This will allow the path to be moved inland should it be necessary due to future coastal change. As the Environment Agency develops its plans for the area with landowners, we would welcome early discussions in relation to how these changes are likely to affect the route of the England Coast Path.</p>	
<b>Relevant appended documents (see section 6):</b>	
N/A	

***Other representations with common points***

<b>Representations containing similar or identical points</b>	
<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA/SHE2/R2/SHE2338	[redacted]
MCA/SHE2/R3/SHE2340	[redacted]
MCA/SHE2/R13/SHE1503	[redacted]
MCA/SHE2/R4/SHE2341	[redacted]
MCA/SHE2/R/9/SHE2346	[redacted] – Emsworth Neighbourhood Forum

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MCA/SHE2/R11/SHE2348	[redacted]
MCA/SHE2/R15/SHE2350	[redacted]
MCA/SHE2/R17/SHE1807	[redacted]
MCA/SHE2/R19/SHE2352	[redacted]
MCA/SHE2/R24/SHE2357	Emsworth Residents Association
MCA/SHE2/R34/SHE2367	Emsworth Community Lane Trust
MCA/SHE2/R35/SHE2368	[redacted]
MCA/SHE2/R39/SHE2372	[redacted]
MCA/SHE2/R43/SHE1804	[redacted]
MCA/SHE2/R44/SHE0728	[redacted]
MCA/SHE2/R45/SHE0727	[redacted]
MCA/SHE2/R46/SHE2376	[redacted]
MCA/SHE2/R48/SHE0670	[redacted]
MCA/SHE2/R49/SHE0671	[redacted]
MCA/SHE2/R52/SHE2380	[redacted]
MCA/SHE2/R53/SHE2381	[redacted]
MCA/SHE2/R56/SHE1767	Chichester Harbour Conservancy
MCA/SHE2/R57/SHE2384	[redacted]
MCA/SHE2/R63/SHE2389	[redacted]
MCA/SHE2/R65/SHE2392	[redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of point:</b>	
Support for the proposed plans at Emsworth Bridge, and the route being accessible at high tide.	
<b>Natural England's comment:</b>	
Natural England welcomes the comments made by the various individuals and organisations in support of the proposals.	
Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see	

Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.

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

Annex 3: MCA/SHE2/R/57/SHE2384 - The current path and bridge when it is submerged

Annex 5: MCA/SHE2/R/9/SHE2346 - Emsworth Neighbourhood Plan (Submission Version April 2019). Provided by [redacted] – Emsworth Neighbourhood Forum

Annex 6: MCA/SHE2/R/48/SHE0670 - Signatures of people supporting the path improvement plans. Provided by [redacted].

Annex 7: MCA/SHE2/R/48/SHE0670 - Photos to show high tide flooding on this stretch of path. Provided by [redacted].

Annex 8: MCA/SHE2/R/48/SHE0670 – Photos of a lady falling into the stream by going into the reed-beds to avoid the high tide. Provided by [redacted]

Annex 9: MCA/SHE2/R/48/SHE0670 - Solent Way Upgrade Project Supporting Information Compiled by [redacted] June 2017. Provided by [redacted].

**Representations containing similar or identical points**

<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA/SHE2/R1/SHE2337	[redacted]
MCA/SHE2/R13/SHE1503	[redacted]
MCA/SHE2/R2/SHE2338	[redacted]
MCA/SHE2/R6/SHE2343	[redacted]
MCA/SHE2/R7/SHE2344	[redacted]
MCA/SHE2/R10/SHE2347	[redacted]
MCA/SHE2/R12/SHE2349	[redacted]
MCA/SHE2/R4/SHE2341	[redacted]
MCA/SHE2/R14/SHE0458	[redacted] and [redacted]
MCA/SHE2/R15/SHE2350	[redacted]
MCA/SHE2/R19/SHE2352	[redacted]
MCA/SHE2/R30/SHE2363	[redacted] and [redacted]
MCA/SHE2/R32/SHE2365	[redacted]
MCA/SHE2/R34/SHE2367	Emsworth Community Lane Trust
MCA/SHE2/R44/SHE0728	[redacted]
MCA/SHE2/R45/SHE0727	[redacted]
MCA/SHE2/R49/SHE0671	[redacted]

MCA/SHE2/R52/SHE2380	[redacted]
MCA/SHE2/R63/SHE2389	[redacted]
MCA/SHE2/R65/SHE2392	[redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of point:</b>	
There are existing problems of access at high tide, including from the resident's access gate.	
<b>Natural England's comment:</b>	
<p>Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.</p> <p>These modifications to our infrastructure plans will ensure that the route is accessible at all stages of predicted tides, therefore providing a 24 x 7 x 365 dry shod route. However, as with many locations of the England Coast Path it may become inundated during extreme weather events. During these times users can wait for the water to recede.</p>	
<b>Relevant appended documents (see Section 6):</b>	
Section 7.	

<b>Representations containing similar or identical points</b>	
<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA/SHE2/R1/SHE2337	[redacted]
MCA/SHE2/R26/SHE2359	[redacted]
MCA/SHE2/R35/SHE2368	[redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026

<b>Other reports within stretch to which this representation also relates</b>	N/A
<p><b>Summary of point:</b></p> <p>Outlines existing problems of accessibility, including mobility scooters, wheelchairs and pushchairs.</p>	
<p><b>Natural England's comment:</b></p> <p>Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.</p> <p>The infrastructure modifications will be designed to ensure that they are accessible to those with reduced mobility. This will include ramped access at all access points between SHE-2-S022 and SHE-2-S026.</p>	
<p><b>Relevant appended documents (see Section 6):</b></p> <p>Annex 3: MCA/SHE2/R/25/SHE2358 and MCA/SHE2/R/26/SHE2359 - Email received alongside the representation form from [redacted].</p>	

<b>Representations containing similar or identical points</b>	
<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA/SHE2/R1/SHE2337	[redacted]
MCA/SHE2/R4/SHE2341	[redacted]
MCA/SHE2/R6/SHE2343	[redacted]
MCA/SHE2/R8/SHE2345	[redacted]
MCA/SHE2/R11/SHE2348	[redacted]
MCA/SHE2/R12/SHE2349	[redacted]
MCA/SHE2/R13/SHE1503	[redacted]
MCA/SHE2/R14/SHE0458	[redacted] and [redacted]
MCA/SHE2/R17/SHE1807	[redacted]
MCA/SHE2/R28/SHE2361	[redacted]
MCA/SHE2/R30/SHE2363	[redacted] and [redacted]
MCA/SHE2/R34/SHE2367	Emsworth Community Lane Trust
MCA/SHE2/R43/SHE1804	[redacted]

MCA/SHE2/R46/SHE2376	[redacted]
MCA/SHE2/R48/SHE0670	[redacted]
MCA/SHE2/R49/SHE0671	[redacted]
MCA/SHE2/R52/SHE2380	[redacted]
MCA/SHE2/R53/SHE2381	[redacted]
MCA/SHE2/R57/SHE2384	[redacted]
MCA/SHE2/R63/SHE2389	[redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of point:</b>	
<p>Safety concerns about the existing walkway and bridge crossing between SHE-2-S023 and SHE-2-S026 and people getting caught out by the tide.  Members of the public are often unaware of the tide  Have had to rescue members of the public at the site due to high tide  Current structure's parapet is low and invisible at high tide  The edges of the current structure cannot be seen at high tide  People fall into the water next to the current structure  Walkers try and find a way through the reed bed and may fall into deep water  Depth of the water varies unexpectedly  The area is slippery and muddy  Deep water to the side of the bridge at high tide  Lack of information about the tides</p>	
<b>Natural England's comment:</b>	
<p>Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.</p> <p>The infrastructure modifications have been designed with safety in mind, with non-slip surfaces. Water markers will be used to ensure users are aware of water depth during potential inundation during extreme weather events and tides.</p> <p>The new infrastructure proposals will provide access at all states of predicted tides providing a 24 x 7 x 365 dry shod route, however as with many locations of the England Coast Path it may</p>	

become inundated during extreme weather events. During these times users can wait for the water to recede.

We will add additional information to boards already in situ to warn users that during extreme weather events the route may become inundated.

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

Annex 1: MCA/SHE2/R/57/SHE2384 - The current path and bridge when it is submerged

Annex 7: MCA/SHE2/R/48/SHE0670 - Photos to show high tide flooding on this stretch of path

Annex 8: MCA/SHE2/R/48/SHE0670 – Photos of a lady falling into the stream by going into the reed-beds to avoid the high tide

Annex 9: MCA/SHE2/R/48/SHE0670 - Solent Way Upgrade Project Supporting Information Compiled by [redacted] June 2017

**Representations containing similar or identical points**

<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA/SHE2/R20/SHE2353	[redacted] and [redacted]
MCA/SHE2/R40/SHE2373	[redacted] and [redacted]
MCA/SHE2/R41/SHE2374	[redacted]
MCA/SHE2/R42/SHE2375	[redacted]
MCA/SHE2/R50/SHE1170	[redacted] and [redacted]
MCA/SHE2/R54/SHE2382	[redacted]
MCA/SHE2/R55/SHE2383	[redacted]
MCA/SHE2/R58/SHE2385	[redacted]
MCA/SHE2/R59/SHE2386	[redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A

**Summary of point:**

There is no need for new infrastructure as during high tide people can wade or can wait for the tide to recede.



**Natural England's comment:**

Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.

When developing our original proposal, we felt it important to increase access at this location during high tide for long-distance walkers and the local community. Additionally, because the existing walkway is not visible when the water covers it, the uneven surface and steep drop off below the water's surface were a cause for concern on safety grounds for those braving the wade across.

The new infrastructure proposals will provide access at all states of predicted tides providing a 24 x 7 x 365 dry shod route, however as with many locations of the England Coast Path it may become inundated during extreme weather events. During these times users can wait for the water to recede.

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

Annex 7: MCA/SHE2/R/48/SHE0670 - Photos to show high tide flooding on this stretch of path

Annex 8: MCA/SHE2/R/48/SHE0670 – Photos of a lady falling into the stream by going into the reed-beds to avoid the high tide

Annex 9: MCA/SHE2/R/48/SHE0670 - Solent Way Upgrade Project Supporting Information Compiled by [redacted] June 2017

Annex 10: MCA/SHE2/R/50/SHE1170 - Representation Supporting Documents from [redacted] and [redacted]

**Representations containing similar or identical points**

<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA/SHE2/R20/SHE2353	[redacted] and [redacted]
MCA/SHE2/R21/SHE2354	[redacted]
MCA/SHE2/R22/SHE2355	[redacted]
MCA/SHE2/R25/SHE2358	[redacted]
MCA/SHE2/R26/SHE2359	[redacted]
MCA/SHE2/R27/SHE2360	[redacted]
MCA/SHE2/R29/SHE2362	[redacted]
MCA/SHE2/R31/SHE2364	[redacted]
MCA/SHE2/R33/SHE2366	[redacted]
MCA/SHE2/R36/SHE2369	[redacted]
MCA/SHE2/R37/SHE2370	[redacted]
MCA/SHE2/R40/SHE2373	[redacted] and [redacted]
MCA/SHE2/R42/SHE2375	[redacted]

MCA/SHE2/R47/SHE2377	[redacted]
MCA/SHE2/R50/SHE1170	[redacted] and [redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A

**Summary of point:**

The proposed infrastructure of a replacement bridge and walkway extension as outlined in the Coastal Access Report will not enable the route to be available at all states of the tide.

**Natural England's comment:**

Natural England acknowledge that there is an error in the wording within the originally published report (2.3.3 Other options considered table) and that it should state that although the originally proposed bridge would have been an improvement on the original structure, there would still be occasions where it would have been unavailable because of inundation.

Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.

The modifications to our infrastructure plans will ensure that the route is accessible at all stages of predicted tides, therefore providing a 24 x 7 x 365 dry shod route. However, as with many locations of the England Coast Path it may become inundated during extreme weather events. During these times users can wait for the water to recede.

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

Annex 2: MCA/SHE2/R/22/SHE2355 - Map A showing the area where the replacement bridge and new walkway is proposed and Map B showing the area to the west of the bridge towards Langstone

Annex 3: MCA/SHE2/R/25/SHE2358 and MCA/SHE2/R/26/SHE2359 - Email received alongside the representation form from [redacted].

Annex 10: MCA/SHE2/R/50/SHE1170 - Representation Supporting Documents from [redacted] and [redacted]

**Representations containing similar or identical points**

Representation ID	Organisation/ person making representation:
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## OFFICIAL SENSITIVE

MCA/SHE2/R18/SHE2351	[redacted]
MCA/SHE2/R20/SHE2353	[redacted] and [redacted]
MCA/SHE2/R21/SHE2354	[redacted]
MCA/SHE2/R23/SHE2356	[redacted]
MCA/SHE2/R25/SHE2358	[redacted]
MCA/SHE2/R27/SHE2360	[redacted]
MCA/SHE2/R29/SHE2362	[redacted]
MCA/SHE2/R31/SHE2364	[redacted]
MCA/SHE2/R33/SHE2366	[redacted]
MCA/SHE2/R36/SHE2369	[redacted]
MCA/SHE2/R37/SHE2370	[redacted]
MCA/SHE2/R38/SHE2371	[redacted]
MCA/SHE2/R40/SHE2373	[redacted] and [redacted]
MCA/SHE2/R41/SHE2374	[redacted]
MCA/SHE2/R42/SHE2375	[redacted]
MCA/SHE2/R47/SHE2377	[redacted]
MCA/SHE2/R50/SHE1170	[redacted] and [redacted]
MCA/SHE2/R54/SHE2382	[redacted]
MCA/SHE2/R55/SHE2383	[redacted]
MCA/SHE2/R58/SHE2385	[redacted]
MCA/SHE2/R59/SHE2386	[redacted]
MCA/SHE2/R62/SHE2388	[redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of point:</b>	
The infrastructure proposals are expensive for very little gain. The money could be spent elsewhere.	
<b>Natural England's comment:</b>	

Natural England has a statutory duty under Section 296 of the Marine and Coastal Act 2009 to provide a long-distance walking route around the coast of England. This route will provide people with a source of recreation and appreciation for the coastal environment which is widely acknowledged to have significant benefits for human health and wellbeing.

When developing our original proposal, we felt it important to improve access at this popular location during high tide for long-distance walkers and the local community. The bridge in situ is in a poor state therefore, improving the infrastructure will not only improve access here but also the longevity and safety of the route.

Additionally, because the existing walkway is not visible when the water covers it, the uneven surface and steep drop off below the water's surface were a cause for concern on safety grounds for those braving the wade across.

Please see Section 7 of this report for full details of our amended infrastructure proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.

In 2018 the original cost of the bridge and walkway was estimated at £70,000 exclusive of any VAT payable. The cost of the amended proposals (see section 7) is also £70,000. Natural England believe that the amended proposals will offer significant benefits to the residents of Emsworth and the natural environment. For example, the designs are in keeping with the landscape and the amount of construction works needed to carry out establishment at this site has reduced significantly from the original proposals due to the existing bridge being left in situ.

Existing use of the trail in this area is high, especially by the local community therefore improvements to this site will have a real benefit, not only for England Coast Path users but also for the local community. We maintain that this represents good value for money, not least because it ensures an excellent and safer coastal experience for path users and in doing so avoids what would be a lengthy inland detour.

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

Annex 10: MCA/SHE2/R/50/SHE1170 - Representation Supporting Documents from [redacted] and [redacted].

**Representations containing similar or identical points**

Representation ID	Organisation/ person making representation:
MCA/SHE2/R18/SHE2351	[redacted]
MCA/SHE2/R20/SHE2353	[redacted]
MCA/SHE2/R21/SHE2354	[redacted]
MCA/SHE2/R23/SHE2356	[redacted]
MCA/SHE2/R26/SHE2359	[redacted]
MCA/SHE2/R27/SHE2360	[redacted]

OFFICIAL SENSITIVE

MCA/SHE2/R29/SHE2362	[redacted]
MCA/SHE2/R31/SHE2364	[redacted]
MCA/SHE2/R37/SHE2370	[redacted]
MCA/SHE2/R38/SHE2371	[redacted]
MCA/SHE2/R40/SHE2373	[redacted] and [redacted]
MCA/SHE2/R41/SHE2374	[redacted]
MCA/SHE2/R42/SHE2375	[redacted]
MCA/SHE2/R50/SHE1170	[redacted] and [redacted]
MCA/SHE2/R51/SHE2378	[redacted]
MCA/SHE2/R54/SHE2382	[redacted]
MCA/SHE2/R55/SHE2383	[redacted]
MCA/SHE2/R58/SHE2385	[redacted]
MCA/SHE2/R62/SHE2388	[redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of point:</b>	
The proposal to install a new bridge and walkway is not in keeping with the rural feel of the area.	
<b>Natural England's comment:</b>	
<p>Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.</p> <p>The existing bridge will remain in situ, therefore preserving the local heritage of the area. The existing walkway will be extended using a boardwalk structure which will be designed to fit in well against the backdrop of a seawall.</p>	
<b>Relevant appended documents (see Section 6):</b>	
Annex 3: MCA/SHE2/R/25/SHE2358 and MCA/SHE2/R/26/SHE2359 - Email received alongside the representation form from [redacted].	
Annex 10: MCA/SHE2/R/50/SHE1170 - Representation Supporting Documents from [redacted].	

<b>Representations containing similar or identical points</b>	
<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA/SHE2/R18/SHE2351	[redacted]
MCA/SHE2/R20/SHE2353	[redacted] and [redacted]
MCA/SHE2/R33/SHE2366	[redacted]
MCA/SHE2/R37/SHE2370	[redacted]
MCA/SHE2/R40/SHE2373	[redacted] and [redacted]
MCA/SHE2/R47/SHE2377	[redacted]
MCA/SHE2/R54/SHE2382	[redacted]
MCA/SHE2/R55/SHE2383	[redacted]
MCA/SHE2/R59/SHE2386	[redacted]
MCA/SHE2/R62/SHE2388	[redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of point:</b> There is an alternative route already available for people to use during high tides.	
<b>Natural England's comment:</b> Natural England has not included an optional alternative route. The Selangor footpath was purpose built as an access route to the Solent Way/Chichester Harbour and provides an alternative route for walkers when the Nore Stream area is flooded.  The proposed route is available at all stages of predicted tides, please see Annex 11 for details on tidal resilience provided by Coastal Engineers at Havant Borough Council. We did consider proposing an optional alternative route (Report SHE 2, section 2.3.3), but considered it an impractical solution when it was possible to improve the existing high tide access along the route in this location by improving the infrastructure in the area. Prior to our proposals, improvements to high tide access were already being explored in this area and were supported by the Chichester Harbour Conservancy and other local groups.  If we were to have created an optional alternative route here it would have had to have been aligned up to the A259 which is a busy road, and then along it, joining back with the Solent Way either along the Selangor Path as the objector has suggested or further along the coast near	

Warblington Castle. This would add between 1.6km and 2.5km to the route depending on which route was used.

Given that people already access this area at high tide by wading through, it is considered that many walkers would continue to do this rather than follow a lengthy optional alternative route taking them away from the coast.

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

N/A

**Representations containing similar or identical points**

<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA/SHE2/R23/SHE2356	[redacted]
MCA/SHE2/R27/SHE2360	[redacted]
MCA/SHE2/R29/SHE2362	[redacted]
MCA/SHE2/R31/SHE2364	[redacted]
MCA/SHE2/R36/SHE2369	[redacted]
MCA/SHE2/R38/SHE2371	[redacted]
MCA/SHE2/R41/SHE2374	[redacted]
MCA/SHE2/R42/SHE2375	[redacted]
MCA/SHE2/R55/SHE2383	[redacted]
MCA/SHE2/R59/SHE2386	[redacted]
MCA/SHE2/R62/SHE2388	[redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of point:</b>	
A high tide option is not required as people are managing fine wading through the water when it is necessary.	
<b>Natural England's comment:</b>	

Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.

When developing our original proposal, we felt it important to improve the accessibility of this site during high tide for long-distance walkers and the local community. For reasons explained elsewhere in this document, we felt that making these improvements negated the need for an optional alternative route.

As part of a long-distance National Trail, it is important that any tidal impact on the trail is kept to a minimum to allow walkers to plan their route accordingly. If the route is unavailable for prolonged periods due to high tide, it creates difficulties for long distance walk planning. Infrastructure improvements at this site will allow for people to use the route during all stages of predicted tides. However, as with many locations of the England Coast Path it may become inundated during extreme weather events. During these times users can wait for the water to recede.

Additionally, unlike local residents, long distance walkers may be unfamiliar with the area and will not necessarily be able to plan to get their feet wet during a long walk. Therefore, improving access here is of benefit to them.

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

N/A

**Representations containing similar or identical points**

Representation ID	Organisation/ person making representation:
MCA/SHE2/R19/SHE2352	[redacted]
MCA/SHE2/R43/SHE1804	[redacted]
MCA/SHE2/R44/SHE0728	[redacted]
MCA/SHE2/R45/SHE0727	[redacted]
MCA/SHE2/R48/SHE0670	[redacted]
MCA/SHE2/R49/SHE0671	[redacted]
MCA/SHE2/R63/SHE2389	[redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026



<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of point:</b> The alternative route is too long (particularly for those who are less mobile) and is located too close to a fast road.	
<b>Natural England's comment:</b>  For the reasons explained elsewhere in this document, we have not proposed an optional alternative route.	
<b>Relevant appended documents (see Section 6):</b> Annex 9: MCA/SHE2/R/48/SHE0670 - Solent Way Upgrade Project Supporting Information Compiled by [redacted] June 2017	

<b>Representations containing similar or identical points</b>	
<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA/SHE2/R20/SHE2353	[redacted] and [redacted]
MCA/SHE2/R31/SHE2364	[redacted]
MCA/SHE2/R33/SHE2366	[redacted]
MCA/SHE2/R40/SHE2373	[redacted] and [redacted]
MCA/SHE2/R43/SHE1804	[redacted]
MCA/SHE2/R50/SHE1170	[redacted] and [redacted]
MCA/SHE2/R54/SHE2382	[redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of point:</b> Information on the tide should be available at strategic points for members of the public.	
<b>Natural England's comment:</b> Natural England agree that notices should be displayed at the site providing information about potential tidal inundation during extreme weather events.	

We have observed there to be tidal information provided at the end of Warblington Lane, however we plan to add additional signage to boards already in place. We agree that this will enable path users to make an informed decision about how to manage their onward journey.

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

Annex 10: MCA/SHE2/R/50/SHE1170 - Representation Supporting Documents from [redacted] and [redacted]

**Representations containing similar or identical points**

<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA/SHE2/R21/SHE2354	[redacted]
MCA/SHE2/R26/SHE2359	[redacted]
MCA/SHE2/R33/SHE2366	[redacted]
MCA/SHE2/R44/SHE0728	[redacted]
MCA/SHE2/R45/SHE0727	[redacted]
MCA/SHE2/R50/SHE1170	[redacted] and [redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A

**Summary of point:**

The new structure will cause flooding due to a build-up of water behind it, which is unable to drain away.

**Natural England's comment:**

Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.

We wish to assure those who have raised concerns that the engineers responsible for the infrastructure designs will be required to ensure that the design does not cause flooding in the area. Further flood risk assessments will also be undertaken in the form of a Flood Risk Assessment Permit (FRAP) from the Environment Agency.

We have also taken advice from the relevant organisations and licences will be obtained before any of the establishment works commence.

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

Annex 3: MCA/SHE2/R/25/SHE2358 and MCA/SHE2/R/26/SHE2359 - Email received alongside the representation form from [redacted].

Annex 10: MCA/SHE2/R/50/SHE1170 - Representation Supporting Documents from [redacted] and [redacted]

**Representations containing similar or identical points**

<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA/SHE2/R33/SHE2366	[redacted]
MCA/SHE2/R36/SHE2369	[redacted]
MCA/SHE2/R50/SHE1170	[redacted] and [redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A

**Summary of point:**

There are concerns that the new structures will cause increased erosion /destabilisation of strata (ground/ shore) in the area.

**Natural England's comment:**

Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.

Natural England is confident that the updated infrastructure proposal will not have a significant impact on the erosion of the seawall.

We wish to assure those who have raised concerns regarding destabilisation of strata that the engineers designing the proposal have been informed that the detailed design phase will provide in depth assessments on the impact of our proposals, in particular by the Coastal Partnership who will inspect these designs. We are confident that they have a good understanding of the history and changing geography of the area. This impact assessment will help us to avoid any detrimental impacts on the foreshore.

We have taken advice from the relevant organisations and licences will be obtained before any of the establishment works commence. A Flood Risk Assessment Permit (FRAP) from the Environment Agency, and a Marine Licence from the Marine Management Organisation will be obtained before commencement of works.

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

Annex 10: MCA/SHE2/R/50/SHE1170 - Representation Supporting Documents from [redacted] and [redacted]

**Representations containing similar or identical points**

<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA/SHE2/R17/SHE1807	[redacted]
MCA/SHE2/R44/SHE0728	[redacted]
MCA/SHE2/R45/SHE0727	[redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A

**Summary of point:**

Support for the proposal to include screening for residents.

**Natural England's comment:**

Natural England welcomes these comments from local residents and The Friends of Nore Barn Woods which support the proposals for providing screening for residents near to the ECP

Natural England has offered residents along SHE-2 S022 to SHE-2-S026 screening to alleviate worries of loss of privacy. This has been offered to residents living in the Maisemore Gardens Limited residential area adjacent to the Nore Barn Stream.

It is not yet clear whether screening is permitted because of a local covenant. Even without screening, Natural England still believe that our proposals strike a fair balance. There are many areas around the coast of England which are aligned close to the boundary of residential properties. The route is also some way from the houses and set at a lower level and there will already be existing noise from walkers as this is already a highly popular route.

Please see diagram below for location of boardwalk:



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

N/A

**Representations containing similar or identical points**

Representation ID	Organisation/ person making representation:
MCA/SHE2/R28/SHE2361	[redacted]
MCA/SHE2/R34/SHE2367	Emsworth Community Lane Trust
MCA/SHE2/R43/SHE1804	[redacted]
MCA/SHE2/R53/SHE2381	[redacted]
MCA/SHE2/R65/SHE2392	[redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b

<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of point:</b> The existing bridge structure is in poor condition and in need of repair. The existing culvert has cracked which has compromised the stability of the bridge structure.	
<b>Natural England's comment:</b> Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.  Our new proposal will renovate the existing bridge structure through re-sleeving the existing culvert, this method can have a lifespan of in excess of 50 years. Additionally, this re-sleeving of the culvert will restore the bridges structural integrity. We will also be raising the height of the bridge to match the height of the current concrete walkway on section (SHE-2-S026). Please see Annex 11 and 12 for a report and infrastructure designs from a Coastal Engineer at Havant Borough Council and the Coastal Partners.	
<b>Relevant appended documents (see Section 6):</b> N/A	

<b>Representations containing similar or identical points</b>	
<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA/SHE2/R46/SHE2376	[redacted]
MCA/SHE2/R51/SHE2378	[redacted]
MCA/SHE2/R53/SHE2381	[redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A

<p><b>Summary of point:</b></p> <p>The proposal is important for reducing disturbance to feeding, breeding and roosting overwintering birds by recreational users as it will keep people on Wayfarers Walk (the same line as the ECP in this location) rather than on the foreshore.</p>
<p><b>Natural England's comment:</b></p> <p>Natural England welcomes the comments made by the various individuals and organisations.</p> <p>Natural England agree that keeping people on Wayfarers Walk (a 71 mile walking route from Inkpen Beacon to Emsworth) which the ECP alignment uses for the section around Emsworth will reduce disturbance to birds and the proposed infrastructure in this area should encourage people to stay on the trail, rather than on the foreshore.</p> <p>During consultation for the new infrastructure designs, we have taken advice from our area team and protected sites team regarding the impact on disturbance. We have revised the HRA to include the change in infrastructure detailed in section 7 of these comments.</p>
<p><b>Relevant appended documents (see Section 6):</b></p> <p>N/A</p>

<b>Representations containing similar or identical points</b>	
<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA/SHE2/R22/SHE2355	[redacted]
MCA/SHE2/R63/SHE2389	[redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A
<p><b>Summary of point:</b></p> <p>The concrete walkway will need to be extended to make the route passable at high tide.</p>	
<p><b>Natural England's comment:</b></p> <p>Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.</p>	

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

Annex 2: MCA/SHE2/R/22/SHE2355 - Map A showing the area where the replacement bridge and new walkway is proposed and Map B showing the area to the west of the bridge towards Langstone

**Representations containing similar or identical points**

<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA/SHE2/R22/SHE2355	[redacted]
MCA/SHE2/R33/SHE2366	[redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A

**Summary of point:**

The area between the dinghy ramp and the end of the existing raised walkway is covered for longer at high tide than the existing bridge. The walkway is not extended far enough in Havant Council's design sketch to cross this section.

The area between Pook Lane and Wade Lane is submerged for longer than the current bridge at Warblington Road. This prevents walkers from continuing even if they are able to cross the proposed bridge.

**Natural England's comment:**

Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.

Our new infrastructure proposals have resolved the issue of tidal inundation in this area, and we have worked closely with engineers at the Coastal Partners and Havant Borough Council to come up with a solution which will be available at all stages of predicted tides. There will be extreme weather events where the route may become inundated and during these exceptional times people can wait for the tide to recede.

In the area between Pook Lane and Wade Lane, SHE-2-S011 we have included an Optional Alternative Route using an existing Public Rights of Way, SHE-2-OA006 to SHE-2-OA12 which will be available for use during the high tide. It is common to have high and low tide routes on the



England Coast Path and we did consider proposing an optional alternative route for sections SHE-2-S022 to SHE-2-S026 (Report SHE 2, section 2.3.3), but considered it an impractical solution when it was possible to improve the existing high tide access along the route in this location.

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

Annex 2: MCA/SHE2/R/22/SHE2355 - Map A showing the area where the replacement bridge and new walkway is proposed and Map B showing the area to the west of the bridge towards Langstone

**Representations containing similar or identical points**

<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA/SHE2/R17/SHE1807	[redacted]
MCA/SHE2/R44/SHE0728	[redacted]
MCA/SHE2/R45/SHE0727	[redacted]
MCA/SHE2/R48/SHE0670	[redacted]
MCA/SHE2/R49/SHE0671	[redacted]
MCA/SHE2/R51/SHE2378	[redacted]
MCA/SHE2/R63/SHE2389	[redacted]
MCA/SHE2/R65/SHE2392	[redacted]
<b>Name of site:</b>	Replacement bridge and extended walkway between Nore Barn Woods and Warblington Road
<b>Report map reference:</b>	Map 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of point:</b>	
Walkers have been trampling the reed beds directly behind the existing bridge at high tides to avoid getting their feet wet. The proposal will help protect reed beds from trampling.	
<b>Natural England's comment:</b>	
Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.	

Walkers were going into the reedbeds and trampling them at high tide as this was seen as a better route and one in which people did not get their feet so wet. The new infrastructure plans will ensure that the route is available at all stages of predicted tides. This will help protect the reedbeds from trampling by users at hightide as they will not need to stray from the trail.

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

Annex 7: MCA/SHE2/R/48/SHE0670 - Photos to show high tide flooding on this stretch of path

Annex 8: MCA/SHE2/R/48/SHE0670 – Photos of a lady falling into the stream by going into the reed-beds to avoid the high tide

Annex 9: MCA/SHE2/R/48/SHE0670 - Solent Way Upgrade Project Supporting Information Compiled by [redacted] June 2017

<b>Representation ID:</b>	<b>Organisation/ person making representation:</b>
MCA/SHE2/R59/SHE2386	[redacted]
MCA/SHE2/R26/SHE2359	[redacted]
<b>Name of site:</b>	SHE 2
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of representation:</b>	
The current bridge is part of “our heritage” and is a focal point for visitors and children who love to and sit on the wall.	
<b>Natural England’s comment:</b>	
Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.	
We can confirm that under our new proposals the existing bridge will remain in place. Therefore, preserving the local heritage of the area.	
<b>Relevant appended documents (see Section 6):</b>	
Annex 3: MCA/SHE2/R/25/SHE2358 and MCA/SHE2/R/26/SHE2359 - Email received alongside the representation form from [redacted].	

***Other representations with non-common points***

<b>Representation ID:</b>	MCA/SHE Stretch/R/2/SHE2325
<b>Organisation/ person making representation:</b>	[redacted] - Havant Borough Council
<b>Name of site:</b>	Whole Stretch (only the sections within the area covered by Havant Borough Council)
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 2
<b>Summary of representation:</b> Havant Borough Council raised no objection to this scheme.	
<b>Natural England's comment:</b> Natural England welcomes the comments from Havant Borough Council.	
<b>Relevant appended documents (see Section 6):</b> N/A	

<b>Representation ID:</b>	MCA/SHE Stretch/R/3/SHE1767
<b>Organisation/ person making representation:</b>	[redacted] - Chichester Harbour Conservancy
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 1, SHE 3, SHE 4 and SHE 5

**Summary of representation:**

The projected annual maintenance costs are likely to be far greater than the figure forecast (£22,699). The reason being that one bad storm could result in significant damage, requiring a much greater sum for remedial action. The shoreline of Chichester Harbour is 53 miles (86 kilometres).

It is recommended that a block of funds is set-aside, or ring-fenced, to only be used in instances of severe weather, as a contingency.

See below table, from the Establishment of Trail Section of the Reports:

Segment	Installation Features	Installation costs (ex. VAT)	Annual Maintenance Cost (ex. VAT)
SHE 1	Signs & interpretation, boardwalks, surfacing works, project management and variance	£61,384	£5,277
SHE 2	Signs & interpretation, steps, surfacing works, footbridges and walkways, wooden bollards, pedestrian gates, handrails, project management and variance	£133,950	£6,872
SHE 3	Signs & interpretation, surfacing works, hedgerow infill, Cobnor Point – ramp, bridges and hedge removal. Project management and variance	£16,274	£4,988
SHE 4	Signs & interpretation, kissing gate, surfacing works, hand rails, project management and variance. Capital costs only grant	£122,321	£1,900
SHE 5	Signs & interpretation, boardwalks, post and rail fence, hedgerow infill, surfacing works, project management	£73,527	£3,662
<b>Total</b>		<b>£407,456</b>	<b>£22,699</b>

**Natural England's comment:**

NE appreciates the unpredictability of coastal events (and other similar naturally occurring events that impact upon the quality of the National Trails). The approach to this was covered with the trails partnerships as part of the funding formula development discussions, as was the possibility of NE holding back a portion of 'in year budget' in case of major events. The decision of the trail partnerships was not to take this approach, but to implement a formula that distributed the full available budget. NE does not therefore set aside a portion of budget as a contingency fund, and the Access Authority has the autonomy to manage their budget as they see fit.

In practice, where such major events occur, and funding is not immediately available, the local authority would secure a temporary diversion to enable people to continue their journeys, whilst a permanent solution is determined and implemented, taking into account influencing factors e.g. the existence of roll back, nature conservation concerns, local restrictions, etc.

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

N/A

<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 2, SHE 3, SHE 4 and SHE 5
<p><b>Summary of representation:</b></p> <p>[redacted] notes that in several places within our reports we mention the need to avoid/prevent disturbances, both to the wildfowl and also to other users. At present there are several notices posted along the paths pointing out the need to control dogs to prevent disturbing the wildfowl.</p> <p>[redacted] is concerned that there are a large number of dog owners who let their dogs run wildly about, not on leads. These dogs, he says, sometimes chase after walkers, including young children, sometimes jumping up and causing some distress to these other walkers. They run into the water causing disturbance to birds and also leave behind faeces on the path.</p> <p>[redacted] requests that:</p> <ul style="list-style-type: none"> <li>• We install more notices locally.</li> <li>• We are more specific when we mention the need to avoid disturbance.</li> <li>• We state that dogs must be kept under control and include the fact it can be an offence for a dog not to be on a lead on a public footpath.</li> </ul>	
<p><b>Natural England's comment:</b></p> <p>Natural England take into account environmental protection objectives when developing our proposals for improved coastal access. We produce a Habitats Regulations Assessment and a Nature Conservation Assessment, relating to any potential impact on the conservation objectives of European sites, as well as other potential impacts on nature conservation. These assessments detail the measures we have taken to reduce the likelihood of disturbance to birds.</p> <p>One of the key measures we have taken on this stretch is choosing to align the main route of the trail away from the coast in areas that have been highlighted as particularly sensitive to disturbance. We have also placed Section 26(3)(a) directions for reasons of nature conservation over some particularly sensitive areas. These measures have been put in place to reduce the likelihood of interaction between walkers with or without dogs, and sensitive wildlife.</p> <p>With regards to signage, we have proposed to install interpretation panels to inform users of the local environmental sensitivities and where appropriate fencing has been used to guide walkers and dogs away from sensitive areas. These panels will explain the risk of disturbance caused by dogs and ask walkers and dog owners to behave responsibly in the vicinity of birds.</p>	

Much of the route follows existing public rights of way. Coastal access rights do not apply to existing public highways including roads and public rights of way such as footpaths. Because coastal access rights do not take precedence on public rights of way, we cannot place restrictions on dog access on those sections of the trail. The responsibility for managing the use of PRowS remains with the access authority and it would be for them to decide the messaging relating to the existing PRowS.

There are subtle differences between the legal requirements on land subject to coastal access rights and those subject to PRow rights. Any signs relating to dogs in the area would have to be specific to the access regime in force on that particular piece of land.

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

N/A

<b>Representation ID:</b>	MCA/SHE Stretch/R/9/SHE2315
<b>Organisation/ person making representation:</b>	[redacted]- Member of the Council of the Solent Protection Society
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 1, SHE 3, SHE 4 and SHE 5

**Summary of representation:**

The Society has submitted a representation which relates to the whole stretch, however within that representation there is a specific comment about Thorney Island. We set out our response to that part of the representation in our comments on report SHE 2.

The Society welcomes and supports the proposals in this section of the ECP and is pleased with the links that have been proposed to join up various sections of path and create a more continuous route right round both Chichester and Langstone harbours and has not simply stopped either side of the mouth.

They say that the route and descriptions appear to have been thoroughly thought through with perhaps more detail than they have seen in earlier sections. Proposals on roll back are welcome. They acknowledge that in the past they have misunderstood how alternative routes function, having assumed they were 'instead of the proposed route' whereas they are 'temporary alternatives' if the proposed route is out of use for some reason such as because of

tidal inundation at Conigar Point (SHE-2-S013 to SHE-2-S021). SPS therefore supports the alternative routes proposed in various places. They particularly welcome the support for the Itchenor Ferry to avoid “the very much less satisfactory” alternative during the low season.

Finally, SPS supports the proposed S25A and S26(3)(a) designations proposed throughout the route to exclude the public from the seaward coastal margin in these extensive important protected areas. They hope that adequate signage is proposed throughout the route to inform the public of the exclusions and that in critical areas fencing is proposed to physically restrict public and particularly dog access.

As identified in the reports this area supports nationally and internationally important numbers of over wintering and breeding bird species. Disturbance from walkers, particularly those with dogs, is already at a level of considerable concern. SPS would therefore like assurance that funds are made available to support a wardening scheme.

**Natural England’s comment:**

Natural England acknowledge these comments in response to our stretch proposals and are grateful for the statements of support.

We agree with the Society, that well placed interpretation panels can play an important role in managing visitor behaviour. We have proposed to install interpretation panels to inform users of the local environmental sensitivities in certain places along this stretch. In addition, where appropriate, fencing has been used to guide walkers and dogs away from sensitive areas. Further details about the location of these access management measures can be found in our report documents.

We take into account environmental protection objectives when developing our proposals for improved coastal access. We produce a Habitats Regulations Assessment and a Nature Conservation Assessment, relating to any potential impact on the conservation objectives of European sites, as well as other potential impacts on nature conservation. These assessments detail the measures we have taken to reduce the likelihood of disturbance to nationally and internationally important numbers of over wintering and breeding bird species.

One of the key measures we have taken on this stretch is choosing to align the main route of the trail away from the coast in areas that have been highlighted as particularly sensitive to disturbance. This measure has been put in place to reduce the likelihood of interaction between walkers with or without dogs, and sensitive wildlife.

Natural England has put measures in place to ensure no adverse effect on the integrity of the European sites affected by the trail and wardening is not something we identified as necessary. The Bird Aware project has rangers on the ground, talking to the public and undertaking education work on bird disturbance and our proposals have been developed to complement their work.

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

N/A

**Representation ID:**

MCA/SHE Stretch/R/11/SHE0008

<b>Organisation/ person making representation:</b>	[redacted] - The Disabled Ramblers
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 1, SHE 3, SHE 4 and SHE 5

### Summary of representation:

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

These people have the same legitimate rights to access that walkers do, so Natural England should ensure that, unless the natural terrain itself prevents access, any existing or new infrastructure along the Coast Path does not present a barrier to their ability to progress along the Coast Path.

The Disabled Ramblers has identified many instances where Natural England proposes to retain structures or introduce new ones which are, or may, be barriers to access for those with limited mobility, particularly on mobility scooters. The sites have not been visited by the Disabled Ramblers to verify whether or not the infrastructure restricts access, but they say it is likely that it would do.) These structures include the following:

- Pedestrian Gates (these should be suitable for access by riders of large mobility vehicles, riders who are on their own and will remain on their mobility vehicles, and should comply with *British Standard BS5709: 2018 Gaps Gates and Stiles.*)
- Bristol Gates (these are always a barrier to mobility vehicles and should be replaced with an appropriate structure which complies with *British Standard BS5709: 2018 Gaps Gates and Stiles.*)
- Cycle Chicanes (in many instances these are impassable by mobility vehicles, in which case they should be replaced with an appropriate structure which complies with *British Standard BS5709: 2018 Gaps Gates and Stiles.*)
- Kissing Gates (these are usually impassable by mobility scooters, so unless these are specifically designed for access by large mobility vehicles, they should be replaced with an appropriate structure which complies with *British Standard BS5709: 2018 Gaps Gates and Stiles.*)
- Undefined barriers (very often these are A or K frames which are set too narrow so are a barrier to access by mobility vehicles which can legally be up to 85 cm wide)



- Footbridges and board walks (need to be wide enough for mobility vehicles, and wherever possible should be reached by ramps, not steps. Consideration should also be given to handrails to assist those with visual impairments.)
- Sleeper bridges (very often these are 3 sleepers wide, but at least 4 are needed for mobility vehicles)
- Bollards (spacing should be checked to ensure a gap through which mobility scooters can pass.)

The following proposed changes have been detailed in the Natural England reports. If not designed carefully these changes may become barriers to those with limited mobility:

- Sections SHE-2-S019 to S0120: gravel resurfacing. Gravel is a very difficult surface for mobility vehicles, very often proving a barrier to access, so a more appropriate material should be chosen for resurfacing.
- Sections SHE-2-S022 to SHE-2-S026: replacing a bridge and extending a raised footway. Natural England should ensure that ramps, not steps, are built to reach the raised footway, and ensure it is appropriately designed and sufficiently wide for use by mobility vehicles.
- Sections SHE-3-S014 to SHE-3-S015 Cobnor Point: footbridges over a ditch. Natural England should ensure that ramps, not steps, are built to reach the footbridges, and ensure they are appropriately designed and sufficiently wide for use by mobility vehicles.

Disabled Ramblers requests that Natural England

- reconsider their proposals for all existing and new structures, ensuring compliance with *British Standard BS5709: 2018 Gaps Gates and Stiles*, because in many cases these structures bar legitimate access along the Coast Path for those with limited mobility.
- comply with the Equality Act 2010 (and the Public Sector Equality Duty within this act) comply with the Countryside Rights of Way Act 2000

**Natural England’s comment:**

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 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.*

In drawing up our proposals we have taken all reasonable steps to make the trail as easy as possible for those with reduced mobility and been mindful of British Standard BS5709:2018 Gaps Gates and Stiles.

Natural England does however recognise that since our proposals were submitted we have worked a lot more closely with the Disabled Ramblers and have gained an increased understanding of structures which are, or may be barriers to access for those with limited mobility, particularly those on mobility scooters. There may be inherent reasons or restrictions due to the nature of certain sites, why certain structures we have proposed are necessary or existing structures cannot be removed. However, when we begin the establishment of this section of coast path we will look again at where it might be possible for us to make targeted adjustments to the structures, we have proposed to make the trail more accessible for people with reduced mobility.

The representation highlighted specific proposed changes in Report SHE 2 that if not designed carefully may become barriers to those with limited mobility. Natural England has proposed gravel resurfacing between SHE-2-S019 to SHE-2-S020. The Disabled Ramblers suggested that gravel is a very difficult surface for mobility vehicles, very often proving a barrier to access, so a more appropriate material should be chosen for resurfacing. When we begin the establishment of this section of the coast path, we will discuss with the access authority if it is possible to use a material that would be less of a barrier to access.

For the infrastructure between SHE-2-S022 and SHE-2-S026. Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans in this area. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.

The Disabled Ramblers have suggested Natural England should ensure that ramps, not steps, are built to reach the raised footway, and ensure it is appropriately designed and sufficiently wide for use by mobility vehicles. Sometimes, there may be inherent reasons or restrictions for including ramps due to the nature of the sites, however the new proposals for this area of the stretch will include ramped access to allow those with reduced mobility to make use of the path.

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

Annex 4: MCA/SHE Stretch/R/11/SHE0008 - Photographic examples of people using mobility vehicles on various terrain

<b>Representation ID:</b>	MCA/SHE Overview/R/1/SHE0040
<b>Organisation/ person making representation:</b>	[redacted] - Lichfields, on behalf of Bourne Leisure Limited
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A

<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 1, SHE 3, SHE 4 and SHE 5
<b>Summary of representation:</b>	
<p><b>Rollback</b></p> <p>The Overview report states on page 32 that in determining the new route, Natural England will take into account “any views expressed by people with a relevant interest in affected land” but does not specifically state that Natural England will contact and consult with landowners.</p> <p>Bourne Leisure Requests that the Overview report is amended to specifically state that Natural England will contact and consult with owners and occupiers in relation to any rollback – including where the trail is being adjusted to follow the current feature. This is important in order to ensure that landowners are kept informed, so that any issues can be raised with Natural England and that landowners’ views are taken into account if rollback needs to take place.</p>	
<b>Natural England’s comment:</b>	
<p>The Overview report states on page 30 that in determining the new route, Natural England will take into account “any views expressed by people with a relevant interest in affected land”. This can be read as a commitment to talk to the owner/occupiers of the land when determining a new alignment for a rolled back route.</p> <p>In addition, in the individual reports, the “Roll back” tables explain that where complex roll back will occur, we will choose a route following discussions with owners and occupiers. This is a written commitment to talk to landowners and occupiers. Furthermore, NE retains a duty to strike a ‘fair balance’ in aligning a roll back route, in much the same way it has for our original route proposals.</p>	
<b>Relevant appended documents (see Section 6):</b>	
N/A	

<b>Representation ID:</b>	MCA/SHE2/R/16/SHE1532
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	SHE 2
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	SHE-2-S044- SHE-2-S046
<b>Other reports within stretch to which this representation also relates</b>	N/A

<p><b>Summary of representation:</b> [redacted] supports the proposed path if it is along the edge of the foreshore of Chichester harbour at Emsworth, with an inland route on local roads when the tide is too high. If it were to be along the gardens above the harbour sea wall, then he would be totally opposed.</p>
<p><b>Natural England's comment:</b> Natural England can confirm that neither the main route of the trail or the optional alternative route is aligned through the gardens above the harbour sea wall.</p>
<p><b>Relevant appended documents (see Section 6):</b> N/A</p>

<b>Representation ID:</b>	MCA/SHE2/R/21/SHE2354
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	SHE 2
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A
<p><b>Summary of representation:</b> Replacing the bridge and raised walkway will put properties adjacent to the stream at greater risk of flooding, will not be in keeping with the landscape and will be detrimental to the use of the dinghy park.</p>	
<p><b>Natural England's comment:</b></p> <p>Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.</p> <p>We wish to assure those who have raised flooding concerns that the engineers responsible for the infrastructure designs will be required to ensure that the design does not cause flooding in the area. Further flood risk assessments will also be undertaken in the form of a Flood Risk Assessment Permit (FRAP) from the Environment Agency.</p> <p>The new infrastructure designs for this area which have been provided by Havant Council allows unimpeded use of the dingy ramp. We have advised the Access Authority that any potential construction works will need to be considerate of the dinghy park and advise users of any potential interruptions or impacts.</p>	

<b>Relevant appended documents (see Section 6):</b> N/A

<b>Representation ID:</b>	MCA/SHE2/R/23/SHE2355
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	SHE 2
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of representation:</b> Asks if metal rings can be included in the walkway so that small boats can be tied to it, and whether the slipway can be extended to reach the shingle.	
<b>Natural England's comment:</b>  Installing new boat moorings would be outside the remit of the England Coast Path Programme and may have a negative impact on overwintering and nesting birds within the area.	
<b>Relevant appended documents (see Section 6):</b> Annex 2: MCA/SHE2/R/22/SHE2355 - Map A showing the area where the replacement bridge and new walkway is proposed and Map B showing the area to the west of the bridge towards Langstone	

<b>Representation ID:</b>	MCA/SHE2/R51/SHE2378
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	SHE 2
<b>Report map reference:</b>	N/A

<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A
<p><b>Summary of representation:</b></p> <p>A wooden boardwalk would fit in better with the nature of the area and permit tidal ingress of saltwater into reed beds, allowing salt marsh to re-establish.</p> <p>Currently shingle banks and intertidal habitat are damaged due to people walking on them. Under the current proposal, walkers would be diverted away from the shingle/salt marsh and prevented from walking on the foreshore itself, which would benefit the habitat.</p> <p>The mitigation for increased visitor numbers is inadequate. The only advantage to this proposal is if all people, are properly diverted away from the small area of shingle bank and salt marsh (by the picnic table) and prevented from walking on the foreshore itself.</p> <p>Makes a comparison to Conigar Point which is also prone to flooding but does not have a bridge proposed.</p>	
<p><b>Natural England's comment:</b></p> <p>Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.</p> <p>When looking at our original proposal, we felt it important to increase access here during high tide for long-distance walkers and the local community. Additionally, because the existing walkway is not visible when the water covers it, the uneven surface and steep drop offs were a cause for concern on safety grounds for those braving the wade across. Therefore, our proposals included increased access during all stages of predicted tides.</p> <p>Natural England agrees that the proposals will ensure walkers are diverted away from the shingle/salt marsh and the foreshore and this will have benefits for these habitats.</p> <p>As the Habitats Regulations Assessment states there will be adequate strategies in place to ensure that sensitive habitats such as saltmarsh and shingle banks are not trampled on. For example, on Page 35 of the Habitats Regulation Assessment, it states: 'A year-round exclusion will apply over much of the mudflat and saltmarsh along the stretch and as a result of this no new coastal access rights will be created over these areas'.</p> <p>No new access will be created over the intertidal mudflats and saltmarsh at the head of the Emsworth Channel as it will be covered by a year-round Section 25A exclusion. However, this exclusion will not prevent or affect any existing local use of the land by right: such use is not covered by coastal access rights, any other use people already make of the land locally by formal agreement with the landowner, or by informal permission or traditional toleration. Any such use is not prohibited or limited by these arrangements; however Natural England hope it minimises impact from additional visitors to the area.</p>	

Additionally, the proposals have incorporated an area for nature enhancement, this is specifically the small area of shingle bank and salt marsh by the picnic table. This area will be roped off in the hope that the saltmarsh will begin to re-establish.

Conigar point is also prone to flooding but along a much larger area meaning that proposing a bridge or a raised walkway in that area would not be cost effective. Instead, we have proposed a more inland route for this section.

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

N/A

<b>Representation ID:</b>	MCA/SHE2/R43/SHE1804
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	SHE 2
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	SHE-2-S022 to SHE-2-S026
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of representation:</b>	
<p>Advises that people sometimes trespass on private land to find a way round at high tide, for example climbing over the stream into the gardens.</p>	
<b>Natural England's comment:</b>	
<p>Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.</p>	
<p>The new infrastructure proposals will provide access at all states of predicted tides, which should help remove the temptation to trespass in order to find an onward route.</p>	

<b>Relevant appended documents (see Section 6):</b> N/A

<b>Representation ID:</b>	MCA/SHE2/R/50/SHE1170
<b>Organisation/ person making representation:</b>	[redacted] and [redacted]
<b>Name of site:</b>	SHE 2
<b>Report map reference:</b>	Map 2a and 2b
<b>Route sections on or adjacent to the land:</b>	SHE-2-S010 – SHE-2-S033
<b>Other reports within stretch to which this representation also relates</b>	N/A
<p><b>Summary of representation</b></p> <p>[redacted] and [redacted] ask for clarity regarding what Natural England class as a storm surge, as they say that this isn't taken into account in the proposals.</p> <p>There will be disruption from construction of the bridge and raised walkway, which they say will take at least one summer. They are also concerned regarding damage from heavy earthworks removing/installing the bridge.</p> <p>They suggest that walkers can safely wade across as the water movement is minimal with no strong currents.</p> <p>[redacted] and [redacted] raise safety concerns of the proposed design with a lack of railings. They also raise concern about the safety of the extended concrete walkway.</p> <p>[redacted] and [redacted] claim that "other local groups" referred to by Natural England within the reports are supportive of the proposal due to potential financial gain.</p> <p>[redacted] and [redacted] are concerned that the proposal does not give access at all states of tide and are concerned that the bridge and raised walkway will cause flooding and increased erosion.</p> <p>Lastly, [redacted] and [redacted] claim the bridge to be out of keeping with landscape.</p>	
<b>Natural England's comment:</b>	



A storm surge is categorised by a rise in seawater level caused solely by a storm. [redacted] and [redacted] do not believe that we have taken storm surges into account in making our proposals. The property frontages in this area, including Maisemore Gardens are not normally exposed to severe wave action due to the sheltered nature of the harbour. Storm surges will be taken into account during the Flood Risk Assessment Permit (FRAP) application which will be undertaken as part the Establishment process.

Since making our original proposal additional information has come to light which has caused us to modify our infrastructure plans for route sections, SHE-2-S022 to SHE-2-S027. Please see Section 7 of this report for full details of our amended proposal for the site. We have proposed these amendments to the planned infrastructure to the Appointed Person in our comments on Objection MCA/SHE2/O/2/SHE1170.

The modifications to our infrastructure plans will ensure that the route is accessible at all stages of predicted tides, therefore providing a 24 x 7 x 365 dry shod route. However, as with many locations of the England Coast Path it may become inundated during extreme weather events. During these times users can wait for the water to recede. The modified infrastructure has also been designed with safety in mind, including non-slip surfacing and water markers.

The levels of construction associated with our new proposals is likely to be considerably less than the original proposals. In addition, the existing bridge will remain in situ, therefore preserving the local heritage. We have advised the Access Authority that any potential construction works will need to be mindful of disruption to residents and to the sensitive areas adjacent to the infrastructure. In terms of concerns with flooding, the engineers responsible for the infrastructure designs will be required to ensure that the design does not cause flooding in the area. Further flood risk assessments will also be undertaken in the form of a Flood Risk Assessment Permit (FRAP) from the Environment Agency.

[redacted] and [redacted] suggest that when the existing bridge and walkway is flooded, walkers can safely wade across as the water movement is minimal with no strong currents. We agree that for the most part that water movement is minimal with no strong currents, however, the water depth can vary unexpectedly, and we believe our proposals are necessary to make the route safer, to stop people from getting their feet wet when walking and to bring the access arrangements in the area up to National Trail standard.

As far as Natural England is aware there will be no local groups directly benefitting financially or commercially from this project. We hope our new proposals are beneficial to the local community and increase commerce within Emsworth generally.

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

Annex 10: MCA/SHE2/R/50/SHE1170 - Representation Supporting Documents from [redacted] and [redacted].

<b>Representation ID:</b>	MCA/SHE2/R/56/SHE1767
<b>Organisation/ person making representation:</b>	[redacted] / Chichester Harbour Conservancy

<b>Name of site:</b>	SHE 2
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	SHE-2-2061 FP to SHE-2-SO64 FP / SHE-2-A007 FP
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of representation:</b>	
<p>SHE-2-SO21 FP</p> <p>The Conservancy is supportive of the concept of the high-tide bridge to the east of Nore Barn Woods. Natural England are advised that the Conservancy own the mudland in that area and would welcome the chance to consider detailed plans of the bridge in due course.</p> <p>SHE-2-2061 FP to SHE-2-SO64 FP</p> <p>The west side of Thorney Island is under consideration for a new managed retreat project, being overseen by the Environment Agency and the Ministry of Defence. Should these plans come to fruition in the next couple of years, it will affect the route of the ECP.</p> <p>SHE-2-A007 FP</p> <p>Natural England should also note that the alternative route next to the sewage works can be quite unpleasant to walk.</p>	
<b>Natural England's comment:</b>	
<p>SHE-2-SO21 FP</p> <p>Natural England welcomes the Conservancy's support in relation to improving the high tide route to the east of Nore Barn Woods. Once the designs have been completed for this area, Natural England will provide the Conservancy with the opportunity to view them.</p> <p>SHE-2-2061 FP to SHE-2-SO64 FP</p> <p>Natural England is aware that the Environment Agency and the Ministry of Defence are considering a new managed retreat project on the west side of Thorney Island. Our proposals include roll back along the area included in the managed retreat. This would allow the path to be moved inland should it be necessary due to future coastal change, such as managed realignment. As the plans are developed, we will work with the organisations involved to establish a suitable rolled back route for the England Coast Path should it be required.</p> <p>SHE-2-A007 FP</p> <p>Natural England note Chichester Harbour Conservancy's concerns that the alternative route next to the sewage works can be quite unpleasant to walk. The route follows the existing Public Right of Way in the area and is adjacent to the sewage works for only a short distance.</p>	

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

N/A

## Length Report SHE3 - Prinsted to Bosham

### *Full representations*

<b>Representation number:</b>	MCA/SHE Stretch/R/1/SHE2307
<b>Organisation/ person making representation:</b>	<p>The Solent Recreation Mitigation Partnership (Bird Aware Solent)</p> <p>The Solent Recreation Mitigation Partnership is 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 &amp; Isle of Wight Wildlife Trust, and Chichester Harbour Conservancy.</p> <p>The Partnership for Urban 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.</p>
<b>Route section(s) specific to this representation:</b>	Whole Stretch
<b>Other reports within stretch to which this representation also relates:</b>	SHE 1, SHE 2, SHE 4 and SHE 5
<b>Representation in full</b>	
<p>As representatives of the SRMP partnership, we welcome the concept of the England Coast Path as something of value to local people and residents, but we have some real concerns that we would like addressing.</p> <p>We recognise and thank you for your timely and inclusive approach to engaging with us during the development of a route for the ECP. As you are aware those parts of the Solent being identified as a potential route for the ECP are covered also by our mitigation programme, 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.</p> <p>We acknowledge the ECP team have consulted with us and hope that the ECP team have benefitted from SRMP partners’ local knowledge and ecological expertise. We understand that this input has formed part of the evidence to define a route which does not lead to additional impacts on the Solent’s SPA birds and their habitats. We appreciate that the proposed ECP route will need to satisfy the Habitats Regulations and that avoidance and mitigation may be required for the chosen route. This is in the same way that SRMP is a response to allowing development to proceed in satisfaction of those same regulations.</p>	

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

### **Mapping of Spreading Zone**

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

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

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 between South Hayling and East Head 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 the SRMP and other organisations with relevant local knowledge, and are satisfied that sufficient measures are included to mitigate the risks. After careful consideration, we believe that the proposals we have made will not lead to an adverse effect on the integrity of the European sites. In reaching this conclusion, we have taken account of

the relevant conservation objectives for the European sites involved and their ecological characteristics.

Our Habitats Regulations Assessment (see page 30, 'Bird Aware Solent', under 'D2. Contextual statement on the current status, influences, management and condition of the European Site and those qualifying features affected by the plan or project') states that:

Proposals for coastal access have been made following a series of workshops and discussions with Bird Aware Solent representatives during which we have checked that detailed design of the access proposals is compatible with the Solent Recreation Mitigation Strategy and latest thinking on how it will be delivered, including site-specific visitor management measures.

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 developed in collaboration with Bird Aware Solent.

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. This document has been developed in consultation with Natural England's staff involved in Bird Aware Solent.

Ongoing maintenance of the path and the associated mitigation measures have been considered within the Overview and individual reports for the stretch.

### **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 distinctively on OS maps.

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.

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.

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

N/A

<b>Representation number:</b>	MCA/SHE Stretch/R/6/SHE1776
<b>Organisation/ person making representation:</b>	[redacted] - Sussex Ramblers

<b>Route section(s) specific to this representation:</b>	Whole Stretch (SHE 2, SHE 3, SHE 4 and SHE 5)
<b>Other reports within stretch to which this representation also relates:</b>	SHE 2, SHE 4 and SHE 5
<b>Representation in full</b>	
We are delighted with the proposed footpath and the work of Natural England. We are particularly pleased with the re-grading of the footpath to the Bosham - Itchenor ferry. And the solution to the Bosham Hoe route.	
<b>Natural England's comments</b>	
Natural England welcomes the comments made by Sussex Ramblers.	
<b>Relevant appended documents (see Section 5):</b> N/A	

<b>Representation number:</b>	MCA/SHE Stretch/R/7/SHE2390
<b>Organisation/ person making representation:</b>	The Environment Agency
<b>Route section(s) specific to this representation:</b>	Whole Stretch (excluding comments on 2e and 4h which have been submitted separately).
<b>Other reports within stretch to which this representation also relates:</b>	SHE 1, SHE 2, SHE 4 and SHE 5
<b>Representation in full</b>	
<p>Thank you for consulting the Environment Agency. The areas in this report cover the patches under the remit of both the Hampshire and Isle of Wight &amp; West Sussex Partnership and Strategic Overview (PSO) Teams.</p> <p>Any works that are due to take place within the 8m boundary of non-tidal Statutory Main Rivers, or more likely, the 16m boundary of tidal Statutory Main Rivers could be subject to requiring a Flood Risk Activity Permit (FRAP).</p> <p>You can check the locations of Statutory Main Rivers online:  <a href="https://environment.maps.arcgis.com/apps/webappviewer/index.html?id=17cd53dfc524433980cc333726a56386">https://environment.maps.arcgis.com/apps/webappviewer/index.html?id=17cd53dfc524433980cc333726a56386</a></p> <p>Where the route is merely utilising and upgrading existing footpaths, it is likely that these works will fall under our FRAP exemption rule FRA28. Details of which can be found online:  <a href="https://www.gov.uk/government/publications/environmental-permitting-regulations-exempt-flood-risk-activities/exempt-flood-risk-activities-environmental-permits#improvement-works-for-existing-tracks-and-paths-fra28">https://www.gov.uk/government/publications/environmental-permitting-regulations-exempt-flood-risk-activities/exempt-flood-risk-activities-environmental-permits#improvement-works-for-existing-tracks-and-paths-fra28</a></p>	

However, where the proposals include the construction of new footpaths then a 'bespoke permit' would be required, if they fall within the parameters of requiring a FRAP. Guidance regarding FRAPs can be found online: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Where the works involve activities in, over or under an Ordinary Watercourse (a river not shown on the above mentioned Statutory Main River map) then the Lead Local Flood Authority should be contacted.

Feel free to contact the Hampshire and Isle of Wight & West Sussex PSO teams with any queries or to discuss specific FRAP applications. The email address have been supplied at the bottom of this form.

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

Natural England welcome the information supplied by the Environment Agency. The Access Authorities (who carry out the establishment works) will seek advice from the Environment Agency, as to whether a FRAP is required for the locations where works are planned. They will ensure all the relevant consents and permits are in place prior to any establishment works. In our consultation with the EA we were made aware that as the route on this stretch is merely utilising and upgrading existing footpaths, it is likely that these works will fall under the FRAP exemption rule FRA28.

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

N/A

<b>Representation number:</b>	MCA/SHE Stretch/R/8/SHE1765
<b>Organisation/ person making representation:</b>	[redacted], Countryside Services Manager - West Sussex County Council
<b>Route section(s) specific to this representation:</b>	Whole Stretch (only the sections in West Sussex)
<b>Other reports within stretch to which this representation also relates:</b>	SHE 2 (only the sections in West Sussex), SHE 4 and SHE 5

#### **Representation in full**

#### **Representation on behalf of West Sussex County Council on Natural England's Coastal Access Report for South Hayling to East Head, West Sussex**

Question 5 of the representation form requests details and reasons for the representation being made by West Sussex County Council (WSCC) to Natural England's (NE) Coastal Access Report for South Hayling to East Head (SHE) to form part of the England Coast Path (ECP). This sheet provides the detail for the headings listed under question 5 of the completed representation form.

#### **Roles and responsibilities**

35. WSCC is both the local access authority (LAA) and the local highway authority (LHA) for the SHE section of the ECP within West Sussex. This begins at the northern



extent of section SHE-2-S056FP, being the county boundary with Hampshire, and continues south and east.

36. The majority of the proposed route follows existing public highway, mostly in the form of public footpaths but in part as public road or associated footway. As LHA, WSCC maintains the surface of these to standards it considers appropriate for the county-wide network, and additionally enforces (formally or informally) duties of third parties to ensure availability of the highways for reasonable and appropriate use by the public.

**Status of the new England Coast Path**

37. WSCC understands the sections of the ECP created on land currently not considered public highway will not create new public highway; an example is SHE-4-OA106. The ECP, when outside of existing public highway, will be considered the equivalent of Access Land, i.e. the land will remain in someone’s private title with a public walking access right over it and with a duty of maintenance from the LAA. Should landowners in future have issues arising from creation and/ or use of the ECP, these will be directed to NE for response.

38. There are instances where the proposals maps incorrectly record public highway status. At least one section of the proposed route will follow a private road or street, being Court Barn Lane (SHE-4-A065RD and part of SHE-4-A066RD); as the lane is not recorded on the Highways Gazetteer, the legal record of publically maintainable highways, the LHA has no duty to maintain the surface and it is incorrect to record this section as ‘RD’. Further, it is incorrect to record SHE-2-A022FP as this does not have an existing public highway status.

39. Various proposed ECP lengths are suggested as following legally recorded PROW; however, this may not be the case. Those identified as part of this review are noted below and the proposal record should be amended:

- o SHE-2-A012FP
- o SHE-2-S069FP (part)
- o SHE-2-S077 (part)
- o SHE-3-S014 (part)
- o SHE-4-A041FP
- o SHE-5-S022FP (part)

40. WSCC require NE to review and revise the entire length of the ECP SHE section so as to accurately record its intentions and the LHA interest. In the event this is not completed accurately, future issues arising will be referred back to NE.

41. Further, sections SHE-3-S010-11-12 are all now following a formalised public footpath following a Diversion Order several years ago; again, the proposal record should be amended.

**Funding**

42. NE has detailed funding to establish and maintain the ECP along length SHE as per costings shown in Table 1.

**Table 1: NE costings for establishment and maintenance of ECP (length SHE)**

		Capital	Maintenance
	SHE-1	Relevant only to HCC	
	SHE-2	£133,950.00	£6,872.44
	SHE-3	£16,274.00	£4,987.85
	SHE-4	£122,321.00	£1,899.99

	<b>SHE-5</b>		£73,527.00	£3,661.97
	* Required to be split between HCC and WSCC			
	All costs ex VAT			

43. Given the estimated costs were calculated some while ago, NE must review the projected costs before its report is signed off. Further, it is recommended to review the specifications given the time elapsed, both as changes are likely to have occurred 'on the ground' (such as from recent storms) and need or standards may have changed, such as boardwalks should be widened or non-slip surfacing added.

44. NE has suggested the sums above to be needed annually to maintain the SHE length and it envisages maintenance to the National Trail quality standards. It has calculated the figures in Table 1 using the formula used to calculate NE's contribution to the maintenance of other National Trails. WSCC understands the NE fund used to support National Trails is reducing in quantum, and with the fund having to support more National Trails (through creation of further ECP lengths) this will put further pressure on the NE fund. WSCC is concerned this will leave a funding shortfall for National Trails, which will impact and be a pressure on LHAs and LAAs to maintain National Trails.

45. WSCC acknowledges it is expected to deliver on-going maintenance of the ECP. A previous report detailed NE will provide on-going funding subject to match funding by the Authority, at a rate of 3:1, i.e. NE to provide £3k when WSCC commits £1k for annual maintenance. This ratio does not appear to be referred to in this report; NE must confirm its commitment to on-going maintenance funding. WSCC will use best endeavours to provide the match funding; however, in the event NE is unable to continue the maintenance funding for the ECP at the ratio 3:1 stated above, WSCC will be unable to fund the shortfall and this could result in an inability to meet the standards of maintenance expected for a National Trail.

### **Routing**

46. NE is asked to confirm the ECP is being established using year-round operation of the Bosham – Itchenor ferry. The report states NE will fund the purchase of a second boat and operation of which will rely on a 'season ticket' arrangement developed by local residents. WSCC requests details of this scheme including contact points as at some future time the funding or operation may come into question. Should such question arise, WSCC expects NE to resolve the matter having first consulted WSCC.

47. Various alternative routes have been identified to overcome existing tidal flooding, routing around Fishbourne Channel and the occasional unavailability of the public footpath around the MOD site at Thorney Island. WSCC requests clarification that these routes will be permanently signed and the costs of both signage and any establishment works are included in the various sums in Table 1.

48. The routing intention for section SHE-3-S039FP is uncertain. The proposal document refers to following the line of the public footpath; however, for a short section south-east of the property Grey Thatch the legally recorded line does run within the harbour and floods on the tide. NE is recommended to review this.

### **Establishment**

49. The Report to the Secretary of State does not specify whether NE or WSCC will deliver the necessary works. WSCC expects NE to deliver the works to establish the ECP, including consultation with various landowners and occupiers, given it has

undertaken enquiries with various parties in forming the proposal and is familiar with the standard the ECP will be provided to. This is, however, subject to prior consultation with WSCC and receiving its support.

50. Improving accessibility is a key aim of the WSCC Local Transport Plan and listed as a key indicator within the National Trail Quality Standards. WSCC encourages accessibility to be improved for all users, be they in a wheelchair or using a pushchair, a cyclist, dog walker, skateboarder or other. Consideration should be given to accessibility to the beach for all users where the surface remains as shingle.

51. Any new structures, such as kissing gates, proposed to be sited within an existing highway boundary will need to be sited with lawful authority. NE must make appropriate application to WSCC in its capacity as LHA and receive its consent prior to installation.

### **Maintenance**

52. The level of maintenance to be delivered by the LAA/ LHA will be to ensure the route is suitable for the intended purpose by users exercising their rights properly and reasonably.

53. Creation of the ECP will require increased regard from WSCC in the form of additional maintenance on those sections of the ECP following existing public highways, e.g. to new signs. It will also expand WSCC's role as LAA to sections of the ECP that are not public highway and to new furniture on those sections, such as kissing gates (WSCC does not manage gates as part of its existing PROW service).

54. WSCC will not accept responsibility for a sub-standard path delivered to it. WSCC recommends that a process is established as part of any handover practice and agreed with WSCC prior to implementation of any works by NE. A process similar to that followed when adopting a road is suggested.

55. WSCC recommends NE produces and agrees with WSCC an easy-to-read guide detailing the differences between the Highways or PROW standards and the National Trail standards.

56. In due course it can be reasonably expected that issues of encroachment or other fault by landowners/ occupiers, including default of any agreement established by NE to create the ECP, will occur and will require resolution by WSCC. In essence the issues will be similar to issues found and managed around the existing public highway network but, given the differing status of the ECP to public highway, could likely require more specialist support to investigate legal issues and decide on appropriate mechanisms for resolution. There are provisions for LAAs to recover reasonable costs from landowners incurred when acting to protect the ECP. NE is requested to confirm it has conveyed guidance to landowners/ occupiers as to their on-going duties and responsibilities, and shares this with WSCC as it may need to refer to this in future.

### **Signage**

57. The proposals do not provide detail about locations and specification of signs. Promotional signs do not fall into the WSCC priority criteria of safety or regulatory and will be another resource implication. The style of signage, including any fixings, must be agreed with WSCC in advance of installation. It is recommended that NE avoid signs and markings that are visually intrusive or could cause a hazard to cyclists who may be using paths at any time, maybe as trespass.

58. Interpretation boards are proposed at a number of locations. In a harsh coastal environment these will be prone to bleaching or rapid oxidation if there are any metal components. They take time and money to design and produce and they can be a target for vandalism. In addition, they can be seen as introducing visual clutter. There

is already a lot of street and sign clutter and WSCC does not support the new National Trail adding to the problem. In addition, some people object to any manmade objects (such as signage) being introduced to the environment at all. NE should encourage use of QR codes or other modern technology instead of interpretation boards to promote the ECP. This will also help minimise the on-going costs of management and support the increasing trend to use of mobile technology.

### **Future route development**

59. As the route is more widely promoted, it may become more popular and there will be sections along the route that will need to be widened to accommodate increased congestion. NE is requested to identify whether a change to surfacing of part of the ECP will require its formal consultation and/ or agreement, and what additional funding will be made available to meet the costs.

60. The West Sussex Walking and Cycling Strategy 2016–2026 contains a list of over 300 potential new routes suggested by local stakeholders. The routes have been prioritised for future delivery subject to feasibility work and the identification of funding. WSCC is keen to ensure that the existence of the ECP should not preclude the potential to upgrade such sections of these routes in order to facilitate cycling as well as walking. NE should clarify it does not need to grant express permission for WSCC to develop and deliver a scheme that is on part of the ECP.

61. WSCC recommends the avoidance of any restrictions placed on the new path to preclude any future cycle path proposals.

62. NE must provide a shapefile accurately detailing the final alignment, widths, surfacing, all infrastructure and the LHA's interests along the ECP, enabling WSCC services to enter this data easily into their management systems.

### **WSCC as landowner**

63. WSCC is a landowner for part of the proposed ECP. It understands that once the ECP is provided, and where the route is not already a public highway, landowners will hold a limited occupiers liability. This is understood to be that a person accessing the land is no longer classed as a visitor and the landowner will not be liable for risk resulting from any natural feature of the landscape, river, stream, ditch or pond nor a risk of injury when passing over, under or through any wall, fence or gate, except by proper use of the gate or stile; however, the landowner/ occupier remains liable for any of their actions that deliberately or recklessly create a risk on their land.

### **Other landowners**

64. In managing the ECP, WSCC expects it will need to contact various landowners/ occupiers at certain times. WSCC requests data on all the landowners/ occupiers along the ECP to assist it to identify and approach these parties in future as necessary.

### **Environment**

65. The report has been reviewed with regard to environmental impact and WSCC is broadly supportive of the proposals, which appear to have addressed many ecological sensitivities.

### **Promotion**

66. The ECP, along with associated TV programmes and other promotions, will attract people to the West Sussex coast. Whilst WSCC supports the promotion of walking and the idea of attracting tourists to the area, it does not want to encourage car use in a part of the country where the roads are already heavily congested (e.g. A27 and A259). It is recommended NE looks to promote connections to public transport to users of this path so as not to generate more vehicle traffic in the area.

67. The above said, some car use is inevitable and recommended connection points and parking locations to the path should be designed to cater for this in materials developed by NE.

WSCC welcomes the opportunity to work with NE to inform it in developing suitable materials.

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

Whilst some of the comments below relate specifically to the South Hayling to East Head (SHE) proposals, a number of other comments raised in this representation from West Sussex County Council (WSCC) were previously submitted following the publication of East Head to Shoreham (EHS) in September 2017 and Shoreham to Eastbourne (SEB) in September 2018. From the outset of the development of our proposals that fall within West Sussex we have worked closely with WSCC and are aware that they have had longstanding concerns about their role in the delivery and maintenance of the England Coast Path. Throughout the development of our proposals we have endeavored to work constructively with the Council and after they submitted the representation in relation to EHS we met with WSCC to discuss their concerns. We came away from that meeting satisfied we have provided full answers to their general questions relating to the England Coast Path. We also provided Defra with our comments on their representations for EHS and SEB in September 2018 and January 2019 respectively. For ease of reference we have set out the Council's comments in full and then provided our responses in red.

### **Roles and responsibilities**

36. WSCC is both the local access authority (LAA) and the local highway authority (LHA) for the SHE section of the ECP within West Sussex. This begins at the northern extent of section SHE-2-S056FP, being the county boundary with Hampshire, and continues south and east. **Noted**

37. The majority of the proposed route follows existing public highway, mostly in the form of public footpaths but in part as public road or associated footway. As LHA, WSCC maintains the surface of these to standards it considers appropriate for the county-wide network, and additionally enforces (formally or informally) duties of third parties to ensure availability of the highways for reasonable and appropriate use by the public. **Noted**

### **Status of the new England Coast Path**

38. WSCC understands the sections of the ECP created on land currently not considered public highway will not create new public highway; an example is SHE-4-OA106. The ECP, when outside of existing public highway, will be considered the equivalent of Access Land, i.e. the land will remain in someone's private title with a public walking access right over it and with a duty of maintenance from the LAA. Should landowners in future have issues arising from creation and/ or use of the ECP, these will be directed to NE for response.

**Since the submission of the Coastal Access reports for the South Hayling to East Head stretch of the ECP, Natural England and WSCC have been involved in lengthy**

discussions to find a mutually beneficial solution in relation to delivering the establishment stage of the ECP and further forming a Trail Partnership designed to manage the ECP and resolve any issues such as this, to ensure the path is well maintained and secured for the future.

When it has been formed, the expectation of the Trail Partnership is that the day to day management of the ECP National Trail (including maintenance of structures where needed) would be undertaken by the access authority following formal completion of the route.

This work is supported by Natural England grant aid which is currently allocated on an annual basis. Where the ECP does not follow the line of a PROW, local agreements can be put in place between the local authority and landowners as part of creation works for the future maintenance of structures, depending on local circumstances.

Following the discussions between WSCC and Natural England, it was agreed that Natural England would support WSCC in recruiting a dedicated ECP project officer to support the establishment of both the SHE and EHS stretch of the ECP.

On the 4th October 2021 WSCC employed a dedicated England Coast Path Project officer to carry out all works related to establishment for the England Coast Path South Hayling to East Head stretch.

39. There are instances where the proposals maps incorrectly record public highway status. At least one section of the proposed route will follow a private road or street, being Court Barn Lane (SHE-4-A065RD and part of SHE-4-A066RD); as the lane is not recorded on the Highways Gazetteer, the legal record of publically maintainable highways, the LHA has no duty to maintain the surface and it is incorrect to record this section as 'RD'. Further, it is incorrect to record SHE-2-A022FP as this does not have an existing public highway status. **See comments below point 7.**

40. Various proposed ECP lengths are suggested as following legally recorded PROW; however, this may not be the case. Those identified as part of this review are noted below and the proposal record should be amended:

- o SHE-2-A012FP
- o SHE-2-S069FP (part)
- o SHE-2-S077 (part)
- o SHE-3-S014 (part)
- o SHE-4-A041FP
- o SHE-5-S022FP (part)

**See comments below point 7**

41. WSCC require NE to review and revise the entire length of the ECP SHE section so as to accurately record its intentions and the LHA interest. In the event this is not completed accurately, future issues arising will be referred back to NE. **See comments below point 7**

42. Further, sections SHE-3-S010-11-12 are all now following a formalised public footpath following a Diversion Order several years ago; again, the proposal record should be amended.

**Natural England recognise that there are mapping errors at several locations along this stretch incorrectly recording the status of the existing roads or streets, and public footpaths. We will work with West Sussex County Council to update our mapping**

data, where required. We are unable to change the information in our proposals as submitted, but will update our current GIS meta data where necessary to ensure these areas are recorded correctly.

The private roads or streets and the other existing walked routes mentioned do not fall in to any of the excepted land categories and therefore our ability to include these in our proposals for the route of the England Coast Path for this stretch is unaffected.

**Funding**

43. NE has detailed funding to establish and maintain the ECP along length SHE as per costings shown in Table 1.

**Table 1: NE costings for establishment and maintenance of ECP (length SHE)**

		Capital	Maintenance
	<b>SHE-1</b>	Relevant only to HCC	
	<b>SHE-2</b>	£133,950.00	£6,872.44
	<b>SHE-3</b>	£16,274.00	£4,987.85
	<b>SHE-4</b>	£122,321.00	£1,899.99
	<b>SHE-5</b>	£73,527.00	£3,661.97

\* Required to be split between HCC and WSCC  
All costs ex VAT

44. Given the estimated costs were calculated some while ago, NE must review the projected costs before its report is signed off.

We contacted West Sussex County Council prior to publication and they confirmed that they were happy for NE to use the figures we sent them for items of standard infrastructure. With regards to the costings for the specific works within West Sussex, they also confirmed that they were happy for NE to use the costs they had previously provided. We do however recognise that variations to our estimated cost may occur if the situation on the ground has changed by the time we get to the establishment stage of the process.

45. Further, it is recommended to review the specifications given the time elapsed, both as changes are likely to have occurred ‘on the ground’ (such as from recent storms) and need or standards may have changed, such as boardwalks should be widened or non-slip surfacing added.

It is acknowledged that the costs of our proposals may change due to circumstances such as erosion or storm events. Natural England was not made aware of any such incidences in time for the publication of this stretch, but as we have communicated to WSCC we would be happy to meet to discuss any areas where they feel changes have occurred. Detailed designs for infrastructure items such as boardwalks will be discussed with West Sussex Country Council at the establishment stage.

46. NE has suggested the sums above to be needed annually to maintain the SHE length and it envisages maintenance to the National Trail quality standards. It has calculated the figures in Table 1 using the formula used to calculate NE’s contribution to the maintenance of other National Trails. WSCC understands the NE fund used to support National Trails is reducing in quantum, and with the fund having to support more National Trails (through creation of further ECP lengths) this will put further

pressure on the NE fund. WSCC is concerned this will leave a funding shortfall for National Trails, which will impact and be a pressure on LHAs and LAAs to maintain National Trails. **Noted**

47. WSCC acknowledges it is expected to deliver on-going maintenance of the ECP. A previous report detailed NE will provide on-going funding subject to match funding by the Authority, at a rate of 3:1, i.e. NE to provide £3k when WSCC commits £1k for annual maintenance. This ratio does not appear to be referred to in this report; NE must confirm its commitment to on-going maintenance funding. WSCC will use best endeavours to provide the match funding; however, in the event NE is unable to continue the maintenance funding for the ECP at the ratio 3:1 stated above, WSCC will be unable to fund the shortfall and this could result in an inability to meet the standards of maintenance expected for a National Trail. **Given that NE itself is currently dependent upon annual budget allocations from central government it is not able to make an unequivocal commitment to funding year on year. Currently however NE does offer funding at 3:1 although it is not specified that the match has to come from the Local Authority it is anticipated that most would. Once Trail Partnerships are established then it would be for the TP to determine how the necessary match contribution is going to be achieved and also to pursue opportunities arising for income generation from the trail.**

### **Routing**

48. NE is asked to confirm the ECP is being established using year-round operation of the Bosham – Itchenor ferry. The report states NE will fund the purchase of a second boat and operation of which will rely on a 'season ticket' arrangement developed by local residents. WSCC requests details of this scheme including contact points as at some future time the funding or operation may come into question. Should such question arise, WSCC expects NE to resolve the matter having first consulted WSCC. **We can confirm that the ECP is using the year round operation of the Bosham to Itchenor ferry as part of the main route. WSCC would need to contact the ferry operator directly and we will be happy to provide the relevant contact details should they have any questions regarding the 'season ticket' arrangement or the operation of the ferry. Should the service cease altogether or become less suitable for the purpose, Natural England will review its trail alignment and if appropriate, will prepare a separate variation report to the Secretary of State to ensure an uninterrupted journey for this part of the coast.**

49. Various alternative routes have been identified to overcome existing tidal flooding, routing around Fishbourne Channel and the occasional unavailability of the public footpath around the MOD site at Thorney Island. WSCC requests clarification that these routes will be permanently signed and the costs of both signage and any establishment works are included in the various sums in Table 1. **The alternative routes will be permanently signed and the costs of both signage and any establishment works on them are included in the various sums in Table 1.**

50. The routing intention for section SHE-3-S039FP is uncertain. The proposal document refers to following the line of the public footpath; however, for a short section south-east of the property Grey Thatch the legally recorded line does run within the harbour and floods on the tide. NE is recommended to review this.

**The route here should not be uncertain as we follow the existing PRoW.**



NE is aware that a small section of the route here floods for a short period of time at high tide. On these occasions walkers will have to wait a short amount of time for the tide to subside. Due to a combination of nature sensitivities (primarily over-wintering Brent Geese) and excepted land we were unable to propose any feasible optional alternative route that would be convenient and cost effective.

We were also unable to install boardwalk or a raised footway due to any habitat loss within the Special Area of Conservation.

### **Establishment**

51. The Report to the Secretary of State does not specify whether NE or WSCC will deliver the necessary works. WSCC expects NE to deliver the works to establish the ECP, including consultation with various landowners and occupiers, given it has undertaken enquiries with various parties in forming the proposal and is familiar with the standard the ECP will be provided to. This is, however, subject to prior consultation with WSCC and receiving its support.

Natural England pays for 100% of the establishment works. The statutory methodology (the Coastal Access Scheme) recognises that the access authority will typically then undertake any establishment works necessary to make the trail fit for use as the ECP and to enable users of it to be clear and confident about its alignment on the ground. This is a model that has been successfully and universally adopted throughout the country.

Since the submission of the Coastal Access reports for the South Hayling to East Head stretch of the ECP, Natural England and WSCC have been involved in lengthy discussions to find a mutually beneficial solution in relation to delivering the establishment stage of the ECP. Following these discussions, it was agreed that Natural England would support WSCC in recruiting a dedicated ECP project officer to support the establishment of both the SHE and EHS stretch of the ECP.

On the 4th October 2021 WSCC employed a dedicated England Coast Path Project officer to carry out all works related to establishment for the England Coast Path South Hayling to East Head stretch.

52. Improving accessibility is a key aim of the WSCC Local Transport Plan and listed as a key indicator within the National Trail Quality Standards. WSCC encourages accessibility to be improved for all users, be they in a wheelchair or using a pushchair, a cyclist, dog walker, skateboarder or other. Consideration should be given to accessibility to the beach for all users where the surface remains as shingle. **Noted.** We have considered accessibility along the whole South Hayling to East Head stretch and the proposed route within West Sussex mainly utilises well used public footpaths. Due to the inherent physical constraints of some parts of the route, creating more accessible surfaces was not considered feasible due to significant construction and stabilisation works and associated costs as well as environmental constraints. Where the route is on shingle we have explained the rationale for choosing that route. The England Coast path is for access on foot and does not normally consider accessibility for cyclists, skateboarders or horses for example.

53. Any new structures, such as kissing gates, proposed to be sited within an existing highway boundary will need to be sited with lawful authority. NE must make appropriate application to WSCC in its capacity as LHA and receive its consent prior to installation. **NE has worked with the Access Ranger and officers from West Sussex**

Country Council to identify any necessary infrastructure and signage along the stretch within West Sussex. As per our comments at point 16, WSCC are involved in the establishment works and therefore will ensure all the necessary consents and applications are made.

### **Maintenance**

54. The level of maintenance to be delivered by the LAA/ LHA will be to ensure the route is suitable for the intended purpose by users exercising their rights properly and reasonably. **Noted**

55. Creation of the ECP will require increased regard from WSCC in the form of additional maintenance on those sections of the ECP following existing public highways, e.g. to new signs. It will also expand WSCC's role as LAA to sections of the ECP that are not public highway and to new furniture on those sections, such as kissing gates (WSCC does not manage gates as part of its existing PROW service). **Noted**

56. WSCC will not accept responsibility for a sub-standard path delivered to it. WSCC recommends that a process is established as part of any handover practice and agreed with WSCC prior to implementation of any works by NE. A process similar to that followed when adopting a road is suggested. **WSCC is already fully involved in decision making but we would hope they are involved in the establishment of the path to ensure their prescribed standards are met, as per our comments at point 16.**

57. WSCC recommends NE produces and agrees with WSCC an easy-to-read guide detailing the differences between the Highways or PROW standards and the National Trail standards.

**NE have previously shared our National Trails standards document and have dedicated National Trails Partnership Managers that are available to discuss any aspect of National Trail Standards.**

58. In due course it can be reasonably expected that issues of encroachment or other fault by landowners/ occupiers, including default of any agreement established by NE to create the ECP, will occur and will require resolution by WSCC. In essence the issues will be similar to issues found and managed around the existing public highway network but, given the differing status of the ECP to public highway, could likely require more specialist support to investigate legal issues and decide on appropriate mechanisms for resolution. There are provisions for LAAs to recover reasonable costs from landowners incurred when acting to protect the ECP. NE is requested to confirm it has conveyed guidance to landowners/ occupiers as to their on-going duties and responsibilities, and shares this with WSCC as it may need to refer to this in future.

**Guidance for landowners and the public is provided on gov.uk:**

**<https://www.gov.uk/guidance/manage-your-land-on-the-england-coast-path>**

### **Signage**

59. The proposals do not provide detail about locations and specification of signs. Promotional signs do not fall into the WSCC priority criteria of safety or regulatory and will be another resource implication. The style of signage, including any fixings, must be agreed with WSCC in advance of installation. It is recommended that NE avoid

signs and markings that are visually intrusive or could cause a hazard to cyclists who may be using paths at any time, maybe as trespass.

NE discussed the proposed waymarking sign locations with the Access Ranger and West Sussex County Council Officers during the development of the South Hayling to East Head stretch. We also provided WSCC with the relevant GIS files showing the proposed locations. We will continue to work with WSCC regarding details for the signs, including their detailed location, design, materials and text. We do not include location of signage in the reports due to how cluttered it would make the maps. As per point 16, we continue to hope that WSCC will take an active lead in the establishment works and so therefore have oversight on all infrastructure.

60. Interpretation boards are proposed at a number of locations. In a harsh coastal environment these will be prone to bleaching or rapid oxidation if there are any metal components. They take time and money to design and produce and they can be a target for vandalism. In addition, they can be seen as introducing visual clutter. There is already a lot of street and sign clutter and WSCC does not support the new National Trail adding to the problem. In addition, some people object to any manmade objects (such as signage) being introduced to the environment at all. NE should encourage use of QR codes or other modern technology instead of interpretation boards to promote the ECP. This will also help minimise the on-going costs of management and support the increasing trend to use of mobile technology.

The interpretation panels have been agreed for use at sensitive nature conservation sites, as part of the requirement for mitigation for the ECP identified through our Habitats Regulations Assessment and the Nature Conservation Assessment. The design and siting of them will be in consultation with the NE Responsible Officer, WSCC Rangers and the relevant landowner.

### **Future route development**

61. As the route is more widely promoted, it may become more popular and there will be sections along the route that will need to be widened to accommodate increased congestion. NE is requested to identify whether a change to surfacing of part of the ECP will require its formal consultation and/ or agreement, and what additional funding will be made available to meet the costs. NE would require details as to where the access authority believes the ECP will need widening, as currently the existing path width is considered sufficient. We worked closely with WSCC officers in developing the route and agreeing works required for establishment during the planning stage.

62. The West Sussex Walking and Cycling Strategy 2016–2026 contains a list of over 300 potential new routes suggested by local stakeholders. The routes have been prioritised for future delivery subject to feasibility work and the identification of funding. WSCC is keen to ensure that the existence of the ECP should not preclude the potential to upgrade such sections of these routes in order to facilitate cycling as well as walking. NE should clarify it does not need to grant express permission for WSCC to develop and deliver a scheme that is on part of the ECP. It is suggested that any major upgrade to the trail for multi-use should be communicated to NE's National Trails team as part of a consultation before works are carried out. However the decision to dedicate routes as multi-user or for other higher rights sits with the landowner and the presence of the ECP does not prevent landowners from developing their land as they see fit.

63. WSCC recommends the avoidance of any restrictions placed on the new path to preclude any future cycle path proposals. **No such restrictions are proposed in the South Hayling to East Head proposals.**

64. NE must provide a shapefile accurately detailing the final alignment, widths, surfacing, all infrastructure and the LHA's interests along the ECP, enabling WSCC services to enter this data easily into their management systems. **NE is happy to ensure up to date GIS shapefiles continue to be shared with WSCC.**

### **WSCC as landowner**

65. WSCC is a landowner for part of the proposed ECP. It understands that once the ECP is provided, and where the route is not already a public highway, landowners will hold a limited occupiers liability. This is understood to be that a person accessing the land is no longer classed as a visitor and the landowner will not be liable for risk resulting from any natural feature of the landscape, river, stream, ditch or pond nor a risk of injury when passing over, under or through any wall, fence or gate, except by proper use of the gate or stile; however, the landowner/ occupier remains liable for any of their actions that deliberately or recklessly create a risk on their land. **The CLA has produced an excellent guidance note on liabilities in the coastal margin:** <https://www.cla.org.uk/advice/coastal-liabilities>

### **Other landowners**

66. In managing the ECP, WSCC expects it will need to contact various landowners/ occupiers at certain times. WSCC requests data on all the landowners/ occupiers along the ECP to assist it to identify and approach these parties in future as necessary. **We can provide such details to support establishment works.**

### **Environment**

67. The report has been reviewed with regard to environmental impact and WSCC is broadly supportive of the proposals, which appear to have addressed many ecological sensitivities. **Noted**

### **Promotion**

68. The ECP, along with associated TV programmes and other promotions, will attract people to the West Sussex coast. Whilst WSCC supports the promotion of walking and the idea of attracting tourists to the area, it does not want to encourage car use in a part of the country where the roads are already heavily congested (e.g. A27 and A259). It is recommended NE looks to promote connections to public transport to users of this path so as not to generate more vehicle traffic in the area. **Noted. We would recommend WSCC, their partners and any future Trail Partnership work with us and our National Trails promotion partners to maximise the opportunities afforded by the National Trails website to promote the new trail, local services and facilities.**

69. The above said, some car use is inevitable and recommended connection points and parking locations to the path should be designed to cater for this in materials developed by NE. **See above response to point 33.**

WSCC welcomes the opportunity to work with NE to inform it in developing suitable materials.  
 See above response to point 33.

<b>Representation number:</b>	MCA/SHE Stretch/R/12/SHE2300
<b>Organisation/ person making representation:</b>	[redacted] - Historic England
<b>Route section(s) specific to this representation:</b>	Whole Stretch
<b>Other reports within stretch to which this representation also relates:</b>	SHE 1, SHE 2, SHE 4 and SHE 5
<b>Representation in full</b>	
<b>England Coast Path Stretch: South Hayling to East Head</b>	
<p>As the Government’s adviser on the historic environment, Historic England is keen to ensure that the protection of the historic environment is fully taken into account in the establishment of the England Coast Path and associated public access to coastal land, under the Marine and Coastal Access Act 2009.</p> <p>Historic England notes that all the sections within this stretch would follow existing footpaths, pavements, roads or other existing walked route, with the exception of sections SHE-3-S014 and SHE-3-S015. Non-designated heritage assets have been identified on or near to the proposed route in sections SHE-3-S014 and SHE-3-S015:</p> <p>A Second World War bombing decoy site at Cobnor Point. Aerial photography from 1967 shows a shelter located at SU 7932 0236.</p> <p>An archaeological evaluation was carried out at a site approximately 250m to the north of the proposed route at SU 7899 0230, (site code: CCP09). The work revealed significant remains from three broad periods: Bronze Age, mid-late Iron Age and Post-medieval, which may indicate the presence of further remains in the area.</p> <p>If any physical works that would affect the bombing decoy site, or any digging in the area, is proposed to implement the walking route, the County Archaeologist for West Sussex should be consulted. However, neither this area, nor the rest of the stretch is identified as an Archaeological Notification Area for West Sussex.</p> <p>As noted above, other elements of the route in this stretch would follow existing routes. However, parts of section SHE-4 also pass near and across Fishbourne Roman Site, a scheduled monument.</p> <p>Scheduled monument consent is required for most works and other activities that physically affect a scheduled monument. In practice this is a very strict regime under which very little, if any, disturbance of the monument is possible without consent.</p> <p>Carrying out an activity without consent where it was needed is a criminal offence. Consent must be obtained from the Secretary of State for Digital, Culture, Media and Sport through Historic England for any of the following:</p>	

Works resulting in the demolition or destruction or any damage to a scheduled monument.  
 Works for the purpose of removing, repairing, adding to or altering a scheduled monument.  
 Flooding or tipping operations on land in, on or under which there is a scheduled monument.

These comments are based on the information provided by you at this time and for the avoidance of doubt does not reflect our obligation to advise you on, and potentially object to, any specific development proposal which may subsequently arise from this or later versions of the plan and which may, in our view, have adverse effects on the historic environment.

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

Thank you for the advice provided in your representation. Please see our comments on the relevant reports, relating to the specific sites raised in SHE3 and SHE4.

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

N/A

#### ***Other representations***

<b>Representation ID:</b>	MCA/SHE Stretch/R/3/SHE1767
<b>Organisation/ person making representation:</b>	[redacted] - Chichester Harbour Conservancy
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 1, SHE 2, SHE 4 and SHE 5
<b>Summary of representation:</b>	<p>Natural England is advised that the projected annual maintenance costs are likely to be far greater than the figure forecast (£22,699). The reason being that one bad storm could result in significant damage, requiring a much greater sum for remedial action. The shoreline of Chichester Harbour is 53 miles (86 kilometres).</p> <p>It is recommended that a block of funds is set-aside, or ring-fenced, to only be used in instances of severe weather, as a contingency.</p> <p>See below table, from the Establishment of Trail Section of the Reports:</p>

Segment	Installation Features	Installation costs (ex. VAT)	Annual Maintenance Cost (ex. VAT)
SHE 1	Signs & interpretation, boardwalks, surfacing works, project management and variance	£61,384	£5,277
SHE 2	Signs & interpretation, steps, surfacing works, footbridges and walkways, wooden bollards, pedestrian gates, handrails, project management and variance	£133,950	£6,872
SHE 3	Signs & interpretation, surfacing works, hedgerow infill, Cobnor Point – ramp, bridges and hedge removal. Project management and variance	£16,274	£4,988
SHE 4	Signs & interpretation, kissing gate, surfacing works, <u>hand rails</u> , project management and variance. Capital costs only grant	£122,321	£1,900
SHE 5	Signs & interpretation, boardwalks, post and rail fence, hedgerow infill, surfacing works, project management	£73,527	£3,662
<b>Total</b>		<b>£407,456</b>	<b>£22,699</b>

**Natural England's comment:**

NE understands and appreciates the unpredictability of coastal events (and other similar naturally occurring events that impact upon the quality of the National Trails). The approach to this was covered with the trails partnerships as part of the funding formula development discussions, as was the possibility of NE holding back a portion of 'in year budget' in case of major events. The decision of the trail partnerships was not to take this approach, but to implement a formula that distributed the full available budget. NE does not therefore set aside a portion of budget as a contingency fund, and the Access Authority has the autonomy to manage their budget as they see fit.

In practice, where such major events occur, and funding is not immediately available, the local authority would secure a temporary diversion to enable people to continue their journeys, whilst a permanent solution is determined and implemented, taking into account influencing factors e.g. the existence of roll back, nature conservation concerns, local restrictions, etc.

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

N/A

<b>Representation ID:</b>	MCA/SHE Stretch/R/4/SHE2387
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A

<p><b>Route sections on or adjacent to the land:</b></p>	<p>N/A</p>
<p><b>Other reports within stretch to which this representation also relates</b></p>	<p>SHE 1, SHE 2, SHE 4 and SHE 5</p>
<p><b>Summary of representation:</b></p> <p>[redacted] notes that in several places within our reports we mention the need to avoid/prevent disturbances, both to the wildfowl and also to other users. At present there are several notices posted along the paths pointing out the need to control dogs to prevent disturbing the wildfowl.</p> <p>[redacted] is concerned that there are a large number of dog owners who let their dogs run wildly about, not on leads. These dogs, he says, sometimes chase after walkers, including young children, sometimes jumping up and causing some distress to these other walkers. They run into the water causing disturbance to birds and also leave behind faeces on the path.</p> <p>[redacted] requests that:</p> <ul style="list-style-type: none"> <li>• We install more notices locally.</li> <li>• We are more specific when we mention the need to avoid disturbance.</li> <li>• We state that dogs must be kept under control, and include the fact it can be an offence for a dog not to be on a lead on a public footpath.</li> </ul>	
<p><b>Natural England's comment:</b></p> <p>We take into account environmental protection objectives when developing our proposals for improved coastal access. We produce a Habitats Regulations Assessment and a Nature Conservation Assessment, relating to any potential impact on the conservation objectives of European sites, as well as other potential impacts on nature conservation. These assessments detail the measures we have taken to reduce the likelihood of disturbance to birds.</p> <p>One of the key measures we have taken on this stretch is choosing to align the main route of the trail away from the coast in areas that have been highlighted as particularly sensitive to disturbance. We have also placed Section 26(3)(a) directions for reasons of nature conservation over some particularly sensitive areas. These measure have been put in place to reduce the likelihood of interaction between walkers with or without dogs, and sensitive wildlife.</p> <p>With regards to signage we have proposed to install interpretation panels to inform users of the local environmental sensitivities and where appropriate fencing has been used to guide walkers and dogs away from sensitive areas. These panels will explain the risk of disturbance caused by dogs and ask walkers and dog owners to behave responsibly in the vicinity of birds.</p> <p>Much of the route follows existing public rights of way. Coastal access rights do not apply to existing public highways including roads and public rights of way such as footpaths. Because coastal access rights do not take precedence on public rights of way we cannot place restrictions on dog access on those sections of the trail.</p>	



There are subtle differences between the legal requirements on land subject to coastal access rights and those subject to PRow rights. Any signs relating to dogs in the area would have to be specific to the access regime in force on that particular piece of land.

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

N/A

<b>Representation ID:</b>	MCA/SHE Stretch/R/9/SHE2315
<b>Organisation/ person making representation:</b>	[redacted] - Member of the council of the Solent Protection Society
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 1, SHE 2, SHE 4 and SHE 5
<b>Summary of representation:</b>	
<p>The Society has submitted a representation which relates to the whole stretch, however within that representation there is a specific comment about Thorney Island. We set out our response to that part of the representation in our comments on report SHE 2.</p> <p>The Society welcomes and supports the proposals in this section of the ECP and is pleased with the links that have been proposed to join up various sections of path and create a more continuous route right round both Chichester and Langstone harbours and has not simply stopped either side of the mouth.</p> <p>They say that the route and descriptions appear to have been thoroughly thought through with perhaps more detail than they have seen in earlier sections. Proposals on roll back are welcome. They acknowledge that in the past they have misunderstood how alternative routes function, having assumed they were 'instead of the proposed route' whereas they are 'temporary alternatives' if the proposed route is out of use for some reason such as because of tidal inundation at Conigar Point (SHE-2-S013 to SHE-2-S021). SPS therefore supports the alternative routes proposed in various places. They particularly welcome the support for the Itchenor Ferry to avoid "the very much less satisfactory" alternative during the low season.</p> <p>Finally SPS supports the proposed S25A and S26(3)(a) designations proposed throughout the route to exclude the public from the seaward coastal margin in these extensive important protected areas. They hope that adequate signage is proposed throughout the route to inform the public of the exclusions and that in critical areas fencing is proposed to physically restrict public and particularly dog access.</p>	

As identified in the reports this area supports nationally and internationally important numbers of over wintering and breeding bird species. Disturbance from walkers, particularly those with dogs, is already at a level of considerable concern. SPS would therefore like assurance that funds are made available to support a wardening scheme.

**Natural England's comment:**

Natural England acknowledge these comments in response to our stretch proposals, and are grateful for the statements of support.

We agree with the Society, that well placed interpretation panels can play an important role in managing visitor behaviour. We have proposed to install interpretation panels to inform users of the local environmental sensitivities in certain places along this stretch. In addition, where appropriate, fencing has been used to guide walkers and dogs away from sensitive areas. Further details about the location of these access management measures can be found in our report documents.

We take into account environmental protection objectives when developing our proposals for improved coastal access. We produce a Habitats Regulations Assessment and a Nature Conservation Assessment, relating to any potential impact on the conservation objectives of European sites, as well as other potential impacts on nature conservation. These assessments detail the measures we have taken to reduce the likelihood of disturbance to nationally and internationally important numbers of over wintering and breeding bird species.

One of the key measures we have taken on this stretch is choosing to align the main route of the trail away from the coast in areas that have been highlighted as particularly sensitive to disturbance. This measure has been put in place to reduce the likelihood of interaction between walkers with or without dogs, and sensitive wildlife.

Natural England has put measures in place to ensure no adverse effect on the integrity of the European sites affected by the trail and wardening is not something we identified as necessary. The Bird Aware project has rangers on the ground, talking to the public and undertaking education work on bird disturbance and our proposals have been developed to complement their work.

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

N/A

<b>Representation ID:</b>	MCA/SHE Stretch/R/11/SHE0008
<b>Organisation/ person making representation:</b>	[redacted] - The Disabled Ramblers
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A

<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 1, SHE 2, SHE 4 and SHE 5
<p><b>Summary of representation:</b></p> <p>The Disabled Ramblers is concerned that Natural England has not recognised that there is a significant and steadily increasing number of people with reduced mobility who use all-terrain mobility scooters and other mobility vehicles to enjoy routes on rugged terrain in the countryside, including uneven grass, bare soil or rocky paths, foreshore areas and some sea walls and beaches. Slopes of 1:4, obstacles 6” high, water to a depth of 8” are all challenges that users of all-terrain mobility scooters are used to managing.</p> <p>These people have the same legitimate rights to access that walkers do, so Natural England should ensure that, unless the natural terrain itself prevents access, any existing or new infrastructure along the Coast Path does not present a barrier to their ability to progress along the Coast Path.</p> <p>The Disabled Ramblers has identified many instances where Natural England proposes to retain structures or introduce new ones which are, or may, be barriers to access for those with limited mobility, particularly on mobility scooters. The sites have not been visited by the Disabled Ramblers to verify whether or not the infrastructure restricts access, but they say it is likely that it would do.) These structures include the following:</p> <ul style="list-style-type: none"> <li>• Pedestrian Gates (these should be suitable for access by riders of large mobility vehicles, riders who are on their own and will remain on their mobility vehicles, and should comply with <i>British Standard BS5709: 2018 Gaps Gates and Stiles.</i>)</li> <li>• Bristol Gates (these are always a barrier to mobility vehicles and should be replaced with an appropriate structure which complies with <i>British Standard BS5709: 2018 Gaps Gates and Stiles.</i>)</li> <li>• Cycle Chicanes (in many instances these are impassable by mobility vehicles, in which case they should be replaced with an appropriate structure which complies with <i>British Standard BS5709: 2018 Gaps Gates and Stiles.</i>)</li> <li>• Kissing Gates (these are usually impassable by mobility scooters, so unless these are specifically designed for access by large mobility vehicles, they should be replaced with an appropriate structure which complies with <i>British Standard BS5709: 2018 Gaps Gates and Stiles.</i>)</li> <li>• Undefined barriers (very often these are A or K frames which are set too narrow so are a barrier to access by mobility vehicles which can legally be up to 85 cm wide)</li> <li>• Footbridges and board walks (need to be wide enough for mobility vehicles, and wherever possible should be reached by ramps, not steps. Consideration should also be given to handrails to assist those with visual impairments.)</li> <li>• Sleeper bridges (very often these are 3 sleepers wide, but at least 4 are needed for mobility vehicles)</li> <li>• Bollards (spacing should be checked to ensure a gap through which mobility scooters can pass.)</li> </ul>	

The following proposed changes have been detailed in the Natural England reports. If not designed carefully these changes may become barriers to those with limited mobility:

- Sections SHE-2-S019 to S0120: gravel resurfacing. Gravel is a very difficult surface for mobility vehicles, very often proving a barrier to access, so a more appropriate material should be chosen for resurfacing.
- Sections SHE-2-S022 to SHE-2-S026: replacing a bridge and extending a raised footway. Natural England should ensure that ramps, not steps, are built to reach the raised footway, and ensure it is appropriately designed and sufficiently wide for use by mobility vehicles.
- Sections SHE-3-S014 to SHE-3-S015 Cobnor Point: footbridges over a ditch. Natural England should ensure that ramps, not steps, are built to reach the footbridges, and ensure they are appropriately designed and sufficiently wide for use by mobility vehicles.

Disabled Ramblers requests that Natural England

- reconsider their proposals for all existing and new structures, ensuring compliance with *British Standard BS5709: 2018 Gaps Gates and Stiles*, because in many cases these structures bar legitimate access along the Coast Path for those with limited mobility.
- comply with the Equality Act 2010 (and the Public Sector Equality Duty within this act) comply with the Countryside Rights of Way Act 2000

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

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 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.*

In drawing up our proposals we have taken all reasonable steps to make the trail as easy as possible for those with reduced mobility and been mindful of British Standard BS5709:2018 Gaps Gates and Stiles.

Natural England does however recognise that since our proposals were submitted we have worked a lot more closely with the Disabled Ramblers and have gained an increased understanding of structures which are, or may be barriers to access for those with limited mobility, particularly those on mobility scooters. There may be inherent reasons or restrictions

due to the nature of certain sites, why certain structures we have proposed are necessary or existing structures cannot be removed. However, when we begin the establishment of this section of coast path we will look again at where it might be possible for us to make targeted adjustments to the structures we have proposed to make the trail more accessible for people with reduced mobility.

The representation submitted highlighted specific proposed changes in Report SHE 3 that if not designed carefully may become barriers to those with limited mobility. These were at Sections SHE-3-S014 to SHE-3-S015 Cobnor Point where Natural England has proposed footbridges over a ditch. The Disabled Ramblers suggest Natural England should ensure that ramps, not steps, are built to reach the footbridges, and ensure they are appropriately designed and sufficiently wide for use by mobility vehicles.

There may be inherent reasons or restrictions due to the nature of the sites, why the bridges proposed cannot be designed to be sufficiently wide and included ramps. However, when we begin the establishment of this section of the coast path we will consider where the site allows: using ramps rather than steps to access the bridge, if the bridge can be designed to be wide enough for mobility vehicles and making sleeper bridges at least 4 sleepers wide.

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

5.1 Photographic examples of people using mobility vehicles on various terrain

<b>Representation ID:</b>	MCA/SHE Overview/R/1/SHE0040
<b>Organisation/ person making representation:</b>	[redacted] - Lichfields, on behalf of Bourne Leisure Limited
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 1, SHE 2, SHE 4 and SHE 5
<b>Summary of representation:</b>	
<b>Rollback</b>	
<p>The Overview report states on page 32 that in determining the new route, Natural England will take into account “any views expressed by people with a relevant interest in affected land” but does not specifically state that Natural England will contact and consult with landowners.</p> <p>On behalf of Bourne Leisure, we request that the Overview report is amended to specifically state that Natural England will contact and consult with owners and occupiers in relation to any rollback – including where the trail is being adjusted to follow the current feature. This is</p>	

important in order to ensure that landowners are kept informed, so that any issues can be raised with Natural England and that landowners' views are taken into account if rollback needs to take place.

**Natural England's comment:**

As highlighted by Lichfields, The Overview report states on page 30 that in determining the new route, Natural England will take into account "any views expressed by people with a relevant interest in affected land". This can be read as a commitment to talk to the owner/occupiers of the land when determining a new alignment for a rolled back route.

In addition, in the individual reports, the "Roll back" tables explain that where complex roll back will occur, we will chose a route following discussions with owners and occupiers. This is a written commitment to talk to landowners and occupiers. Furthermore, NE retains a duty to strike a 'fair balance' in aligning a roll back route, in much the same way it has for our original route proposals.

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

N/A

<b>Representation ID:</b>	MCA/SHE3/R/1/SHE1767
<b>Organisation/ person making representation:</b>	[redacted] - Chichester Harbour Conservancy
<b>Name of site:</b>	SHE 3
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of representation:</b>	
The Conservancy is supportive of the high-tide route around the Chidham Peninsula, without the need for an alternative route.	
<b>Natural England's comment:</b>	
Natural England acknowledges these comments in response to our stretch proposals, and are grateful for the statements of support.	
<b>Relevant appended documents (see Section 5):</b>	
N/A	

## Length Report SHE5 - West Itchenor to West Wittering Beach

### *Full representations*

<b>Representation number:</b>	MCA/SHE Stretch/R/1/SHE2307
<b>Organisation/ person making representation:</b>	<p>The Solent Recreation Mitigation Partnership (Bird Aware Solent)</p> <p>The Solent Recreation Mitigation Partnership is 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 &amp; Isle of Wight Wildlife Trust, and Chichester Harbour Conservancy.</p> <p>The Partnership for Urban 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.</p>
<b>Route section(s) specific to this representation:</b>	Whole Stretch
<b>Other reports within stretch to which this representation also relates:</b>	SHE 1, SHE 2, SHE 3 and SHE 4
<b>Representation in full</b>	
<p>As representatives of the SRMP partnership, we welcome the concept of the England Coast Path as something of value to local people and residents, but we have some real concerns that we would like addressing.</p> <p>We recognise and thank you for your timely and inclusive approach to engaging with us during the development of a route for the ECP. As you are aware those parts of the Solent being identified as a potential route for the ECP are covered also by our mitigation programme, 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.</p> <p>We acknowledge the ECP team have consulted with us and hope that the ECP team have benefitted from SRMP partners’ local knowledge and ecological expertise. We understand that this input has formed part of the evidence to define a route which does not lead to additional impacts on the Solent’s SPA birds and their habitats. We appreciate that the proposed ECP route will need to satisfy the Habitats Regulations and that avoidance and mitigation may be required for the chosen route. This is in the same way that SRMP is a response to allowing development to proceed in satisfaction of those same regulations.</p>	

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

### **Mapping of Spreading Zone**

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

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

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 between South Hayling and East Head 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 the SRMP and other organisations with relevant local knowledge, and are satisfied that sufficient measures are included to mitigate the risks. After careful consideration, we believe that the proposals we have made will not lead to an adverse effect on the integrity of the European sites. In reaching this conclusion, we have taken account of



the relevant conservation objectives for the European sites involved and their ecological characteristics.

Our Habitats Regulations Assessment (see page 30, 'Bird Aware Solent', under 'D2. Contextual statement on the current status, influences, management and condition of the European Site and those qualifying features affected by the plan or project') states that:

Proposals for coastal access have been made following a series of workshops and discussions with Bird Aware Solent representatives during which we have checked that detailed design of the access proposals is compatible with the Solent Recreation Mitigation Strategy and latest thinking on how it will be delivered, including site-specific visitor management measures.

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 developed in collaboration with Bird Aware Solent.

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. This document has been developed in consultation with Natural England's staff involved in Bird Aware Solent.

Ongoing maintenance of the path and the associated mitigation measures have been considered within the Overview and individual reports for the stretch.

### **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 distinctively on OS maps.

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.

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.

**Relevant appended documents (see Section 5):**  
N/A

<b>Representation number:</b>	MCA/SHE Stretch/R/6/SHE1776
<b>Organisation/ person making representation:</b>	[redacted] - Sussex Ramblers

<b>Route section(s) specific to this representation:</b>	Whole Stretch (SHE 2, SHE 3, SHE 4 and SHE 5)
<b>Other reports within stretch to which this representation also relates:</b>	SHE 2, SHE 3 and SHE 4
<b>Representation in full</b>	
We are delighted with the proposed footpath and the work of Natural England. We are particularly pleased with the re-grading of the footpath to the Bosham - Itchenor ferry. And the solution to the Bosham Hoe route.	
<b>Natural England's comments</b>	
Natural England welcomes the comments made by Sussex Ramblers.	
<b>Relevant appended documents (see Section 5):</b>	
N/A	

<b>Representation number:</b>	MCA/SHE Stretch/R/7/SHE2390
<b>Organisation/ person making representation:</b>	The Environment Agency
<b>Route section(s) specific to this representation:</b>	Whole Stretch (excluding comments on 2e and 4h which have been submitted separately).
<b>Other reports within stretch to which this representation also relates:</b>	SHE 1, SHE 2, SHE 3 and SHE 4
<b>Representation in full</b>	
<p>Thank you for consulting the Environment Agency. The areas in this report cover the patches under the remit of both the Hampshire and Isle of Wight &amp; West Sussex Partnership and Strategic Overview (PSO) Teams.</p> <p>Any works that are due to take place within the 8m boundary of non-tidal Statutory Main Rivers, or more likely, the 16m boundary of tidal Statutory Main Rivers could be subject to requiring a Flood Risk Activity Permit (FRAP).</p> <p>You can check the locations of Statutory Main Rivers online: <a href="https://environment.maps.arcgis.com/apps/webappviewer/index.html?id=17cd53dfc524433980cc333726a56386">https://environment.maps.arcgis.com/apps/webappviewer/index.html?id=17cd53dfc524433980cc333726a56386</a></p> <p>Where the route is merely utilising and upgrading existing footpaths, it is likely that these works will fall under our FRAP exemption rule FRA28. Details of which can be found online: <a href="https://www.gov.uk/government/publications/environmental-permitting-regulations-exempt-flood-risk-activities/exempt-flood-risk-activities-environmental-permits#improvement-works-for-existing-tracks-and-paths-fra28">https://www.gov.uk/government/publications/environmental-permitting-regulations-exempt-flood-risk-activities/exempt-flood-risk-activities-environmental-permits#improvement-works-for-existing-tracks-and-paths-fra28</a></p>	

However, where the proposals include the construction of new footpaths then a 'bespoke permit' would be required, if they fall within the parameters of requiring a FRAP. Guidance regarding FRAPs can be found online: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Where the works involve activities in, over or under an Ordinary Watercourse (a river not shown on the above mentioned Statutory Main River map) then the Lead Local Flood Authority should be contacted.

Feel free to contact the Hampshire and Isle of Wight & West Sussex PSO teams with any queries or to discuss specific FRAP applications. The email address have been supplied at the bottom of this form.

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

Natural England welcome the information supplied by the Environment Agency. The Access Authorities (who carry out the establishment works) will seek advice from the Environment Agency, as to whether a FRAP is required for the locations where works are planned. They will ensure all the relevant consents and permits are in place prior to any establishment works. In our consultation with the EA we were made aware that as the route on this stretch is merely utilising and upgrading existing footpaths, it is likely that these works will fall under the FRAP exemption rule FRA28.

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

N/A

<b>Representation number:</b>	MCA/SHE Stretch/R/8/SHE1765
<b>Organisation/ person making representation:</b>	[redacted], Countryside Services Manager - West Sussex County Council
<b>Route section(s) specific to this representation:</b>	Whole Stretch (only the sections in West Sussex)
<b>Other reports within stretch to which this representation also relates:</b>	SHE 2 (only the sections in West Sussex), SHE 3 and SHE 4
<b>Representation in full</b>	
<b>Representation on behalf of West Sussex County Council on Natural England's Coastal Access Report for South Hayling to East Head, West Sussex</b>	
Question 5 of the representation form requests details and reasons for the representation being made by West Sussex County Council (WSCC) to Natural England's (NE) Coastal Access Report for South Hayling to East Head (SHE) to form part of the England Coast Path (ECP). This sheet provides the detail for the headings listed under question 5 of the completed representation form.	
<b><u>Roles and responsibilities</u></b>	
68. WSCC is both the local access authority (LAA) and the local highway authority (LHA) for the SHE section of the ECP within West Sussex. This begins at the northern	

extent of section SHE-2-S056FP, being the county boundary with Hampshire, and continues south and east.

69. The majority of the proposed route follows existing public highway, mostly in the form of public footpaths but in part as public road or associated footway. As LHA, WSCC maintains the surface of these to standards it considers appropriate for the county-wide network, and additionally enforces (formally or informally) duties of third parties to ensure availability of the highways for reasonable and appropriate use by the public.

**Status of the new England Coast Path**

70. WSCC understands the sections of the ECP created on land currently not considered public highway will not create new public highway; an example is SHE-4-OA106. The ECP, when outside of existing public highway, will be considered the equivalent of Access Land, i.e. the land will remain in someone’s private title with a public walking access right over it and with a duty of maintenance from the LAA. Should landowners in future have issues arising from creation and/ or use of the ECP, these will be directed to NE for response.

71. There are instances where the proposals maps incorrectly record public highway status. At least one section of the proposed route will follow a private road or street, being Court Barn Lane (SHE-4-A065RD and part of SHE-4-A066RD); as the lane is not recorded on the Highways Gazetteer, the legal record of publically maintainable highways, the LHA has no duty to maintain the surface and it is incorrect to record this section as ‘RD’. Further, it is incorrect to record SHE-2-A022FP as this does not have an existing public highway status.

72. Various proposed ECP lengths are suggested as following legally recorded PROW; however, this may not be the case. Those identified as part of this review are noted below and the proposal record should be amended:

- o SHE-2-A012FP
- o SHE-2-S069FP (part)
- o SHE-2-S077 (part)
- o SHE-3-S014 (part)
- o SHE-4-A041FP
- o SHE-5-S022FP (part)

73. WSCC require NE to review and revise the entire length of the ECP SHE section so as to accurately record its intentions and the LHA interest. In the event this is not completed accurately, future issues arising will be referred back to NE.

74. Further, sections SHE-3-S010-11-12 are all now following a formalised public footpath following a Diversion Order several years ago; again, the proposal record should be amended.

**Funding**

75. NE has detailed funding to establish and maintain the ECP along length SHE as per costings shown in Table 1.

**Table 1: NE costings for establishment and maintenance of ECP (length SHE)**

		Capital	Maintenance
	<b>SHE-1</b>	Relevant only to HCC	
	<b>SHE-2</b> *	£133,950.00	£6,872.44
	<b>SHE-3</b>	£16,274.00	£4,987.85
	<b>SHE-4</b>	£122,321.00	£1,899.99
	<b>SHE-5</b>	£73,527.00	£3,661.97



\* Required to be split between HCC and WSCC  
All costs ex VAT

76. Given the estimated costs were calculated some while ago, NE must review the projected costs before its report is signed off. Further, it is recommended to review the specifications given the time elapsed, both as changes are likely to have occurred 'on the ground' (such as from recent storms) and need or standards may have changed, such as boardwalks should be widened or non-slip surfacing added.

77. NE has suggested the sums above to be needed annually to maintain the SHE length and it envisages maintenance to the National Trail quality standards. It has calculated the figures in Table 1 using the formula used to calculate NE's contribution to the maintenance of other National Trails. WSCC understands the NE fund used to support National Trails is reducing in quantum, and with the fund having to support more National Trails (through creation of further ECP lengths) this will put further pressure on the NE fund. WSCC is concerned this will leave a funding shortfall for National Trails, which will impact and be a pressure on LHAs and LAAs to maintain National Trails.

78. WSCC acknowledges it is expected to deliver on-going maintenance of the ECP. A previous report detailed NE will provide on-going funding subject to match funding by the Authority, at a rate of 3:1, i.e. NE to provide £3k when WSCC commits £1k for annual maintenance. This ratio does not appear to be referred to in this report; NE must confirm its commitment to on-going maintenance funding. WSCC will use best endeavours to provide the match funding; however, in the event NE is unable to continue the maintenance funding for the ECP at the ratio 3:1 stated above, WSCC will be unable to fund the shortfall and this could result in an inability to meet the standards of maintenance expected for a National Trail.

### **Routing**

79. NE is asked to confirm the ECP is being established using year-round operation of the Bosham – Itchenor ferry. The report states NE will fund the purchase of a second boat and operation of which will rely on a 'season ticket' arrangement developed by local residents. WSCC requests details of this scheme including contact points as at some future time the funding or operation may come into question. Should such question arise, WSCC expects NE to resolve the matter having first consulted WSCC.

80. Various alternative routes have been identified to overcome existing tidal flooding, routing around Fishbourne Channel and the occasional unavailability of the public footpath around the MOD site at Thorney Island. WSCC requests clarification that these routes will be permanently signed and the costs of both signage and any establishment works are included in the various sums in Table 1.

81. The routing intention for section SHE-3-S039FP is uncertain. The proposal document refers to following the line of the public footpath; however, for a short section south-east of the property Grey Thatch the legally recorded line does run within the harbour and floods on the tide. NE is recommended to review this.

### **Establishment**

82. The Report to the Secretary of State does not specify whether NE or WSCC will deliver the necessary works. WSCC expects NE to deliver the works to establish the ECP, including consultation with various landowners and occupiers, given it has undertaken enquiries with various parties in forming the proposal and is familiar with the standard the ECP will be provided to. This is, however, subject to prior consultation with WSCC and receiving its support.

83. Improving accessibility is a key aim of the WSCC Local Transport Plan and listed as a key indicator within the National Trail Quality Standards. WSCC encourages accessibility to be improved for all users, be they in a wheelchair or using a pushchair, a cyclist, dog walker, skateboarder or other. Consideration should be given to accessibility to the beach for all users where the surface remains as shingle.

84. Any new structures, such as kissing gates, proposed to be sited within an existing highway boundary will need to be sited with lawful authority. NE must make appropriate application to WSCC in its capacity as LHA and receive its consent prior to installation.

### **Maintenance**

85. The level of maintenance to be delivered by the LAA/ LHA will be to ensure the route is suitable for the intended purpose by users exercising their rights properly and reasonably.

86. Creation of the ECP will require increased regard from WSCC in the form of additional maintenance on those sections of the ECP following existing public highways, e.g. to new signs. It will also expand WSCC's role as LAA to sections of the ECP that are not public highway and to new furniture on those sections, such as kissing gates (WSCC does not manage gates as part of its existing PROW service).

87. WSCC will not accept responsibility for a sub-standard path delivered to it. WSCC recommends that a process is established as part of any handover practice and agreed with WSCC prior to implementation of any works by NE. A process similar to that followed when adopting a road is suggested.

88. WSCC recommends NE produces and agrees with WSCC an easy-to-read guide detailing the differences between the Highways or PROW standards and the National Trail standards.

89. In due course it can be reasonably expected that issues of encroachment or other fault by landowners/ occupiers, including default of any agreement established by NE to create the ECP, will occur and will require resolution by WSCC. In essence the issues will be similar to issues found and managed around the existing public highway network but, given the differing status of the ECP to public highway, could likely require more specialist support to investigate legal issues and decide on appropriate mechanisms for resolution. There are provisions for LAAs to recover reasonable costs from landowners incurred when acting to protect the ECP. NE is requested to confirm it has conveyed guidance to landowners/ occupiers as to their on-going duties and responsibilities, and shares this with WSCC as it may need to refer to this in future.

### **Signage**

90. The proposals do not provide detail about locations and specification of signs. Promotional signs do not fall into the WSCC priority criteria of safety or regulatory and will be another resource implication. The style of signage, including any fixings, must be agreed with WSCC in advance of installation. It is recommended that NE avoid signs and markings that are visually intrusive or could cause a hazard to cyclists who may be using paths at any time, maybe as trespass.

91. Interpretation boards are proposed at a number of locations. In a harsh coastal environment these will be prone to bleaching or rapid oxidation if there are any metal components. They take time and money to design and produce and they can be a target for vandalism. In addition, they can be seen as introducing visual clutter. There is already a lot of street and sign clutter and WSCC does not support the new National Trail adding to the problem. In addition, some people object to any manmade objects (such as signage) being introduced to the environment at all. NE should encourage use of QR codes or other modern technology instead of interpretation boards to promote the ECP.

This will also help minimise the on-going costs of management and support the increasing trend to use of mobile technology.

### **Future route development**

92. As the route is more widely promoted, it may become more popular and there will be sections along the route that will need to be widened to accommodate increased congestion. NE is requested to identify whether a change to surfacing of part of the ECP will require its formal consultation and/ or agreement, and what additional funding will be made available to meet the costs.

93. The West Sussex Walking and Cycling Strategy 2016–2026 contains a list of over 300 potential new routes suggested by local stakeholders. The routes have been prioritised for future delivery subject to feasibility work and the identification of funding. WSCC is keen to ensure that the existence of the ECP should not preclude the potential to upgrade such sections of these routes in order to facilitate cycling as well as walking. NE should clarify it does not need to grant express permission for WSCC to develop and deliver a scheme that is on part of the ECP.

94. WSCC recommends the avoidance of any restrictions placed on the new path to preclude any future cycle path proposals.

95. NE must provide a shapefile accurately detailing the final alignment, widths, surfacing, all infrastructure and the LHA's interests along the ECP, enabling WSCC services to enter this data easily into their management systems.

### **WSCC as landowner**

96. WSCC is a landowner for part of the proposed ECP. It understands that once the ECP is provided, and where the route is not already a public highway, landowners will hold a limited occupiers liability. This is understood to be that a person accessing the land is no longer classed as a visitor and the landowner will not be liable for risk resulting from any natural feature of the landscape, river, stream, ditch or pond nor a risk of injury when passing over, under or through any wall, fence or gate, except by proper use of the gate or stile; however, the landowner/ occupier remains liable for any of their actions that deliberately or recklessly create a risk on their land.

### **Other landowners**

97. In managing the ECP, WSCC expects it will need to contact various landowners/ occupiers at certain times. WSCC requests data on all the landowners/ occupiers along the ECP to assist it to identify and approach these parties in future as necessary.

### **Environment**

98. The report has been reviewed with regard to environmental impact and WSCC is broadly supportive of the proposals, which appear to have addressed many ecological sensitivities.

### **Promotion**

99. The ECP, along with associated TV programmes and other promotions, will attract people to the West Sussex coast. Whilst WSCC supports the promotion of walking and the idea of attracting tourists to the area, it does not want to encourage car use in a part of the country where the roads are already heavily congested (e.g. A27 and A259). It is recommended NE looks to promote connections to public transport to users of this path so as not to generate more vehicle traffic in the area.



100. The above said, some car use is inevitable and recommended connection points and parking locations to the path should be designed to cater for this in materials developed by NE.

WSSC welcomes the opportunity to work with NE to inform it in developing suitable materials.

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

Whilst some of the comments below relate specifically to the South Hayling to East Head (SHE) proposals, a number of other comments raised in this representation from West Sussex County Council (WSSC) were previously submitted following the publication of East Head to Shoreham (EHS) in September 2017 and Shoreham to Eastbourne (SEB) in September 2018. From the outset of the development of our proposals that fall within West Sussex we have worked closely with WSSC and are aware that they have had longstanding concerns about their role in the delivery and maintenance of the England Coast Path. Throughout the development of our proposals we have endeavored to work constructively with the Council and after they submitted the representation in relation to EHS we met with WSSC to discuss their concerns. We came away from that meeting satisfied we have provided full answers to their general questions relating to the England Coast Path. We also provided Defra with our comments on their representations for EHS and SEB in September 2018 and January 2019 respectively. For ease of reference we have set out the Council's comments in full and then provided our responses in red.

### **Roles and responsibilities**

70. WSSC is both the local access authority (LAA) and the local highway authority (LHA) for the SHE section of the ECP within West Sussex. This begins at the northern extent of section SHE-2-S056FP, being the county boundary with Hampshire, and continues south and east. **Noted**

71. The majority of the proposed route follows existing public highway, mostly in the form of public footpaths but in part as public road or associated footway. As LHA, WSSC maintains the surface of these to standards it considers appropriate for the county-wide network, and additionally enforces (formally or informally) duties of third parties to ensure availability of the highways for reasonable and appropriate use by the public. **Noted**

### **Status of the new England Coast Path**

72. WSSC understands the sections of the ECP created on land currently not considered public highway will not create new public highway; an example is SHE-4-OA106. The ECP, when outside of existing public highway, will be considered the equivalent of Access Land, i.e. the land will remain in someone's private title with a public walking access right over it and with a duty of maintenance from the LAA. Should landowners in future have issues arising from creation and/ or use of the ECP, these will be directed to NE for response.

Since the submission of the Coastal Access reports for the South Hayling to East Head stretch of the ECP, Natural England and WSSC have been involved in lengthy discussions to find a mutually beneficial solution in relation to delivering the establishment stage of the ECP and further forming a Trail Partnership designed to manage the ECP and resolve any issues such as this, to ensure the path is well maintained and secured for the future.

When it has been formed, the expectation of the Trail Partnership is that the day to day management of the ECP National Trail (including maintenance of structures where

needed) would be undertaken by the access authority following formal completion of the route.

This work is supported by Natural England grant aid which is currently allocated on an annual basis. Where the ECP does not follow the line of a PROW, local agreements can be put in place between the local authority and landowners as part of creation works for the future maintenance of structures, depending on local circumstances.

Following the discussions between WSCC and Natural England, it was agreed that Natural England would support WSCC in recruiting a dedicated ECP project officer to support the establishment of both the SHE and EHS stretch of the ECP.

On the 4th October 2021 WSCC employed a dedicated England Coast Path Project officer to carry out all works related to establishment for the England Coast Path South Hayling to East Head stretch.

73. There are instances where the proposals maps incorrectly record public highway status. At least one section of the proposed route will follow a private road or street, being Court Barn Lane (SHE-4-A065RD and part of SHE-4-A066RD); as the lane is not recorded on the Highways Gazetteer, the legal record of publically maintainable highways, the LHA has no duty to maintain the surface and it is incorrect to record this section as 'RD'. Further, it is incorrect to record SHE-2-A022FP as this does not have an existing public highway status. **See comments below point 7.**

74. Various proposed ECP lengths are suggested as following legally recorded PROW; however, this may not be the case. Those identified as part of this review are noted below and the proposal record should be amended:

- SHE-2-A012FP
- SHE-2-S069FP (part)
- SHE-2-S077 (part)
- SHE-3-S014 (part)
- SHE-4-A041FP
- SHE-5-S022FP (part)

**See comments below point 7**

75. WSCC require NE to review and revise the entire length of the ECP SHE section so as to accurately record its intentions and the LHA interest. In the event this is not completed accurately, future issues arising will be referred back to NE. **See comments below point 7**

76. Further, sections SHE-3-S010-11-12 are all now following a formalised public footpath following a Diversion Order several years ago; again, the proposal record should be amended.

Natural England recognise that there are mapping errors at several locations along this stretch incorrectly recording the status of the existing roads or streets, and public footpaths. We will work with West Sussex County Council to update our mapping data, where required. We are unable to change the information in our proposals as submitted, but will update our current GIS meta data where necessary to ensure these areas are recorded correctly.

The private roads or streets and the other existing walked routes mentioned do not fall in to any of the excepted land categories and therefore our ability to include these in our proposals for the route of the England Coast Path for this stretch is unaffected.

**Funding**

77. NE has detailed funding to establish and maintain the ECP along length SHE as per costings shown in Table 1.

**Table 1: NE costings for establishment and maintenance of ECP (length SHE)**

		Capital	Maintenance
SHE-1		Relevant only to HCC	
SHE-2	*	£133,950.00	£6,872.44
SHE-3		£16,274.00	£4,987.85
SHE-4		£122,321.00	£1,899.99
SHE-5		£73,527.00	£3,661.97

\* Required to be split between HCC and WSCC  
All costs ex VAT

78. Given the estimated costs were calculated some while ago, NE must review the projected costs before its report is signed off.

We contacted West Sussex County Council prior to publication and they confirmed that they were happy for NE to use the figures we sent them for items of standard infrastructure. With regards to the costings for the specific works within West Sussex, they also confirmed that they were happy for NE to use the costs they had previously provided. We do however recognise that variations to our estimated cost may occur if the situation on the ground has changed by the time we get to the establishment stage of the process.

79. Further, it is recommended to review the specifications given the time elapsed, both as changes are likely to have occurred ‘on the ground’ (such as from recent storms) and need or standards may have changed, such as boardwalks should be widened or non-slip surfacing added.

It is acknowledged that the costs of our proposals may change due to circumstances such as erosion or storm events. Natural England was not made aware of any such incidences in time for the publication of this stretch, but as we have communicated to WSCC we would be happy to meet to discuss any areas where they feel changes have occurred. Detailed designs for infrastructure items such as boardwalks will be discussed with West Sussex Country Council at the establishment stage.

80. NE has suggested the sums above to be needed annually to maintain the SHE length and it envisages maintenance to the National Trail quality standards. It has calculated the figures in Table 1 using the formula used to calculate NE’s contribution to the maintenance of other National Trails. WSCC understands the NE fund used to support National Trails is reducing in quantum, and with the fund having to support more National Trails (through creation of further ECP lengths) this will put further pressure on the NE fund. WSCC is concerned this will leave a funding shortfall for National Trails, which will impact and be a pressure on LHAs and LAAs to maintain National Trails.

Noted

81. WSCC acknowledges it is expected to deliver on-going maintenance of the ECP. A previous report detailed NE will provide on-going funding subject to match funding by the Authority, at a rate of 3:1, i.e. NE to provide £3k when WSCC commits £1k for annual maintenance. This ratio does not appear to be referred to in this report; NE must confirm its commitment to on-going maintenance funding. WSCC will use best endeavours to provide the match funding; however, in the event NE is unable to continue the maintenance funding for the ECP at the ratio 3:1 stated above, WSCC will be unable to fund the shortfall and this could result in an inability to meet the standards of maintenance expected for a National Trail. **Given that NE itself is currently dependent upon annual budget allocations from central government it is not able to make an unequivocal commitment to funding year on year. Currently however NE does offer funding at 3:1 although it is not specified that the match has to come from the Local Authority it is anticipated that most would. Once Trail Partnerships are established then it would be for the TP to determine how the necessary match contribution is going to be achieved and also to pursue opportunities arising for income generation from the trail.**

### Routing

82. NE is asked to confirm the ECP is being established using year-round operation of the Bosham – Itchenor ferry. The report states NE will fund the purchase of a second boat and operation of which will rely on a 'season ticket' arrangement developed by local residents. WSCC requests details of this scheme including contact points as at some future time the funding or operation may come into question. Should such question arise, WSCC expects NE to resolve the matter having first consulted WSCC. **We can confirm that the ECP is using the year round operation of the Bosham to Itchenor ferry as part of the main route. WSCC would need to contact the ferry operator directly and we will be happy to provide the relevant contact details should they have any questions regarding the 'season ticket' arrangement or the operation of the ferry. Should the service cease altogether or become less suitable for the purpose, Natural England will review its trail alignment and if appropriate, will prepare a separate variation report to the Secretary of State to ensure an uninterrupted journey for this part of the coast.**

83. Various alternative routes have been identified to overcome existing tidal flooding, routing around Fishbourne Channel and the occasional unavailability of the public footpath around the MOD site at Thorney Island. WSCC requests clarification that these routes will be permanently signed and the costs of both signage and any establishment works are included in the various sums in Table 1. **The alternative routes will be permanently signed and the costs of both signage and any establishment works on them are included in the various sums in Table 1.**

84. The routing intention for section SHE-3-S039FP is uncertain. The proposal document refers to following the line of the public footpath; however, for a short section south-east of the property Grey Thatch the legally recorded line does run within the harbour and floods on the tide. NE is recommended to review this.

**The route here should not be uncertain as we follow the existing PRow.**

**NE is aware that a small section of the route here floods for a short period of time at high tide. On these occasions walkers will have to wait a short amount of time for the tide to subside. Due to a combination of nature sensitivities (primarily over-wintering Brent Geese) and excepted land we were unable to propose any feasible optional alternative route that would be convenient and cost effective.**

We were also unable to install boardwalk or a raised footway due to any habitat loss within the Special Area of Conservation.

### **Establishment**

85. The Report to the Secretary of State does not specify whether NE or WSCC will deliver the necessary works. WSCC expects NE to deliver the works to establish the ECP, including consultation with various landowners and occupiers, given it has undertaken enquiries with various parties in forming the proposal and is familiar with the standard the ECP will be provided to. This is, however, subject to prior consultation with WSCC and receiving its support.

Natural England pays for 100% of the establishment works. The statutory methodology (the Coastal Access Scheme) recognises that the access authority will typically then undertake any establishment works necessary to make the trail fit for use as the ECP and to enable users of it to be clear and confident about its alignment on the ground. This is a model that has been successfully and universally adopted throughout the country.

Since the submission of the Coastal Access reports for the South Hayling to East Head stretch of the ECP, Natural England and WSCC have been involved in lengthy discussions to find a mutually beneficial solution in relation to delivering the establishment stage of the ECP. Following these discussions, it was agreed that Natural England would support WSCC in recruiting a dedicated ECP project officer to support the establishment of both the SHE and EHS stretch of the ECP.

On the 4th October 2021 WSCC employed a dedicated England Coast Path Project officer to carry out all works related to establishment for the England Coast Path South Hayling to East Head stretch.

86. Improving accessibility is a key aim of the WSCC Local Transport Plan and listed as a key indicator within the National Trail Quality Standards. WSCC encourages accessibility to be improved for all users, be they in a wheelchair or using a pushchair, a cyclist, dog walker, skateboarder or other. Consideration should be given to accessibility to the beach for all users where the surface remains as shingle. **Noted. We have considered accessibility along the whole South Hayling to East Head stretch and the proposed route within West Sussex mainly utilises well used public footpaths. Due to the inherent physical constraints of some parts of the route, creating more accessible surfaces was not considered feasible due to significant construction and stabilisation works and associated costs as well as environmental constraints. Where the route is on shingle we have explained the rationale for choosing that route. The England Coast path is for access on foot and does not normally consider accessibility for cyclists, skateboarders or horses for example.**

87. Any new structures, such as kissing gates, proposed to be sited within an existing highway boundary will need to be sited with lawful authority. NE must make appropriate application to WSCC in its capacity as LHA and receive its consent prior to installation. **NE has worked with the Access Ranger and officers from West Sussex Country Council to identify any necessary infrastructure and signage along the stretch within West Sussex. As per our comments at point 16, WSCC are involved in the establishment works and therefore will ensure all the necessary consents and applications are made.**

### **Maintenance**

88. The level of maintenance to be delivered by the LAA/ LHA will be to ensure the route is suitable for the intended purpose by users exercising their rights properly and reasonably. **Noted**

89. Creation of the ECP will require increased regard from WSCC in the form of additional maintenance on those sections of the ECP following existing public highways, e.g. to new signs. It will also expand WSCC's role as LAA to sections of the ECP that are not public highway and to new furniture on those sections, such as kissing gates (WSCC does not manage gates as part of its existing PROW service). **Noted**

90. WSCC will not accept responsibility for a sub-standard path delivered to it. WSCC recommends that a process is established as part of any handover practice and agreed with WSCC prior to implementation of any works by NE. A process similar to that followed when adopting a road is suggested. **WSCC is already fully involved in decision making but we would hope they are involved in the establishment of the path to ensure their prescribed standards are met, as per our comments at point 16.**

91. WSCC recommends NE produces and agrees with WSCC an easy-to-read guide detailing the differences between the Highways or PROW standards and the National Trail standards.

**NE have previously shared our National Trails standards document and have dedicated National Trails Partnership Managers that are available to discuss any aspect of National Trail Standards.**

92. In due course it can be reasonably expected that issues of encroachment or other fault by landowners/ occupiers, including default of any agreement established by NE to create the ECP, will occur and will require resolution by WSCC. In essence the issues will be similar to issues found and managed around the existing public highway network but, given the differing status of the ECP to public highway, could likely require more specialist support to investigate legal issues and decide on appropriate mechanisms for resolution. There are provisions for LAAs to recover reasonable costs from landowners incurred when acting to protect the ECP. NE is requested to confirm it has conveyed guidance to landowners/ occupiers as to their on-going duties and responsibilities, and shares this with WSCC as it may need to refer to this in future.

**Guidance for landowners and the public is provided on gov.uk:**

**<https://www.gov.uk/guidance/manage-your-land-on-the-england-coast-path>**

## **Signage**

93. The proposals do not provide detail about locations and specification of signs. Promotional signs do not fall into the WSCC priority criteria of safety or regulatory and will be another resource implication. The style of signage, including any fixings, must be agreed with WSCC in advance of installation. It is recommended that NE avoid signs and markings that are visually intrusive or could cause a hazard to cyclists who may be using paths at any time, maybe as trespass.

**NE discussed the proposed waymarking sign locations with the Access Ranger and West Sussex County Council Officers during the development of the South Hayling to East Head stretch. We also provided WSCC with the relevant GIS files showing the proposed locations. We will continue to work with WSCC regarding details for the signs, including their detailed location, design, materials and text. We do not include location of signage in the reports due to how cluttered it would make the maps. As per point 16, we continue to hope that WSCC will take an active lead in the establishment works and so therefore have oversight on all infrastructure.**

94. Interpretation boards are proposed at a number of locations. In a harsh coastal environment these will be prone to bleaching or rapid oxidation if there are any metal components. They take time and money to design and produce and they can be a target for vandalism. In addition, they can be seen as introducing visual clutter. There is already a lot of street and sign clutter and WSCC does not support the new National Trail adding to the problem. In addition, some people object to any manmade objects (such as signage) being introduced to the environment at all. NE should encourage use of QR codes or other modern technology instead of interpretation boards to promote the ECP. This will also help minimise the on-going costs of management and support the increasing trend to use of mobile technology.

The interpretation panels have been agreed for use at sensitive nature conservation sites, as part of the requirement for mitigation for the ECP identified through our Habitats Regulations Assessment and the Nature Conservation Assessment. The design and siting of them will be in consultation with the NE Responsible Officer, WSCC Rangers and the relevant landowner.

### **Future route development**

95. As the route is more widely promoted, it may become more popular and there will be sections along the route that will need to be widened to accommodate increased congestion. NE is requested to identify whether a change to surfacing of part of the ECP will require its formal consultation and/ or agreement, and what additional funding will be made available to meet the costs. NE would require details as to where the access authority believes the ECP will need widening, as currently the existing path width is considered sufficient. We worked closely with WSCC officers in developing the route and agreeing works required for establishment during the planning stage.

96. The West Sussex Walking and Cycling Strategy 2016–2026 contains a list of over 300 potential new routes suggested by local stakeholders. The routes have been prioritised for future delivery subject to feasibility work and the identification of funding. WSCC is keen to ensure that the existence of the ECP should not preclude the potential to upgrade such sections of these routes in order to facilitate cycling as well as walking. NE should clarify it does not need to grant express permission for WSCC to develop and deliver a scheme that is on part of the ECP. It is suggested that any major upgrade to the trail for multi-use should be communicated to NE's National Trails team as part of a consultation before works are carried out. However the decision to dedicate routes as multi-user or for other higher rights sits with the landowner and the presence of the ECP does not prevent landowners from developing their land as they see fit.

97. WSCC recommends the avoidance of any restrictions placed on the new path to preclude any future cycle path proposals. No such restrictions are proposed in the South Hayling to East Head proposals.

98. NE must provide a shapefile accurately detailing the final alignment, widths, surfacing, all infrastructure and the LHA's interests along the ECP, enabling WSCC services to enter this data easily into their management systems. NE is happy to ensure up to date GIS shapefiles continue to be shared with WSCC.

### **WSCC as landowner**

99. WSCC is a landowner for part of the proposed ECP. It understands that once the ECP is provided, and where the route is not already a public highway, landowners will hold a limited occupiers liability. This is understood to be that a person accessing the

land is no longer classed as a visitor and the landowner will not be liable for risk resulting from any natural feature of the landscape, river, stream, ditch or pond nor a risk of injury when passing over, under or through any wall, fence or gate, except by proper use of the gate or stile; however, the landowner/ occupier remains liable for any of their actions that deliberately or recklessly create a risk on their land. **The CLA has produced an excellent guidance note on liabilities in the coastal margin:** <https://www.cla.org.uk/advice/coastal-liabilities>

**Other landowners**

100. In managing the ECP, WSCC expects it will need to contact various landowners/ occupiers at certain times. WSCC requests data on all the landowners/ occupiers along the ECP to assist it to identify and approach these parties in future as necessary. **We can provide such details to support establishment works.**

**Environment**

101. The report has been reviewed with regard to environmental impact and WSCC is broadly supportive of the proposals, which appear to have addressed many ecological sensitivities. **Noted**

**Promotion**

102. The ECP, along with associated TV programmes and other promotions, will attract people to the West Sussex coast. Whilst WSCC supports the promotion of walking and the idea of attracting tourists to the area, it does not want to encourage car use in a part of the country where the roads are already heavily congested (e.g. A27 and A259). It is recommended NE looks to promote connections to public transport to users of this path so as not to generate more vehicle traffic in the area. **Noted. We would recommend WSCC, their partners and any future Trail Partnership work with us and our National Trails promotion partners to maximise the opportunities afforded by the National Trails website to promote the new trail, local services and facilities.**

103. The above said, some car use is inevitable and recommended connection points and parking locations to the path should be designed to cater for this in materials developed by NE. **See above response to point 33.**

WSCC welcomes the opportunity to work with NE to inform it in developing suitable materials. **See above response to point 33.**

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

N/A

<b>Representation number:</b>	MCA/SHE Stretch/R/12/SHE2300
<b>Organisation/ person making representation:</b>	[redacted] - Historic England



<b>Route section(s) specific to this representation:</b>	Whole Stretch
<b>Other reports within stretch to which this representation also relates:</b>	SHE 1, SHE 2, SHE 3 and SHE 4
<b>Representation in full</b>	
<b>England Coast Path Stretch: South Hayling to East Head</b>	
<p>As the Government's adviser on the historic environment, Historic England is keen to ensure that the protection of the historic environment is fully taken into account in the establishment of the England Coast Path and associated public access to coastal land, under the Marine and Coastal Access Act 2009.</p> <p>Historic England notes that all the sections within this stretch would follow existing footpaths, pavements, roads or other existing walked route, with the exception of sections SHE-3-S014 and SHE-3-S015. Non-designated heritage assets have been identified on or near to the proposed route in sections SHE-3-S014 and SHE-3-S015:</p> <p>A Second World War bombing decoy site at Cobnor Point. Aerial photography from 1967 shows a shelter located at SU 7932 0236.</p> <p>An archaeological evaluation was carried out at a site approximately 250m to the north of the proposed route at SU 7899 0230, (site code: CCP09). The work revealed significant remains from three broad periods: Bronze Age, mid-late Iron Age and Post-medieval, which may indicate the presence of further remains in the area.</p> <p>If any physical works that would affect the bombing decoy site, or any digging in the area, is proposed to implement the walking route, the County Archaeologist for West Sussex should be consulted. However, neither this area, nor the rest of the stretch is identified as an Archaeological Notification Area for West Sussex.</p> <p>As noted above, other elements of the route in this stretch would follow existing routes. However, parts of section SHE-4 also pass near and across Fishbourne Roman Site, a scheduled monument.</p> <p>Scheduled monument consent is required for most works and other activities that physically affect a scheduled monument. In practice this is a very strict regime under which very little, if any, disturbance of the monument is possible without consent.</p> <p>Carrying out an activity without consent where it was needed is a criminal offence. Consent must be obtained from the Secretary of State for Digital, Culture, Media and Sport through Historic England for any of the following:</p> <ul style="list-style-type: none"> <li>Works resulting in the demolition or destruction or any damage to a scheduled monument.</li> <li>Works for the purpose of removing, repairing, adding to or altering a scheduled monument.</li> <li>Flooding or tipping operations on land in, on or under which there is a scheduled monument.</li> </ul> <p>These comments are based on the information provided by you at this time and for the avoidance of doubt does not reflect our obligation to advise you on, and potentially object to, any specific development proposal which may subsequently arise from this or later versions of the plan and which may, in our view, have adverse effects on the historic environment.</p>	

<b>Natural England's comments</b>
Thank you for the advice provided in your representation. Please see our comments on the relevant reports, relating to the specific sites raised in SHE3 and SHE4.
<b>Relevant appended documents (see Section 5):</b> N/A

***Other representations***

<b>Representation ID:</b>	MCA/SHE Stretch/R/3/SHE1767
<b>Organisation/ person making representation:</b>	[redacted] - Chichester Harbour Conservancy
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 1, SHE 2, SHE 3 and SHE 4
<b>Summary of representation:</b>	
<p>Natural England is advised that the projected annual maintenance costs are likely to be far greater than the figure forecast (£22,699). The reason being that one bad storm could result in significant damage, requiring a much greater sum for remedial action. The shoreline of Chichester Harbour is 53 miles (86 kilometres).</p> <p>It is recommended that a block of funds is set-aside, or ring-fenced, to only be used in instances of severe weather, as a contingency.</p> <p>See below table, from the Establishment of Trail Section of the Reports:</p>	

Segment	Installation Features	Installation costs (ex. VAT)	Annual Maintenance Cost (ex. VAT)
SHE 1	Signs & interpretation, boardwalks, surfacing works, project management and variance	£61,384	£5,277
SHE 2	Signs & interpretation, steps, surfacing works, footbridges and walkways, wooden bollards, pedestrian gates, handrails, project management and variance	£133,950	£6,872
SHE 3	Signs & interpretation, surfacing works, hedgerow infill, Cobnor Point – ramp, bridges and hedge removal. Project management and variance	£16,274	£4,988
SHE 4	Signs & interpretation, kissing gate, surfacing works, hand rails, project management and variance. Capital costs only grant	£122,321	£1,900
SHE 5	Signs & interpretation, boardwalks, post and rail fence, hedgerow infill, surfacing works, project management	£73,527	£3,662
<b>Total</b>		<b>£407,456</b>	<b>£22,699</b>

**Natural England's comment:**

NE understands and appreciates the unpredictability of coastal events (and other similar naturally occurring events that impact upon the quality of the National Trails). The approach to this was covered with the trails partnerships as part of the funding formula development discussions, as was the possibility of NE holding back a portion of 'in year budget' in case of major events. The decision of the trail partnerships was not to take this approach, but to implement a formula that distributed the full available budget. NE does not therefore set aside a portion of budget as a contingency fund, and the Access Authority has the autonomy to manage their budget as they see fit.

In practice, where such major events occur, and funding is not immediately available, the local authority would secure a temporary diversion to enable people to continue their journeys, whilst a permanent solution is determined and implemented, taking into account influencing factors e.g. the existence of roll back, nature conservation concerns, local restrictions, etc.

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

N/A

<b>Representation ID:</b>	MCA/SHE Stretch/R/4/SHE2387
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A

<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 1, SHE 2, SHE 3 and SHE 4
<p><b>Summary of representation:</b></p> <p>[redacted] notes that in several places within our reports we mention the need to avoid/prevent disturbances, both to the wildfowl and also to other users. At present there are several notices posted along the paths pointing out the need to control dogs to prevent disturbing the wildfowl.</p> <p>[redacted] is concerned that there are a large number of dog owners who let their dogs run wildly about, not on leads. These dogs, he says, sometimes chase after walkers, including young children, sometimes jumping up and causing some distress to these other walkers. They run into the water causing disturbance to birds and also leave behind faeces on the path.</p> <p>[redacted] requests that:</p> <ul style="list-style-type: none"> <li>• We install more notices locally.</li> <li>• We are more specific when we mention the need to avoid disturbance.</li> <li>• We state that dogs must be kept under control, and include the fact it can be an offence for a dog not to be on a lead on a public footpath.</li> </ul>	
<p><b>Natural England's comment:</b></p> <p>We take into account environmental protection objectives when developing our proposals for improved coastal access. We produce a Habitats Regulations Assessment and a Nature Conservation Assessment, relating to any potential impact on the conservation objectives of European sites, as well as other potential impacts on nature conservation. These assessments detail the measures we have taken to reduce the likelihood of disturbance to birds.</p> <p>One of the key measures we have taken on this stretch is choosing to align the main route of the trail away from the coast in areas that have been highlighted as particularly sensitive to disturbance. We have also placed Section 26(3)(a) directions for reasons of nature conservation over some particularly sensitive areas. These measure have been put in place to reduce the likelihood of interaction between walkers with or without dogs, and sensitive wildlife.</p> <p>With regards to signage we have proposed to install interpretation panels to inform users of the local environmental sensitivities and where appropriate fencing has been used to guide walkers and dogs away from sensitive areas. These panels will explain the risk of disturbance caused by dogs and ask walkers and dog owners to behave responsibly in the vicinity of birds.</p> <p>Much of the route follows existing public rights of way. Coastal access rights do not apply to existing public highways including roads and public rights of way such as footpaths. Because coastal access rights do not take precedence on public rights of way we cannot place restrictions on dog access on those sections of the trail.</p> <p>There are subtle differences between the legal requirements on land subject to coastal access rights and those subject to PRow rights. Any signs relating to dogs in the area would have to be specific to the access regime in force on that particular piece of land.</p>	

<b>Relevant appended documents (see Section 5):</b> N/A

<b>Representation ID:</b>	MCA/SHE Stretch/R/9/SHE2315
<b>Organisation/ person making representation:</b>	[redacted] - Member of the council of the Solent Protection Society
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 1, SHE 2, SHE 3 and SHE 4

**Summary of representation:**

The Society has submitted a representation which relates to the whole stretch, however within that representation there is a specific comment about Thorney Island. We set out our response to that part of the representation in our comments on report SHE 2.

The Society welcomes and supports the proposals in this section of the ECP and is pleased with the links that have been proposed to join up various sections of path and create a more continuous route right round both Chichester and Langstone harbours and has not simply stopped either side of the mouth.

They say that the route and descriptions appear to have been thoroughly thought through with perhaps more detail than they have seen in earlier sections. Proposals on roll back are welcome. They acknowledge that in the past they have misunderstood how alternative routes function, having assumed they were 'instead of the proposed route' whereas they are 'temporary alternatives' if the proposed route is out of use for some reason such as because of tidal inundation at Conigar Point (SHE-2-S013 to SHE-2-S021). SPS therefore supports the alternative routes proposed in various places. They particularly welcome the support for the Itchenor Ferry to avoid "the very much less satisfactory" alternative during the low season.

Finally SPS supports the proposed S25A and S26(3)(a) designations proposed throughout the route to exclude the public from the seaward coastal margin in these extensive important protected areas. They hope that adequate signage is proposed throughout the route to inform the public of the exclusions and that in critical areas fencing is proposed to physically restrict public and particularly dog access.

As identified in the reports this area supports nationally and internationally important numbers of over wintering and breeding bird species. Disturbance from walkers, particularly those with

dogs, is already at a level of considerable concern. SPS would therefore like assurance that funds are made available to support a wardening scheme.

**Natural England's comment:**

Natural England acknowledge these comments in response to our stretch proposals, and are grateful for the statements of support.

We agree with the Society, that well placed interpretation panels can play an important role in managing visitor behaviour. We have proposed to install interpretation panels to inform users of the local environmental sensitivities in certain places along this stretch. In addition, where appropriate, fencing has been used to guide walkers and dogs away from sensitive areas. Further details about the location of these access management measures can be found in our report documents.

We take into account environmental protection objectives when developing our proposals for improved coastal access. We produce a Habitats Regulations Assessment and a Nature Conservation Assessment, relating to any potential impact on the conservation objectives of European sites, as well as other potential impacts on nature conservation. These assessments detail the measures we have taken to reduce the likelihood of disturbance to nationally and internationally important numbers of over wintering and breeding bird species.

One of the key measures we have taken on this stretch is choosing to align the main route of the trail away from the coast in areas that have been highlighted as particularly sensitive to disturbance. This measure has been put in place to reduce the likelihood of interaction between walkers with or without dogs, and sensitive wildlife.

Natural England has put measures in place to ensure no adverse effect on the integrity of the European sites affected by the trail and wardening is not something we identified as necessary. The Bird Aware project has rangers on the ground, talking to the public and undertaking education work on bird disturbance and our proposals have been developed to complement their work.

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

N/A

<b>Representation ID:</b>	MCA/SHE Stretch/R/10/SHE2391
<b>Organisation/ person making representation:</b>	[redacted] - Manhood Peninsula Partnership
<b>Name of site:</b>	Whole Stretch (SHE 4 and SHE 5)
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A

<b>Other reports within stretch to which this representation also relates</b>	SHE 5
<p><b>Summary of representation:</b></p> <p>The Manhood Peninsula Partnership (MPP) is making representation in support of the proposals for the SHE-4 and SHE-5 sections of the England Coast Path.</p> <p>The MPP supports and advocates the improvement of rights of way and other pedestrian, cycle and equestrian routes across the Manhood Peninsula south of Chichester. The partnership is comprised of local representatives of national organisations, local government, NGOs and local parishes.</p> <p>The MPP wants to work with and to bring together route advocates, route providers and route funders to achieve “a superb network of green links across the peninsula”.</p> <p>This work is being undertaken by the Green Links across the Manhood (GLaM) group, a subgroup of the MPP. The above sections of the England Coast Path reflect the aspirations of the MPP and GLaM. A GLaM Key Statement (attached) has been produced supporting these aspirations.</p>	
<p><b>Natural England’s comment:</b></p> <p>Natural England acknowledge these comments in response to our stretch proposals, and are grateful for the statements of support.</p>	
<p><b>Relevant appended documents (see Section 5):</b></p> <p>1.1 Green Links across the Manhood Peninsula (GLaM) – A Key Statement from the Manhood Peninsula Partnership</p> <p>1.2 Green Links across the Manhood Peninsula (GLaM) overview of access plans and aspirations</p>	

<b>Representation ID:</b>	MCA/SHE Stretch/R/11/SHE0008
<b>Organisation/ person making representation:</b>	[redacted] - The Disabled Ramblers
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 1, SHE 2, SHE 3 and SHE 4

**Summary of representation:**

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

These people have the same legitimate rights to access that walkers do, so Natural England should ensure that, unless the natural terrain itself prevents access, any existing or new infrastructure along the Coast Path does not present a barrier to their ability to progress along the Coast Path.

The Disabled Ramblers has identified many instances where Natural England proposes to retain structures or introduce new ones which are, or may, be barriers to access for those with limited mobility, particularly on mobility scooters. The sites have not been visited by the Disabled Ramblers to verify whether or not the infrastructure restricts access, but they say it is likely that it would do.) These structures include the following:

- Pedestrian Gates (these should be suitable for access by riders of large mobility vehicles, riders who are on their own and will remain on their mobility vehicles, and should comply with *British Standard BS5709: 2018 Gaps Gates and Stiles.*)
- Bristol Gates (these are always a barrier to mobility vehicles and should be replaced with an appropriate structure which complies with *British Standard BS5709: 2018 Gaps Gates and Stiles.*)
- Cycle Chicanes (in many instances these are impassable by mobility vehicles, in which case they should be replaced with an appropriate structure which complies with *British Standard BS5709: 2018 Gaps Gates and Stiles.*)
- Kissing Gates (these are usually impassable by mobility scooters, so unless these are specifically designed for access by large mobility vehicles, they should be replaced with an appropriate structure which complies with *British Standard BS5709: 2018 Gaps Gates and Stiles.*)
- Undefined barriers (very often these are A or K frames which are set too narrow so are a barrier to access by mobility vehicles which can legally be up to 85 cm wide)
- Footbridges and board walks (need to be wide enough for mobility vehicles, and wherever possible should be reached by ramps, not steps. Consideration should also be given to handrails to assist those with visual impairments.)
- Sleeper bridges (very often these are 3 sleepers wide, but at least 4 are needed for mobility vehicles)
- Bollards (spacing should be checked to ensure a gap through which mobility scooters can pass.)

The following proposed changes have been detailed in the Natural England reports. If not designed carefully these changes may become barriers to those with limited mobility:

- Sections SHE-2-S019 to S0120: gravel resurfacing. Gravel is a very difficult surface for mobility vehicles, very often proving a barrier to access, so a more appropriate material should be chosen for resurfacing.



- Sections SHE-2-S022 to SHE-2-S026: replacing a bridge and extending a raised footway. Natural England should ensure that ramps, not steps, are built to reach the raised footway, and ensure it is appropriately designed and sufficiently wide for use by mobility vehicles.
- Sections SHE-3-S014 to SHE-3-S015 Cobnor Point: footbridges over a ditch. Natural England should ensure that ramps, not steps, are built to reach the footbridges, and ensure they are appropriately designed and sufficiently wide for use by mobility vehicles.

Disabled Ramblers requests that Natural England

- reconsider their proposals for all existing and new structures, ensuring compliance with *British Standard BS5709: 2018 Gaps Gates and Stiles*, because in many cases these structures bar legitimate access along the Coast Path for those with limited mobility.
- comply with the Equality Act 2010 (and the Public Sector Equality Duty within this act) comply with the Countryside Rights of Way Act 2000

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

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 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.*

In drawing up our proposals we have taken all reasonable steps to make the trail as easy as possible for those with reduced mobility and been mindful of British Standard BS5709:2018 Gaps Gates and Stiles.

Natural England does however recognise that since our proposals were submitted we have worked a lot more closely with the Disabled Ramblers and have gained an increased understanding of structures which are, or may be barriers to access for those with limited mobility, particularly those on mobility scooters. There may be inherent reasons or restrictions due to the nature of certain sites, why certain structures we have proposed are necessary or existing structures cannot be removed. However, when we begin the establishment of this section of coast path we will look again at where it might be possible for us to make targeted adjustments to the structures we have proposed to make the trail more accessible for people with reduced mobility.

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

5.3 Photographic examples of people using mobility vehicles on various terrain

<b>Representation ID:</b>	MCA/SHE Overview/R/1/SHE0040
<b>Organisation/ person making representation:</b>	[redacted] - Lichfields, on behalf of Bourne Leisure Limited
<b>Name of site:</b>	Whole Stretch
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	SHE 1, SHE 2, SHE 3 and SHE 4
<b>Summary of representation:</b>	
<p><b>Rollback</b></p> <p>The Overview report states on page 32 that in determining the new route, Natural England will take into account “any views expressed by people with a relevant interest in affected land” but does not specifically state that Natural England will contact and consult with landowners. On behalf of Bourne Leisure, we request that the Overview report is amended to specifically state that Natural England will contact and consult with owners and occupiers in relation to any rollback – including where the trail is being adjusted to follow the current feature. This is important in order to ensure that landowners are kept informed, so that any issues can be raised with Natural England and that landowners’ views are taken into account if rollback needs to take place.</p>	
<b>Natural England’s comment:</b>	
<p>As highlighted by Lichfields, The Overview report states on page 30 that in determining the new route, Natural England will take into account “any views expressed by people with a relevant interest in affected land”. This can be read as a commitment to talk to the owner/occupiers of the land when determining a new alignment for a rolled back route.</p> <p>In addition, in the individual reports, the “Roll back” tables explain that where complex roll back will occur, we will chose a route following discussions with owners and occupiers. This is a written commitment to talk to landowners and occupiers. Furthermore, NE retains a duty to strike a ‘fair balance’ in aligning a roll back route, in much the same way it has for our original route proposals.</p>	

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

N/A

<b>Representation ID:</b>	MCA/SHE5/R/1/SHE0646
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	SHE 5
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	SHE-5-S006FP
<b>Other reports within stretch to which this representation also relates</b>	N/A
<p><b>Summary of representation:</b>  [redacted] made two points:  The map fails to show [redacted] garden to the north (seaward) side of the path. Instead, it is shown shaded green with vegetation symbols – he cannot find any key that indicates what the green shading represents. Can Natural England please update the map to show his private garden as shown in the Land Registry records?  He also asks Natural England to confirm that his garden to the north (seaward) side of the path is not subject to coastal access rights?</p>	
<p><b>Natural England's comment:</b></p> <p>The green shading is part of the OS MasterMap, which is our base mapping layer and therefore this symbology does not relate to our coastal access proposals. The OS MasterMap is a product that we purchase and we have no power to change this. Therefore if you wish to have the area of green shading amended, we would recommend speaking with Ordnance Survey directly.</p> <p>Any land, regardless of the coastal land type, that falls seaward of the trail automatically becomes coastal margin (para 2.3.4 of the Coastal Access Scheme). We can therefore confirm that [redacted] land located to the north of the trail would become coastal margin if our proposals are approved.</p> <p>However not all coastal margin becomes publicly accessible under the coastal access legislation. For instance, land that is excluded by direction under Chapter 2 of the CROW Act, or land that because of its use, is 'excepted land'.</p> <p>The full list of excepted land categories can be found at Schedule 1 to the Countryside and Rights of Way Act 2000 or on page 11 of the Coastal Access Approved Scheme. <u>No new right of access</u> is created over gardens as they are included in the list of excepted land categories.</p>	

However, it should be noted that while gardens are listed as excepted land, during our site visit on 9<sup>th</sup> December 2020 it was unclear whether the land seaward of the trail at SHE-5-S006 would be classified as land used as a garden. The Scheme defines a garden as “usually enclosed land near a building, typically including areas of lawn, flower borders and other cultivated plants” (Figure 22, page 135).

Natural England can't give definitive advice about what qualifies as excepted land. Only the courts, if called upon, can rule upon whether land is excepted or not. However, the categories of excepted land are designed to be easy to identify and landowners are perfectly within their rights to erect a sign identifying the extent of excepted land, so long as that sign isn't misleading.

In practice, in an area like this where there is already a well accessed public right of way, we would expect the status quo to remain in terms of how people use the area.

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

N/A

<b>Representation ID:</b>	MCA/SHE5/R/2/SHE1767
<b>Organisation/ person making representation:</b>	[redacted] - Chichester Harbour Conservancy
<b>Name of site:</b>	SHE 5
<b>Report map reference:</b>	N/A
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of representation:</b>	
Notwithstanding the issue high tide access discussed in SHE 3 adjoining this stretch, the Conservancy supports the proposed route.	
<b>Natural England's comment:</b>	
Natural England welcomes the support of Chichester Harbour Conservancy for the England Coast Path between West Itchenor and West Wittering Beach.	
<b>Relevant appended documents (see Section 5):</b>	
N/A	

<b>Representation ID:</b>	MCA/SHE5/R/3/SHE1752
<b>Organisation/ person making representation:</b>	[redacted]

<b>Name of site:</b>	SHE 5 (SHE- 5 -SO43 FP and saltmarsh to the north of this path, inside Ella Nore Spit)
<b>Report map reference:</b>	Map 5c: Ella Nore to Roman Landing
<b>Route sections on or adjacent to the land:</b>	SHE-5-SO43 FP
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of representation:</b>	
<p>[redacted] is concerned that our proposals will result in the closure of the public right of way which branches off from the main route of the ECP from SHE-5-S043, heads north across the saltmarsh to Ella Nore and then continues west along the top of Ella Nore to rejoin the main ECP at SHE-5-S044.</p> <p>[redacted] would support Natural England's proposal to plant natural vegetation to close the gaps within the existing hedge, which do not relate to this small footpath. However requests that Natural England ensure the footpath itself is not blocked off by any scrub planting and remains available for public access.</p>	
<b>Natural England's comment:</b>	
<p>The proposed works near Ella Nore includes 1) repairing the existing post and wire fence towards the eastern end of the spit, and 2) partial infilling of scrub plants where there are gaps in the existing scrub line. This scrub line is parallel and just seaward of the route sections SHE-5-S042 and SHE-5-S043. The fence line towards the eastern end of the spit is seaward of the Ella Nore public footpath, and the location of this is depicted on Map 5c in Report SHE 5 as a green barrier.</p> <p>The purpose of these works (which have been described in more detail in the Habitats Regulation Assessment) is to encourage walkers to remain on the existing public footpaths that are available in and around Ella Nore. This will help to prevent trampling on vulnerable saltmarsh. It will also discourage people from accessing the eastern section of the spit; an increase in people in this location could disturb the protected birds which use Ella Nore as a wintering roost and breeding site. Our proposals will not result in the closure of the PRow.</p>	
<b>Relevant appended documents (see Section 5):</b>	
5.4 West Sussex County Council "Public Rights of Way iMap"	

<b>Representation ID:</b>	MCA/SHE5/R/4/SHE1752
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	SHE 5

<b>Report map reference:</b>	Directions Map 5A & 5B - areas shaded pink: Proposed long term access exclusion, unsuitable for public access.
<b>Route sections on or adjacent to the land:</b>	N/A
<b>Other reports within stretch to which this representation also relates</b>	N/A
<b>Summary of representation:</b>	
<p>[redacted] refers to the proposed exclusion of access to the saltmarsh and mudflat between Itchenor and East Head,</p> <p>[redacted] wishes to point out that people have freely and regularly walked along this shoreline for decades, noting that section 5.2.18 would ensure that we were still able to access areas we have always traditionally walked on. In particular, people need to walk on the marshes to access moored boats at various states of the tide.</p>	
<b>Natural England's comment:</b>	
<p>This S25A direction will not prevent or affect:</p> <p>any use of the land by existing right: such use is not covered by coastal access rights;</p> <p>use of any registered rights of common or of any individual or local rights that operate at common law or by Royal Charter etc; or</p> <p>any use that people already make of the land with the express permission of the landowner, or where such permission is implied by existing signage, site management arrangements etc.</p> <p>Any such use that already takes place locally is <u>not</u> prohibited or limited by these arrangements - though it remains open to the landowner, as now, to vary any existing permissions.</p>	
<b>Relevant appended documents (see Section 5):</b>	
N/A	

## 5. Supporting documents

### *Length Report SHE1*

6.1 **MCA/SHE1/R/4/SHE1767** and **MCA/SHE1/R/10/SHE2393** - Map of proposed new figure of "6" route for Hayling Island



6.2 MCA/SHE Stretch/R/11/SHE0008 - Photographic examples of people using mobility vehicles on various terrain



Disabled Ramblers: Tidworth Ramble May 2019



Disabled Ramblers: Tidworth Ramble May 2019





Disabled Ramblers: Tidworth Ramble May 2019



Disabled Ramblers: Godrevy Ramble June 2019



Disabled Ramblers: Winchcombe Ramble Oct 2019



Disabled Ramblers: Bradgate Park April 2019

1.3 **MCA/SHE1/R/3/SHE0099** - Correspondence between Mengeham Rythe Sailing Club and Natural England

**Appendix: Correspondence with Natural England.**

**From:** [redacted] [redacted]@naturalengland.org.uk  
**Sent:** 24 October 2019 09:33  
**To:** [redacted] [redacted]@hotmail.com  
**Subject:** RE: Coastal Footpath South Hayling to Langstone (Mengeham Rythe Sailing Club)

Dear [redacted],

Thank you for your email. To clarify, directions under Section 25A of the Countryside and Rights of Way Act (2000) only cover mudflat and saltmarsh that is unsuitable for public access, the extent of which is shown by the red wash on the map we sent you. The wording you have highlighted in the report refers to the direction covering the mudflat and saltmarsh that is unsuitable for public access within the margin, which is what is shown on the map.

Any areas of the seaward or landward coastal margin not covered by the direction under Section 25A (red wash) would be subject to coastal access rights, unless they are considered to be an excepted land category. The list of land that is excepted from these coastal access rights includes areas such as buildings and their curtilage, boats and other structures including jetties, pontoons and piers. However slipways, hards and quays are not excepted land, neither are areas such as beaches, drives, parking areas, and areas between boats in storage - and these may be subject to rights of access. This does not however restrict your right to use informal management such as security fencing and signage to deter people from accessing these areas of land.

Kind Regards

[redacted]

**From:** [redacted] [redacted]@naturalengland.org.uk  
**Sent:** 23 October 2019 15:47  
**To:** [redacted] [redacted]@hotmail.co  
**Subject:** RE: Coastal Footpath South Hayling to Langstone (Mengeham Rythe Sailing Club)

Dear [redacted],

Thank you for your email.

With regards to your query, the extent of the year-round direction under section 25A in this area is showed by the red wash on the maps below. Any areas seaward of the trail not covered by the red wash would be subject to coastal access rights as part of the coastal margin, unless they are considered to be an excepted land category.

The coastal margin landward of the trail, is show by the magenta wash on the maps below, any land within this wash would be subject to coastal access rights as part of the coastal margin, unless it is considered to be an excepted land category. Anything outside of the magenta wash is not included in the landward coastal margin.

I hope this helps to answer your question, but should you have any further queries please do not hesitate to contact me.

Kind Regards

[redacted]

## OFFICIAL SENSITIVE

[redacted]

Coastal Access Lead Advisor  
Natural England Area 14: Sussex and Kent  
Tel: [redacted] or [redacted]

**From:** [redacted] [redacted]@hotmail.com  
**Sent:** 22 October 2019 15:48  
**To:** [redacted] [redacted]@naturalengland.org.uk  
**Subject:** FW: Coastal Footpath South Hayling to Langstone (Mengeham Rythe Sailing Club)

Dear [redacted],

I am forwarding this as [redacted] is away and it seems that this come to you anyway!

Thanks,

[redacted]

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**From:** [redacted]  
**Sent:** 22 October 2019 14:35  
**To:** [redacted] [redacted]@naturalengland.org.uk  
**Subject:** Coastal Footpath South Hayling to Langstone (Mengeham Rythe Sailing Club)

Dear [redacted],

[redacted] of RYA has suggested that I write to you for confirmation of our (Mengeham Rythe Sailing Club) understanding of the NE exclusion of access to the coastal margin under para. 1.2.13 of the SHE1 Report(the Report).

I had significant correspondence, and met, with NE representatives in 2018. Your overview at p25 states "One of the main uses of Chichester Harbour is for sailing and leisure craft and as a result there are a large number of marina's, boat yards and sailing clubs along the whole of the stretch. These organisations raised concerns about security, health and safety and the ability to run events. These issues are to a large extent addressed by the provisions in the legislation for particular categories of land to be automatically excepted from the coastal access rights."

However it seems that in our case our concerns are almost completely covered by the NE Direction as set out in the Report:

"1.2.13 Access to the land in the coastal margin adjacent to route sections SHE-1-S026 to SHE-1-S128 is to be excluded all year-round by direction under section 25A of the Countryside and Rights of Way Act (2000) as it is mudflat and saltmarsh that is unsuitable for public access. The exclusion does not affect the route itself and will have no legal effect on land where coastal access rights do not apply."

The sections of the route that is over our land is from s1055 to s1063, the public footpath. Given that there is only coastal margin as defined in The Access to the Countryside (Coastal Margin) (England) Order 2010, s3, to seaward of the footpath (except for the small building shown in the inset of Map 1d close to the last set of existing steps which is excepted land under legislation), it seems that all land to seaward of the footpath, except that on which the small building is sited, is excluded from access by the Direction.

Could you please confirm that our understanding is correct so that we can be sure that we do not need to make further representations.

## OFFICIAL SENSITIVE

Many thanks,

[redacted]

**From:** [redacted] [redacted]@hotmail.com  
**Sent:** 26 September 2018 05:56  
**To:** [redacted] (NE) [redacted]@naturalengland.org.uk  
**Subject:** Re: Understanding the coastal margin

Hi [redacted],

Good to hear from you -thank you for coming back.

I had understood from you initial email that the ramp would not be excepted unless within the curtilage of the club, which we think it is -but this is a very nebulous concept!

I had suggested that the ramp in legal terms is covered by "land" just as buildings are and so we could apply for a restriction on land management grounds.

However your suggestion of creating a direction to restrict access is exactly what we were asking for - it is clear and as you say it would give us a recourse in the case of a difficult member of the public "standing on their rights" when the ramp is in use. That is all we ask. It also removes our concern about the potential safety and consequent liability issues (I know what you say about liability, but better for there to clearly be no question).

Thank you for thinking this through - I hope you can now proceed with this before publication of the route.

Best wishes,

[redacted]

---

**From:** [redacted] (NE) [redacted]@naturalengland.org.uk  
**Sent:** 25 September 2018 10:56  
**To:** [redacted]  
**Subject:** RE: Understanding the coastal margin

Hi [redacted],

Apologies for not responding to you sooner – I've been out of the office for the last week or so.

[redacted], who you met with when we came to visit has been talking to specialists within our team. He wanted to check and see whether a wooden slipway structure would count as excepted land. Unfortunately, there is no special consideration for wooden structures. Therefore, as a slipway, the area would not be excluded access from the coastal margin and the slipway would be part of the spreading room.

We would suggest that access patterns are unlikely to change in and around the site as a result of our proposals as there is already access along the footpath. The informal management at the site, would in my opinion, be sufficient to deter access. But if you feel very strongly that there is a case to formally restrict access in addition to the informal management that is already in place, we could investigate creating a direction to restrict access.

Due to the nature of the site, I imagine you wouldn't seek to enforce this through physical boundaries (e.g. fences) but would more act as a recourse should you wish to enforce/prohibit access restrictions – for example if someone chose to sit and have a picnic on the slipway and refused to leave! The restriction could be advertised through

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signage at the site but wouldn't be shown as restricted on OS maps, due to the way they have chosen to illustrate the coastal path and margin.

I hope this is all clear and let me know how you would like to proceed – happy to chat over the phone if that would be easier.

Best wishes

[redacted]

Lead Adviser –Protected Sites Monitoring Reform, Evidence Services. (50% of my time)

Lead Adviser – England Coast Path, South Hayling Island to East Head, Coastal Access Team, South. (50% of my time)

**From:** [redacted] [redacted]@hotmail.com  
**Sent:** 13 September 2018 19:38  
**To:** [redacted] (NE) [redacted]@naturalengland.org.uk  
**Subject:** Re: Understanding the coastal margin

Hi [redacted],

It is now 3 months since we met. I realise that you have had a lot of issues to deal with, but I am hoping that you have the chance to consider the questioned I raised reference our ramp of excluding this from the coastal margin under s24 CROW Act (land management).

Hope all is well with you,

[redacted]

---

**From:** [redacted] (NE) [redacted]@naturalengland.org.uk  
**Sent:** 25 May 2018 15:15  
**To:** [redacted]  
**Subject:** RE: Understanding the coastal margin

Thanks [redacted],

My mobile is [redacted] in case you need to get in touch that morning.

Best wishes

[redacted]

**From:** [redacted] [redacted]@hotmail.com  
**Sent:** 25 May 2018 15:46  
**To:** [redacted] (NE) [redacted]@naturalengland.org.uk  
**Subject:** Re: Understanding the coastal margin

Hi [redacted],

All fine.

If one of you could ring me on [redacted] when you come over the bridge I will be there to meet you. Plenty of parking!

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Bw

[redacted]

---

**From:** [redacted] (NE) [redacted]@naturalengland.org.uk  
**Sent:** 25 May 2018 13:36  
**To:** [redacted]  
**Cc:** [redacted] (NE)  
**Subject:** RE: Understanding the coastal margin

Hi [redacted],

That's very kind. Either Rob or I will be driving so we should be ok for transport. I assume there's a car-park we can park in.

See you on the 5<sup>th</sup>. Do you have a phone number in case we're delayed? Where is best to meet on site?

Best wishes

[redacted]

---

**From:** [redacted] [redacted]@hotmail.com  
**Sent:** 25 May 2018 12:25  
**To:** South Coastal Access (NE) <[southcoastalaccess@naturalengland.org.uk](mailto:southcoastalaccess@naturalengland.org.uk)>  
**Subject:** Re: Understanding the coastal margin

Hi [redacted],

Thanks for coming back to me Tues 5th would be great - would you like me to pick you up from Havant station?

Bw

[redacted]

---

**From:** South Coastal Access (NE) <[southcoastalaccess@naturalengland.org.uk](mailto:southcoastalaccess@naturalengland.org.uk)>  
**Sent:** 25 May 2018 10:46  
**To:** [redacted]  
**Cc:** [redacted] (NE)  
**Subject:** RE: Understanding the coastal margin

Hi [redacted],

Sorry for the delay and thanks for your patience. My colleague, [redacted], who advises on these matters has been away on leave and I've just heard back from him today.

[redacted] has suggested the best approach would be for us both to visit the sailing club. That way we can see for ourselves the issues surrounding the concerns you raise, discuss them with you and determine the best approach to manage access at the site.



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Would you be about on the morning of Tuesday the 5<sup>th</sup> of June? We would be able to arrive at approximately 10.30–depending on the reliability of the trains! If the 5<sup>th</sup> isn't suitable, perhaps another day that week?

Best wishes

[redacted]

**From:** [redacted] [redacted]@hotmail.com  
**Sent:** 18 May 2018 21:34  
**To:** South Coastal Access (NE) <[southcoastalaccess@naturalengland.org.uk](mailto:southcoastalaccess@naturalengland.org.uk)>  
**Subject:** Re: Understanding the coastal margin

Hi [redacted],

Do you have a response yet?

Thanks

[redacted]

---

**From:** South Coastal Access (NE) <[southcoastalaccess@naturalengland.org.uk](mailto:southcoastalaccess@naturalengland.org.uk)>  
**Sent:** 25 April 2018 10:21  
**To:** [redacted]  
**Subject:** RE: Understanding the coastal margin

Hi [redacted],

I've been off sick for the last week, so apologies for not responding sooner.

I've forwarded your email to one of our specialists who deals with access issues and the legislation surrounding it for some advice about the concerns you raise over the ramp. He's away at the moment so it will be at least another week until I can send you a full response. But I just wanted to let you know that I'll respond as soon as I can.

Best wishes

[redacted]

**From:** [redacted] [redacted]@hotmail.com  
**Sent:** 17 April 2018 20:19  
**To:** South Coastal Access (NE) <[southcoastalaccess@naturalengland.org.uk](mailto:southcoastalaccess@naturalengland.org.uk)>  
**Subject:** Re: Understanding the coastal margin

Dear [redacted],

Thank you for your email and the very full response.

You have clarified the definitions for which I thank you.

You ask what arrangements are currently in place with regard to the footpath and the adjoining ramp and quay - these are very pertinent questions.

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The quay is fenced off, though access is available through a gate.

The ramp is not fenced off since this would significantly constrain members' access. In crossing the footpath with boats the act of actually crossing does not create difficulties; but the parking of trolleys following launching is controlled in that members are not permitted to leave them on the footpath in order to remove any hazard to the public using the footpath.

It is the ramp that gives us most concern. Given that you propose to treat all the foreshore from the foot of the ramp as salt marsh, thereby giving no public access, the possibility that the public might think they had access to the ramp becomes all the more nonsensical in that the ramp gives no access to anywhere beyond the ramp, yet potentially the public could have access to an area which itself is access to the water for club members. It is rather like giving the public the right to squat on a highway, albeit a country lane which is a no through road.

We have expressed the view to you that the ramp is within the curtilage of the clubhouse; if you accept that view then a Natural England notice stating no public access to seaward of the footpath alongside the ramp might suffice - it would not involve you in defining excepted land, merely agreeing that it is within the curtilage.

However a cleaner approach would be for you to direct under s24 of the CROW Act that the area of the ramp is excluded from the coastal margin for the purposes of the Club managing the land (the ramp). You have consistently said that we should be able to "manage" the public's access, but given the status of the ramp now that it gives access to nowhere, it would seem appropriate simply to exclude it. (I note that under 1F of section 24 that the reference to a specified period with regard to a direction affecting the coastal margin includes an "indefinite period" so an indefinite period so long as the land is excluded would not seem problematic). Of course, if you think it best that we make a formal application under the section, then we will happily do so.

Lest you think that we overstate the concerns with regard to the ramp, I would simply mention that, quite coincidentally, a new member, previously a member at a club in Portsmouth Harbour, was telling me of occurrences on a slipway over which there was claimed to be public right of way where members of the public literally sat down to picnic whilst boats were trying to launch. The Coastal Path should not even give rise to this possibility and where the possibility can be avoided at this stage it must surely be right to do so using the means given in the legislation.

I would again make clear that we have no problem with the coastal path - we have lived happily with walkers using the footpath, and we often engage in conversation explaining what goes on etc. Nevertheless I do hope you will give this representation with regard to the ramp your serious consideration before publication of your proposal.

Best Wishes

[redacted]

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**From:** South Coastal Access (NE) <[southcoastalaccess@naturalengland.org.uk](mailto:southcoastalaccess@naturalengland.org.uk)>  
**Sent:** 04 April 2018 15:45  
**To:** [redacted]  
**Subject:** RE: Understanding the coastal margin

Dear [redacted],

Profuse apologies for the delay in my response, which [redacted] has flagged up with me. I'm afraid I was waiting for some further advice on how to respond and then your letter fell through the cracks.

To address the points you raise in your letter. You mention five different sections:

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For all sections there are concerns about access to the mudflats/covered shingle. We have the power to apply a restriction to access to saltmarsh and mud flat under 25A of CROW on the grounds that they are unsuitable for public access. This is different from defining an area as excepted (see next paragraph for more details on that). A 25A restriction will be applied to the mudflats and saltmarsh in the surrounding area. I attach a draft map of where this restriction will apply. We can install signs to inform walkers of these restrictions if there are not already similar warnings in place.

For sections 2 and 4. Natural England may advise on what categories of land are classed as excepted, but we do not have powers to class land as excepted. It is up to landowners to define and prevent access to areas they consider to be excepted land.

The list of land that is excepted from these coastal access rights include areas such as **buildings and their curtilage, boats** and other structures including **jetties, pontoons and piers**. However **slipways, hards and quays** are not excepted land, neither are areas such as **beaches, drives, parking areas**, access structures such as bridges or boardwalks and **areas between boats in storage** - and these may be subject to rights of access. This does not however prevent your right to use informal management such as security fencing and signage to **deter** people from accessing these areas of land.

We are not asking you to open these areas up to public access as a result of the coast path. You can continue to manage them in the way that you do currently. I imagine that you already have safety protocol etc in place due to the proximity of the public footpath. What methods do you currently employ to ensure the safety of walkers using the right of way and prevent access to these areas? Can members of the public access the ramp, quay etc or are they restricted by some means?

Our maps use base layers provided to us by the Ordnance Survey. The marking of jetties, slipways etc is down to the OS and not something we can control. If you believe their data is inaccurate, it may be worth getting in touch with them to let them know.

My colleagues visited the sailing club as part of our preliminary investigations, looking at infrastructure and mapping the route with GPS devices. I would love to come and visit (especially as the weather is starting to get nice) but unfortunately I am busy preparing our proposals for publication – which we hope will be at the end of May.

I hope this has cleared up your concerns, but do get in touch if you need further clarification.

Best wishes

[redacted]

**From:** [redacted] [redacted]@hotmail.com  
**Sent:** 13 November 2017 20:56  
**To:** South Coastal Access (NE) <[southcoastalaccess@naturalengland.org.uk](mailto:southcoastalaccess@naturalengland.org.uk)>  
**Subject:** Re: Understanding the coastal margin

Dear [redacted],

Please see attached letter, plan and aerial photographs.

Bw

[redacted]

pp Mengeham Rythe Sailing Club

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**From:** South Coastal Access (NE) <[southcoastalaccess@naturalengland.org.uk](mailto:southcoastalaccess@naturalengland.org.uk)>  
**Sent:** 01 November 2017 09:07  
**To:** [redacted]  
**Subject:** RE: Understanding the coastal margin

Dear [redacted]

Thank you for your recent email. With regard to the situation you have described, we agree that most applicable statement is 4.b

'that the rights to use the existing footpath within the coastal margin are given by being a public right of way rather than coastal access rights, but that coastal access rights do apply to the coastal land to seaward of the footpath (subject to being deemed excluded land).'

I trust this clarifies the issue, but please feel free to get in touch if you require further information.

Sincerely

**From:** [redacted] [redacted]@hotmail.com  
**Sent:** 25 October 2017 18:07  
**To:** South Coastal Access (NE) <[southcoastalaccess@naturalengland.org.uk](mailto:southcoastalaccess@naturalengland.org.uk)>  
**Subject:** Understanding the coastal margin

Sirs,

Please could you clarify the effect of the coastal margin with regard to existing public rights of way.

Two different understandings have arisen as a result of your various publications and we would be grateful if you could definitively state which is correct.

1. The Access to the Countryside (Coastal Margin) (England) Order 2010 describes the coastal margin as including in The first description of land
  - (a) land over which the line of an approved section of the English coastal route passes,
  - (b) land which is adjacent to and within 2 metres either side of that line, and
  - (c) land which is seaward of the line of an approved section of the English coastal route and lies between land within sub-paragraph (b) in relation to that approved section and the seaward extremity of the foreshore,if the land within sub-paragraphs (a) to (c), taken as a whole, is coastal land.
2. The land in which we have an interest as owners includes a public footpath over which it is proposed that the coastal route passes. This is in line with your explanation of the trail:
  - 2.3.1 The route we propose usually follows existing walked lines on the ground. These are typically a mixture of sections with an existing public right of way interspersed with sections without.  
You refer to the coastal margin :
  - 2.3.4 The position of the route that we propose in our report also determines, if approved, the inclusion of land to either side of it as coastal margin:
    - land on the seaward side of the trail automatically becomes coastal margin;As regards public rights of way over the coastal margin you state

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2.3.10 Any public rights of way over the coastal margin are unaffected by the coastal access rights, as are existing maintenance responsibilities for them.

### 3. You further state

2.3.12 Figure 6 at the end of this chapter summarises the relationship between coastal access rights and the other public access on the coastal margin.

and in Figure 6 "Public rights of way and section 15 rights remain in force instead of coastal access rights. "

However in Figure 1 you expand, saying:

*Highways, including public rights of way*

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.

4. It is the last statement which has given rise to our uncertainty: the existing public right of way we are concerned with is a footpath along a sea wall; there is currently no public right of way to the seaward side of the footpath. Do your statements mean a. that because there is a public right of way within the coastal margin there is no public access over any other part of the coastal margin (eg to seaward of the footpath) OR b. that the rights to use the existing footpath within the coastal margin are given by being a public right of way rather than coastal access rights, but that coastal access rights do apply to the coastal land to seaward of the footpath (subject to being deemed excluded land).

Thank you in advance,

[redacted]

### 6.4 MCA/SHE1/R/3/SHE0099 - Photographs taken by NE of the slipway at Meneham Rythe Sailing Club













***Length report SHE2***

<b>Supporting Document</b>	<b>Description and reference number</b>
Annex 1	MCA/SHE2/R/57/SHE2384  Photographs showing the current path and bridge when submerged at high tide – provided by [redacted].
Annex 2	MCA/SHE2/R/22/SHE2355  Map A showing the area where the replacement bridge and new walkway is proposed and Map B showing the area to the west of the bridge towards Langstone. Provided by [redacted].
Annex 3	MCA/SHE2/R/25/SHE2358 and MCA/SHE2/R/26/SHE2359  Email received alongside the representation form from [redacted].
Annex 4	MCA/SHE Stretch/R/11/SHE0008  Photographic examples of people using mobility vehicles on various terrain. Provided by [redacted] - the Disabled Ramblers.
Annex 5	MCA/SHE2/R/9/SHE2346

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	Emsworth Neighbourhood Plan (Submission Version April 2019). Provided by [redacted] – Emsworth Neighbourhood Forum.
Annex 6	MCA/SHE2/R/48/SHE0670  Signatures of people supporting the path improvement plans, provided by [redacted].
Annex 7	MCA/SHE2/R/48/SHE0670  Photos to show high tide flooding on this stretch of path. Provided by [redacted].
Annex 8	MCA/SHE2/R/48/SHE0670  Photos of a lady falling into the stream by going into the reed-beds to avoid the high tide. Provided by [redacted].
Annex 9	MCA/SHE2/R/48/SHE0670  Solent Way Upgrade Project Supporting Information Compiled by [redacted] June 2017.
Annex 10	MCA/SHE2/R/50/SHE1170  Representation Supporting Documents from [redacted] and [redacted].
Annex 11	Report from [redacted] (Havant Borough Council)
Annex 12	Draft Designs for Modified Infrastructure prepared by Engineers at Havant Borough Council to follow

**Annexes**

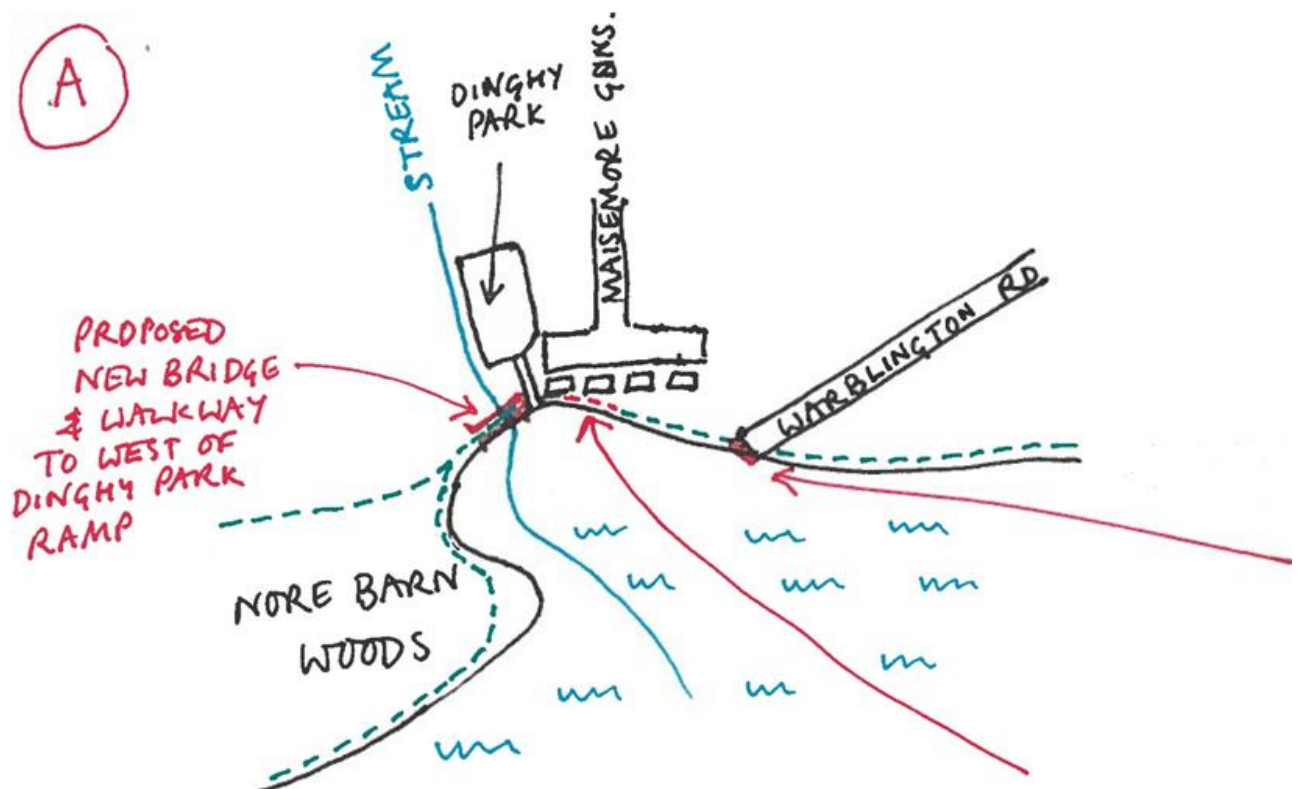
Annex 1: MCA/SHE2/R/57/SHE2384 – The current path and bridge when it is submerged. Photographs sent by [redacted].





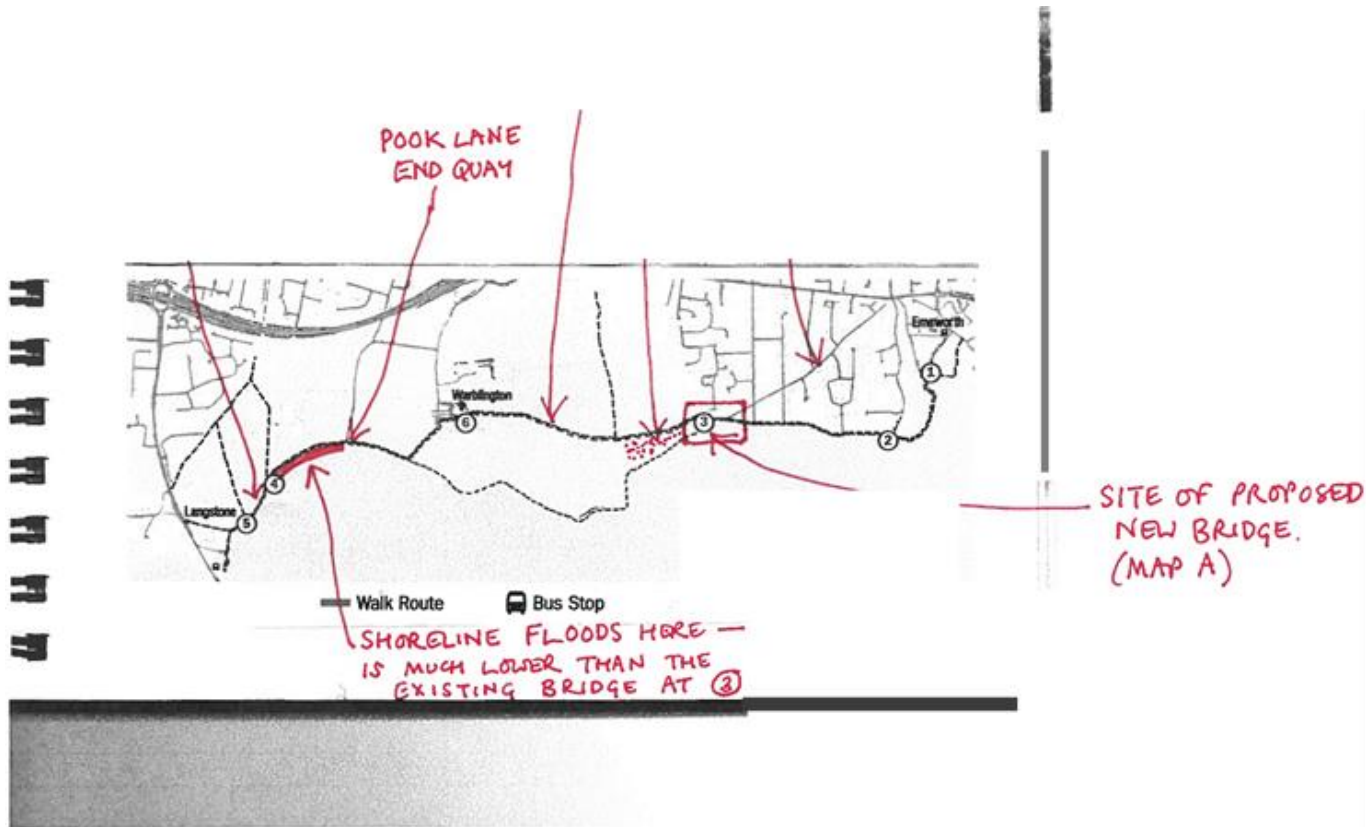
Annex 2: MCA/SHE2/R/22/SHE2355

Map A showing the area where the replacement bridge and new walkway is proposed and Map B showing the area to the west of the bridge towards Langstone



A IMMEDIATELY EAST OF THE PROPOSED BRIDGE, THE SHINGLE HARD BETWEEN THE DINGHY PARK RAMP & THE END OF THE EXISTING RAISED WALKWAY IS LOWER THAN THE EXISTING BRIDGE, & IS  $\therefore$  COVERED BY THE TIDE FOR LONGER. YOU WOULD NEED TO ADDITIONALLY EXTEND THE CURRENT RAISED WALKWAY AS FAR AS THE DINGHY PARK RAMP IN ORDER TO REACH THE NEW BRIDGE FROM EMSWORTH. (SEE MAP A). MAYBE THIS IS PART OF THE PLAN BUT IT ISN'T SHOWN ON HAVANT B.C.'S SKETCH OF THE PROPOSAL.

\* IF YOU EXTEND THIS WALKWAY, PLEASE COULD YOU INCLUDE A COUPLE OF ~~PAIR~~ METAL RINGS IN THE SEAWARD FACE, FOR OWNERS OF SMALL BOATS TO TEMPORARILY TIE THEM UP AT HIGH WATER. AND (MORE IMPORTANTLY) PLEASE COULD YOU EXTEND THE BOTTOM OF THE PUBLIC SLIPWAY AT THE END OF WARBLINGTON RD, SO THAT IT REACHES THE COUNCIL. THANK YOU !!!



② TO THE WEST OF THE PROPOSED BRIDGE, HEADING TOWARDS LANGSTONE, THE COFFIN PATH IS USED AT HIGH WATER TO REACH WARBLINGTON CEMETERY & THENCE THE SHORELINE NEAR POOK LANE END QUAY. HOWEVER, THE SHORELINE WEST OF POOK LANE END QUAY & NEARLY AS FAR AS LANGSTONE MILL POND IS LOW & IS COVERED BY THE TIDE FOR QUITE SOME TIME BEFORE & AFTER THE CURRENT BRIDGE IS COVERED. IF THIS SECTION IS TO REMAIN UNCHANGED, THERE IS NOTHING TO BE GAINED FOR WALKERS BETWEEN EMSWORTH [LANGSTONE] BY RAISING THE BRIDGE AT NORE BARN WOODS. (SEE MAP B)

Annex 3: MCA/SHE2/R/25/SHE2358 and MCA/SHE2/R/26/SHE2359

Email received alongside the representation form from [redacted]

From: [redacted] [redacted]@soton.ac.uk

Sent: 13 November 2019 08:36

To: SM-NE-South Coastal Access (NE) <[southcoastalaccess@naturalengland.org.uk](mailto:southcoastalaccess@naturalengland.org.uk)>

Subject: Coastal Access Report representations

Hi

Please find attached 2 No Coastal Access report representations from both myself and [redacted].

## OFFICIAL SENSITIVE

We are making this representation to challenge the provision of the proposed structure which we believe will have a negative impact on the coastal path and the aesthetics of the local environment. A mass concrete structure which will be an eyesore on the landscape as well as acting as a dam when the water does breach the height will also cause water to back up to the Gardens with Maisemore Gardens. We have enjoyed living in this areas for many years and love the natural landscape of the beach. Providing a mass concrete promenade which only serves the purpose of aiding those people who cannot read a tide table of plan a walk given the tides. A walk which would already be interrupted at locations before (Langstone) or Pook Lane and After on the approach to Emsworth Sailing Club.

I do not understand how "Natural" England can believe pouring an ugly mass concrete structure to raise ground levels will improve the environment. I am also keen to understand how you plan to pass the entrance to the Dinghy Park which will also have water covering the ground.

The existing bridge is a focal point for visitors and children who love to play poo sticks and sit on the wall. The new structure will spoil the low intervention structure and create the feel of an industrial type structure which will impact on the vusual aspect of this section of land.

If this were a pure planning issue I am sure there would be far greater opposition. But as this has been hidden under the radar without any formal consultation with residents many are not aware of the plans.

Kind regards

[redacted]

Annex 4: MCA/SHE Stretch/R/11/SHE0008

Photographic examples of people using mobility vehicles on various terrain



Disabled Ramblers: Tidworth Ramble May 2019



Disabled Ramblers: Tidworth Ramble May 2019



Disabled Ramblers: Tidworth Ramble May 2019



Disabled Ramblers: Godrevy Ramble June 2019





Disabled Ramblers: Winchcombe Ramble Oct 2019



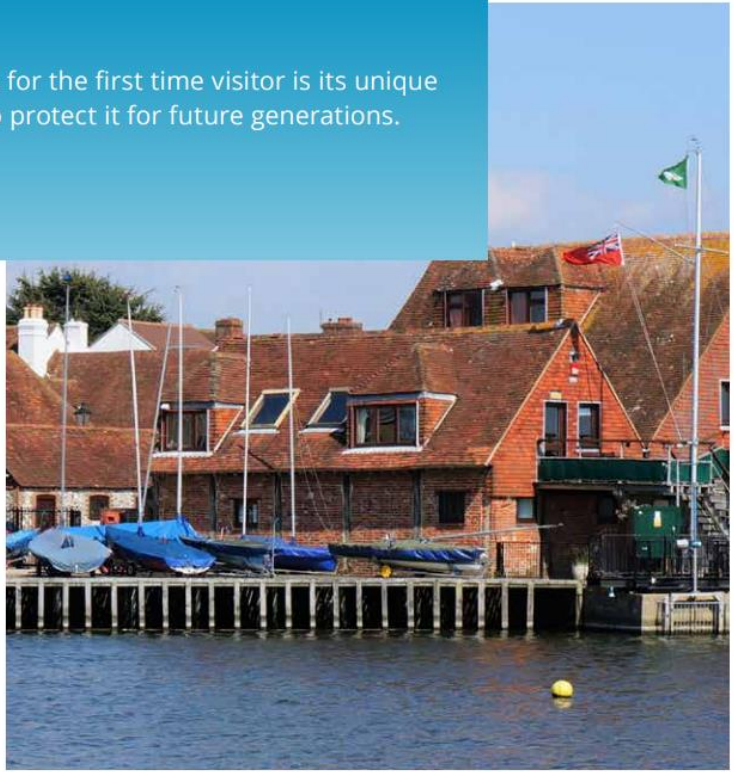
Disabled Ramblers: Bradgate Park April 2019

## WATERFRONT

The memorable image of Emsworth for the first time visitor is its unique waterfront. These policies set out to protect it for future generations.

### *Policy Objectives*

- To avoid harm to areas designated for their ecological importance, whilst ensuring that a network of habitats is maintained.
- To open pedestrian, cycle and visual connections to adjacent marshland landscapes by providing and maintaining a waterfront edge route.
- Manage the threat of flood by safeguarding flood plain functions and ensuring that such measures necessary to protect the area are undertaken.
- Enable development potential to be realised by addressing capacity issues on the local sewerage and surface water network.



### Waterfront Context

Emsworth comprises residential neighbourhoods, open spaces, nature reserves, employment space, farming fields and a popular town centre, edged by the waterside. Unlike many towns which developed around the railway line, this arrived later than the shipping trade, and Emsworth therefore has a much closer relationship with its waterfront than other similar coastal settlements.

Emsworth is vulnerable to flooding and the Havant Borough Council Local Plan addresses this in its policies. It is essential for the town that such policies are strictly adhered to, especially in a time of rapid global climate change.



Figure 9 — Waterfront Context

### Coastal Path

The highlighted coastal path stretches for around 4km. This route makes for an interesting walk, with different types of environment encountered along the way. Residents can gain health and leisure benefits from the coastal path, with its accessibility allowing more chance for regular exercise, benefiting both body and mind. The route provides the space for social interaction, with chance encounters with friends being more likely as pedestrians pass each other.

The unique promenade experience allows people to walk “across the water” with dramatic views in a variety of directions. This is an attractive route for tourists, which brings economic benefit to the town and surroundings.

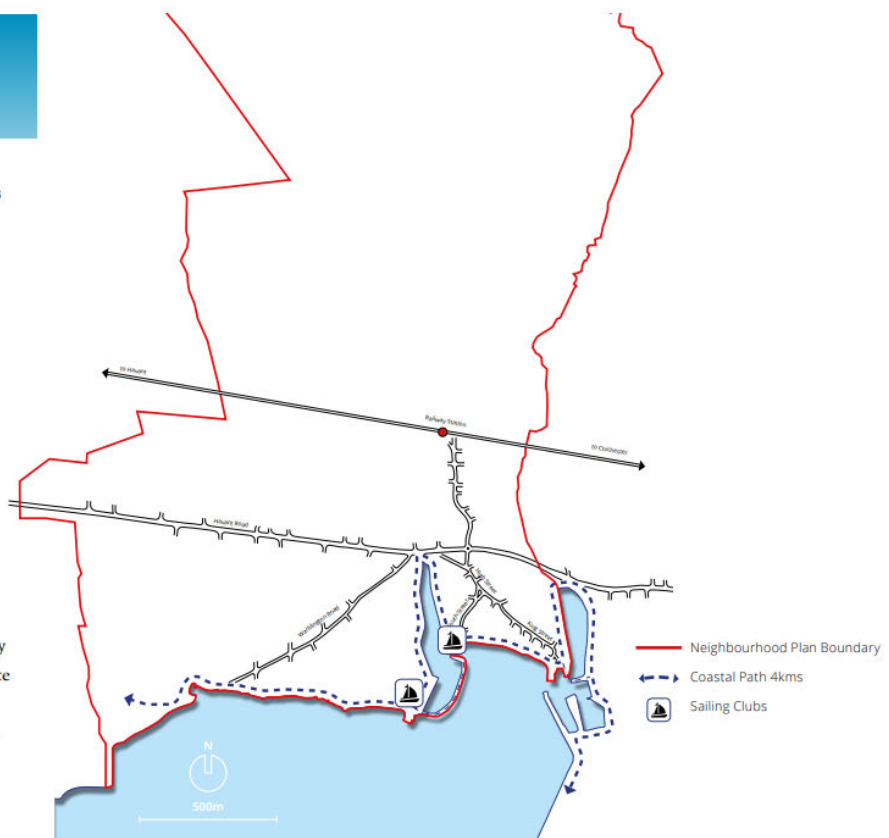


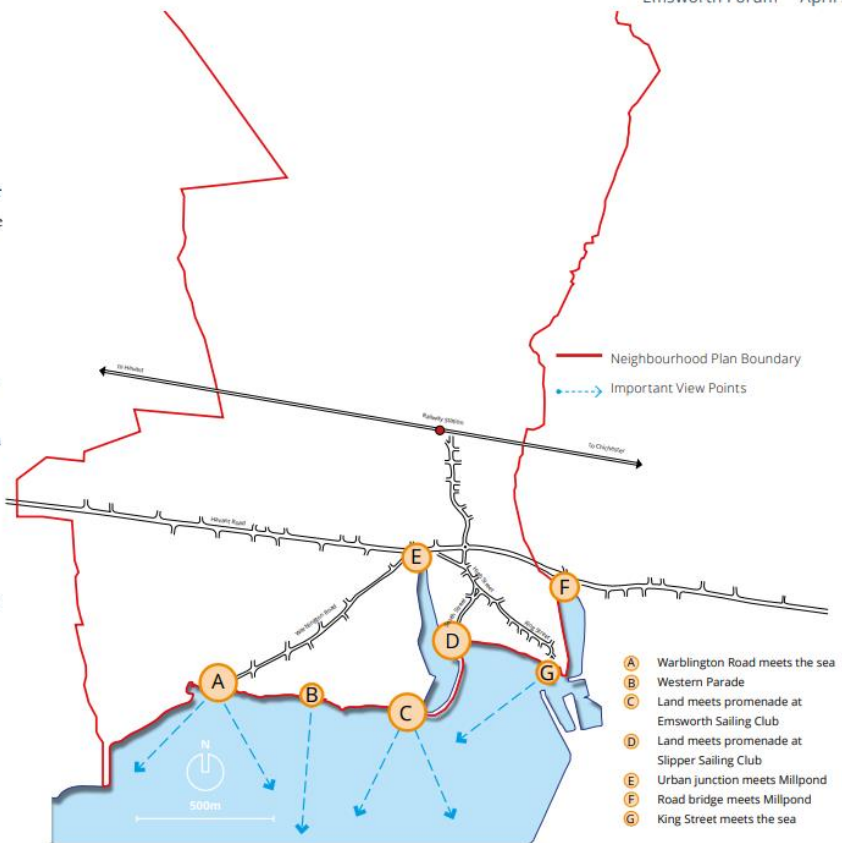
Figure 10 — Coastal Path

## Focal Points

Points of interest along the coastal path make for a pleasant and more engaging walk. The distance between “stopping points” averages at around 350m along the 4km route, which allows those less mobile to undertake the route, or parts of the route, without it seeming too daunting.

As one moves along the path, the series of views give changing perspectives on the waterfront. The different types of location include the urban landscape, the meeting of roads and water, boats moored and moving, and where views of the land and sea can be glimpsed from different angles.

Along Western parade, there is a wide view over the sea and out to the horizon. Other points along the route give views across to the land opposite, and the slip ways make useful and interesting features where the urban centre meets the sea. Two sailing clubs illustrate the continuing close link with the larger harbour.



**Figure 11 — Focal Points**

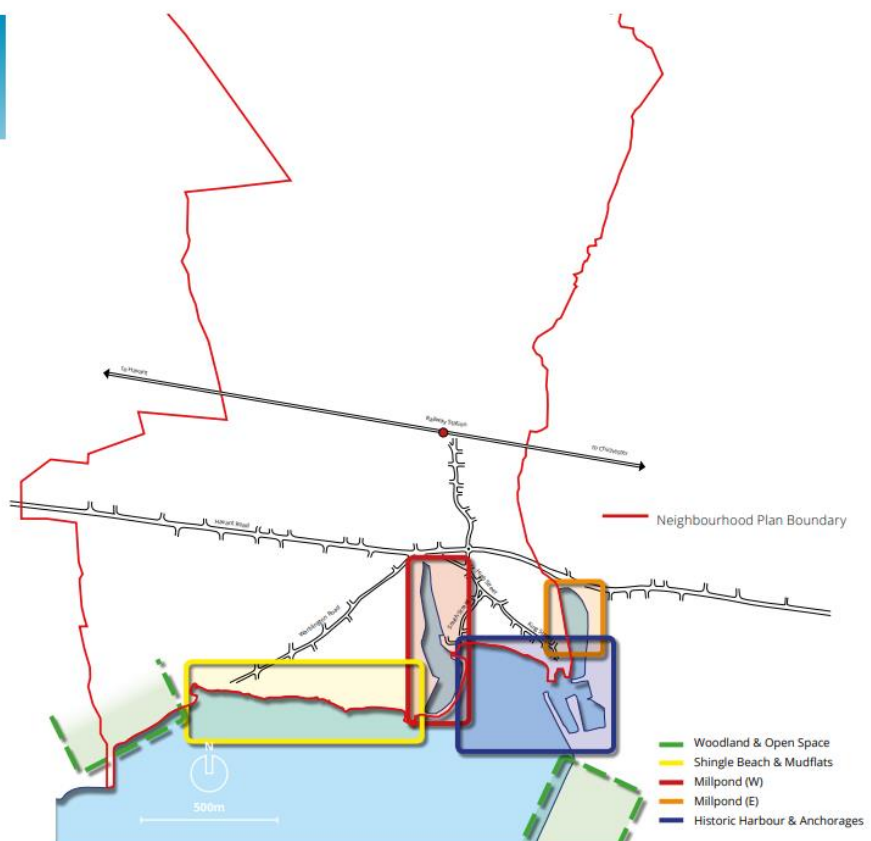
## Waterfront Character

Emsworth's unique waterfront is made up of five distinctive character areas. The green areas depict fields, paddocks, wetlands, and where the countryside edges flank the main waterfront.

The yellow highlights the shingle beach, one of two sailing clubs, a dinghy park, and mudflats. Millponds, west and east, are outlined in red and orange respectively.

Bath Road and Bridgefoot Path border the western millpond, overlooked by homes on either side. This area is an attractive location for tourists and locals, where families can feed the ducks and enjoy the waterfront while staying close to the town centre.

Lastly, the blue area depicts the harbour, which remains a hub of activity.



**Figure 12 — Waterfront Character**

**POLICY WF1****Public Enjoyment of the Waterfront**

- a) Except in exceptional circumstances, any new development on any waterfront site shall provide public right of access to the waterfront.
- b) Any developments or proposals that increase public access to the waterfront must not have a significant effect on protected species and/or habitats in the harbour.
- c) Applications for new development on waterfront sites should include an appraisal of options for the provision of public spaces and leisure amenities, including slipways and moorings, and must explain clearly how the proposals have taken account of this appraisal.
- d) Applications that support the delivery and enhancement of Natural England's England Coastal Path project\* when relevant to land within the Emsworth neighbourhood area, will be supported.
- e) Community involvement and consultation should be carried out as part of the planning application process for any proposal that affects public enjoyment of the waterfront.
- f) Any new development should ensure the safeguarding of coastal defences.
- g) Proposals that seek to repair the promenade will be supported.

\* England Coast Path: improving public access to the coast, Natural England

Annex 6: MCA/SHE2/R/48/SHE0670 – Signatures of people supporting the path improvement plans, provided by [redacted].



SHE2 @ SO25

Photos to show high tide flooding of this stretch of path . Looking EASTWARDS at high tide

If project proceeds, raised path would come to about here, by which time it would disappear into the shingle



SO26  
End of existing raised path

Deepest water for walkers—can be 75cm deep here at tides above 4.6, for an hour or more.

Looking WESTWARDS towards the flooded bridge (SO24)

SO23 People paddling from Nore Barn Woods towards the bridge—notice parapet visible at this stage of the tide.



The traffic arm across the bridge (SO 24) is barely visible. Parapets of bridge under water as well. Course of stream invisible. Walkers often try reed bed behind bridge. There's a hidden pond there but no other bridge or route across the stream



From SO24 Looking EASTWARDS over the flooded bridge to raised path



In the distance SO 26—the raised path outside 50 Maisemore. 100 yards of paddling/wading required to get there from the bridge at high tide going eastwards. Or a lengthy diversion via the main road. In foreground—SO24 bridge

Annex 7: MCA/SHE2/R/48/SHE0670

Photos to show high tide flooding on this stretch of path. Provided by [redacted]



OFFICIAL SENSITIVE

Annex 8: MCA/SHE2/R/48/SHE0670 – Photos of a lady falling into the stream by going into the reed-beds to avoid the high tide. Provided by [redacted]



**January 2016 - This lady fell into the stream by going into the reed-beds to avoid the high tide**[Text Wrapping Break]

Annex 9: MCA/SHE2/R/48/SHE0670 - Solent Way Upgrade Project Supporting Information  
Compiled by [redacted] June 2017

# Solent Way Upgrade Project

**Supporting Information**

Compiled by [REDACTED] June 2017

The Solent Way Upgrade Project is supported by  
The Friends of Nore Barn Woods  
and Havant Borough Council



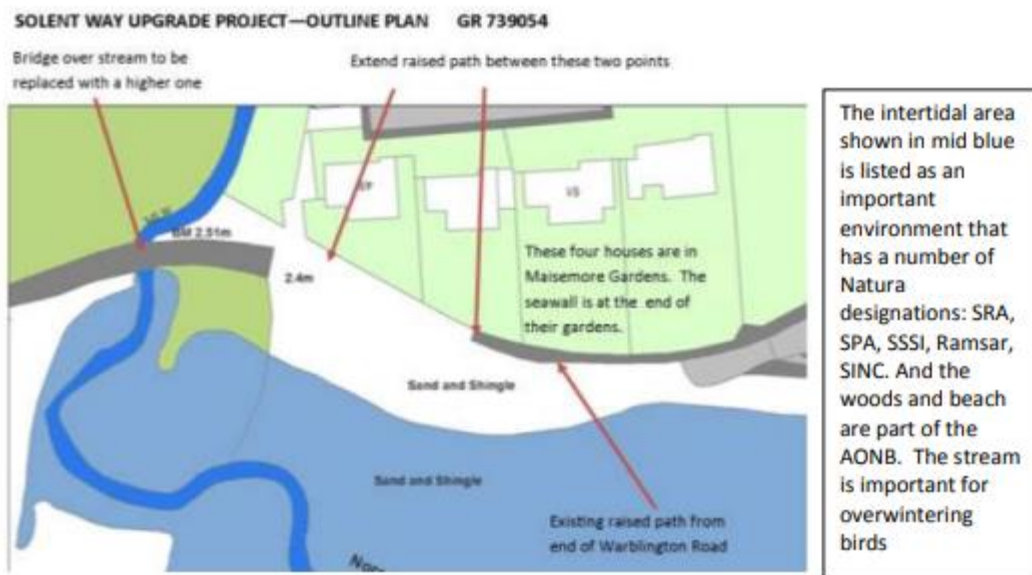
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## INTRODUCTION

### 1 Location

The project location of the Solent Way Upgrade Project is at the western edge of Emsworth as the path goes into Nore Barn Woods. It falls within the Chichester Harbour Area of Outstanding Natural Beauty and is close to the boundary of the Chichester Harbour SSSI, SPA, SCA and RAMSAR designated sites. It is also close to the boundary of a SINC. This stretch of path is very well used by local residents and visitors. It is also of historical interest being the route of the medieval 'Coffin Path' between Emsworth town and Warblington Church. It is a key point on the route out of Emsworth towards Langstone, where the housing ends and the countryside starts. It will be part of the Natural England Coast Path.

### 2 Current Situation



Currently the project area floods at two points at high tides. The tide covers the route of the path at the foot of the seawall at the foot of [REDACTED] by as much as 70cm of water for a short stretch, then further west as the path crosses Nore Farm stream the old bridge floods so walkers are obliged to try and wade. Some try to avoid the flooded bridge by going into the reed-beds to the north of the bridge endangering both themselves and this environmentally sensitive area. This tidal situation can happen twice a month for several days at a time. (When barometric pressure is low there is a much greater flood risk.) Although tide levels can be predicted, barometric pressure cannot, so it is difficult to estimate how frequently this stretch of path is under water. Highest tides reach 5.1m, sometimes for several days at a time. Walkers proceeding from Emsworth to Warblington have either to wait for about 2 to 3 hours, risk wading, or divert a considerable distance

inland up Beach Road, left along the A259 and back down Selangor footpath to avoid the tidal flood.



In January 2016 the lady in blue fell off the bridge. Unable to see the edge of the bridge because of the high tide, she fell waist-deep into the stream. Fortunately other walkers helped her out of the water. Others tried, in vain, to go via the reed beds.

## 2 Aims and Proposal Outline

The local Project Team has come together to find a safe, relatively low-cost solution to this major obstacle to walkers when the Solent Way here floods at high tides. The flooded areas can be dangerous and difficult. The project aims to provide a drier, safer and altogether more pleasant experience for those using the path, while being mindful of environmental considerations and clearly funnelling footfall away from environmentally sensitive areas. This is also an opportunity to keep dogs off the saltmarsh as the path route with its parapets on the bridge approaches will make the path route clear to dog owners. This work is key for a stretch that will be part of Natural England's Coastal Path.

The project is twofold: first to extend the raised (80cm high) walkway which runs at the foot of the seawall, further along to the west thus addressing the low point that currently floods. Secondly the old bridge can be replaced with a robust, cost-effective, long-lasting and safe model that will occupy a similar footprint but be at least 30cm higher than at present (with a higher parapet) so making it passable to walkers who will be channelled onto the route across the bridge with extended approaches. This should significantly reduce the footfall on the salt marsh area both east and west of the bridge. (It could also help keep dogs away from the saltmarsh area nearby.) The proposal also builds in a large mitigation area to the west of the bridge to offset the small strip of land required to extend the raised path. (See Drawing attached)

The Solent Way here is planned to be part of the England Coastal Path (to be launched 2020) which will join up a number of existing paths. Natural England Officers are finalising the Chichester Harbour section of the route now. This is a key stretch of the route which is currently impassable at times. If this proposed project is carried out it means much safer access for all and it will sustain and future-proof this well-used stretch of the Solent Way.

### 2.1 Project parties

This is a community-led project. A team of local people has been active for 20 months (the Solent Way Upgrade Project team). They are working with the support of the Friends of Nore Barn Woods and with engineers at Havant Borough Council. They have been assisted by local Councillor [REDACTED]

The team has been in consultation with bodies including: Natural England; The Environment Agency; The Solent Recreation Mitigation Partnership (now Bird Aware); The Land Registry; Chichester Harbour Conservancy; Friends of Chichester Harbour; The Marine Management

Organisation; The Ramblers Association; The Royal Society for the Protection of Birds; Hampshire and Isle of Wight Wildlife Trust; Walkers are Welcome, local residents associations and other local Councillors. Official public consultation will take place in the next few months but there have been handouts and notices circulated outlining the project plans. Already public input has led to slight modification of plans.

## **2.2 Specification/Design (see attached drawings)**

### **Part 1- Path extension at foot of sea wall**

This will be built in the same way and to the same height as the existing raised path at the foot of the seawall and taken to the point where it will reach the same level as the banked shingle (About 6m short of the private dinghy park ramp). The current raised path is a maximum of about 80cm above the level of the foreshore. The foreshore level rises towards the planned western end of this raised path.

### **Part 2- Rebuild the bridge and surface the approach paths**

The existing dilapidated low bridge will be replaced using simple pre-cast concrete culvert sections (3 of them) to create a bridge allowing free flow of the Nore Farm stream. The central surface of the new bridge will be about 30cm higher than the existing bridge, then there will be raised parapets continuing down the approach paths. Surfacing of the approaches to the bridge has been carefully designed to make them as aesthetically acceptable as possible but also to meet the demands of those who will be responsible for the path's maintenance in future (Hampshire County Council and Havant Borough Council). The unsightly concrete aprons currently abutting the bridge will be removed. The approach paths to the bridge will be surfaced to be resistant to any storm erosion. Concrete finished as in the drawings, to make it look as good as possible. The path surfaces either side of the bridge will have raised sides (30cm) clearly showing the edges to make the walkway safer, more obvious and more robust.

### **Part 3 - Re-route part of the path on the west side of the bridge**

This realignment of the path on the west side of the bridge will avoid the area which has become badly trampled as people 'short-cut' across it. This will provide a mitigation area of about 170sq m. The more apparent change in levels produced by the project between approach path and beach/saltmarsh will deliberately make the 'short cut' difficult, especially as its surface will be loosened/scraped and the area roped off during the work and for a settling period afterwards. Advice will be taken on whether any planting of grasses etc is recommended. Roping the area off will encourage re-colonisation by saltmarsh grasses, and keep people a further away from the stream (and its birdlife). So these changes will all help direct walkers and their dogs along a safer, more direct route which will also help prevent damage to the foreshore and saltmarsh.

## **3 Method Statement (See Design and Access statement attached)**

See appendix. Drawings as above show outline plan.

### **3.1 Access/Compound/Machinery**

A compound for the works will probably be based at the end of Warblington Road. Very careful use of machinery will be necessary to prevent damage to the foreshore. Currently light commercial vehicles use the foreshore and bridge regularly for HBC's litter collections. Some tracked vehicles (under 10 tonnes) will be necessary during the project work. These

have been used along this beach on previous shore protection programmes managed by East Solent Coastal Partnership. Timing of the work will be within the parameters specified by Natural England to avoid disturbance of over-wintering birds. Care will be taken to avoid work during Spring Tides. Contractors will guard against diesel spillage/silt leakage, dust and noise pollution etc. HBC will give contractors guidance and the contractors will submit method statements for approval by HBC.

#### **4. Safety**

- A public footpath temporary closure order will be in place for part of the duration of the works to reduce the risk to members of the public
- A risk assessment will be provided by the contractor
- The contractor will hold full public liability and employers liability insurance
- Signage will be installed to advise the public both before and during the project
- All equipment will be operated by fully qualified personnel
- All personnel will be equipped with appropriate PPE
- All materials and plant when not in use will be stored in a secure compound

#### **5 Environmental Considerations**

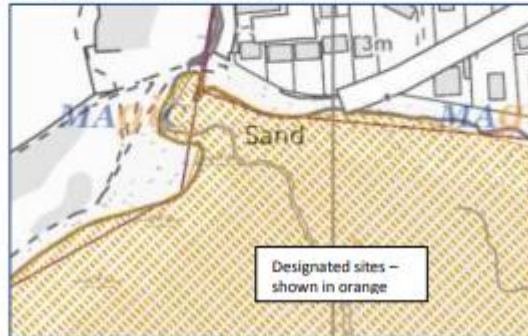
The project location lies within a sensitive part of Chichester Harbour both in terms of landscape and nature conservation. It falls within the Chichester Harbour Area of Outstanding Natural Beauty and is close to the boundaries of the SSSI, SPA, SAC, RAMSAR and SINC sites. (see map on P7).

This proposal is in line with the four guiding principles for the AONB as outlined by Chichester Harbour Conservancy. The proposed minor works, which are in the public interest, must be carried out in a way that ensures that there will be no significant or lasting impact on the European-designated sites. The project team is in contact with the Environment Agency/Natural England/HBC about this. The project team members are all local residents with an appreciation of the various habitat protection areas and a clear understanding of the overwintering birds (especially waders and Brent Geese) and the vulnerable salt marsh environment. The advice of experts has been taken and plans adjusted several times in order to have the minimum impact on the environment and wildlife. Plans have also been adjusted in view of feedback from local people.

The proposed project will lead to a small loss of barren beach/shingle area of approximately 46m<sup>2</sup> in order to extend the existing raised path. This, however, will be offset by a habitat gain of approximately 170m<sup>2</sup> of SSSI by realigning the footpath to the west of the bridge.

The surface of the badly trampled existing route to the west of the bridge will be scraped/loosened to allow saltmarsh plants to re-colonise the mitigation area. It will be roped off temporarily until re-established. Overall, the project will lead to a significant gain of intertidal habitat. It will bring appreciable environmental benefits in channelling footfall away from the intertidal area and the reed-beds and focusing walkers on to the direct approaches to the bridge. Being compliant with the Havant Biodiversity Action Plan, this project will contribute positively to the recovery of coastal salt marsh in this Biodiversity

Opportunity Area. It will also significantly help prevent footfall on the brackish lagoon environment in the reed beds to the north of the bridge.



Map showing boundary of SSSI, Special Protection Area, Special Conservation Area, RAMSAR site etc. (Natura protected areas.) It is mainly intertidal habitat with some salt marsh and mudflats further out. The site is treeless. The site of the works is close to these boundaries – especially the bridge. NB Orange dashes show the designated areas which all share a similar boundary here.

As part of the AONB there is planning guidance from Chichester Harbour Conservancy on preserving the look of the landscape whether viewed from land or sea. The project has been through several iterations of design of the bridge to ensure that there are no more railings than necessary and the bridge itself, though of concrete construction, will be brick-faced on part of its south side. This will be a more acceptable look to the finish of the bridge and more in line with the Harbour Conservancy guidelines. **(See Bridge -artist’s impression document)**

**6 Land Drainage and Flood Risk**

The location of the project site is classed as Flood Zone 3 and has a moderate risk of flooding (1 in 100 years) according to the Environment Agency’s Flood Map (excerpt below). The Project Team has been advised by the Environment Agency that a bespoke permit may be necessary for this work to be undertaken. We believe that this project supports the objectives in the local River Basin Management Plan. We know the EA is generally not in favour of culverting but this plan would slightly reduce the footprint of the current bridge to comply with EA advice. These culvert sections will only be used to form the bridge structure and we are assured that the greater water flow allowed by the culvert than the existing bridge aperture will be an advantage.



Environment Agency Flood map excerpt. Dark blue line = main river (Includes Nore Farm stream). Blue shading = Flood zone 3



It is understood from the Environment Agency that the work must take place within the rules of the River Basin Management Plan. As the map below shows (blue line) the lower section of Nore Farm Stream is a Water Framework Directive (WFD) waterbody. The project team has considered opportunities to implement measures to enhance the quality of the waterbody and the work undertaken will be carefully directed to ensure that the waterbody is not damaged. The bridge works, taking account of advice from the EA, will have a low and temporary impact on WFD receptors. We understand from the EA that there are no water voles in this waterbody. Further consultation with the EA is currently in progress.



**Rivers in red** – designated main rivers by Environment Agency  
**Blue lines** denote a Waterbody recognised by the E.A.

### 7 Land Ownership

The land at the project site is currently with two parties: The seawall adjoining the raised path is managed by Maisemore Gardens Ltd (MGL) who hold the freehold of the estate behind the seawall. They do **not**, however, own the current raised path at the foot of the seawall. Ownership of this feature has **not** been definitely established, despite searches with the Land Registry, HCC and HBC. Local knowledge seems to put the date of its construction as during the 1970s. (NB Chichester Harbour Conservancy resurfaced this stretch of path in 2014 and may have some interest in it). The land to the west of the bridge is owned by Havant Borough Council (HBC). The conveyance document shows that ownership of Nore Barn Woods changed from private hands to the local council in the 1950s. The boundary of the land HBC owns passes down the middle of Nore Farm Stream, so the current bridge is at least partly owned by HBC. Ownership of the small triangle of land between the private dinghy park and the bridge is not clear (and it may be vegetated foreshore) but an advertisement will request any unknown owner to come forward.

### 8 The Future

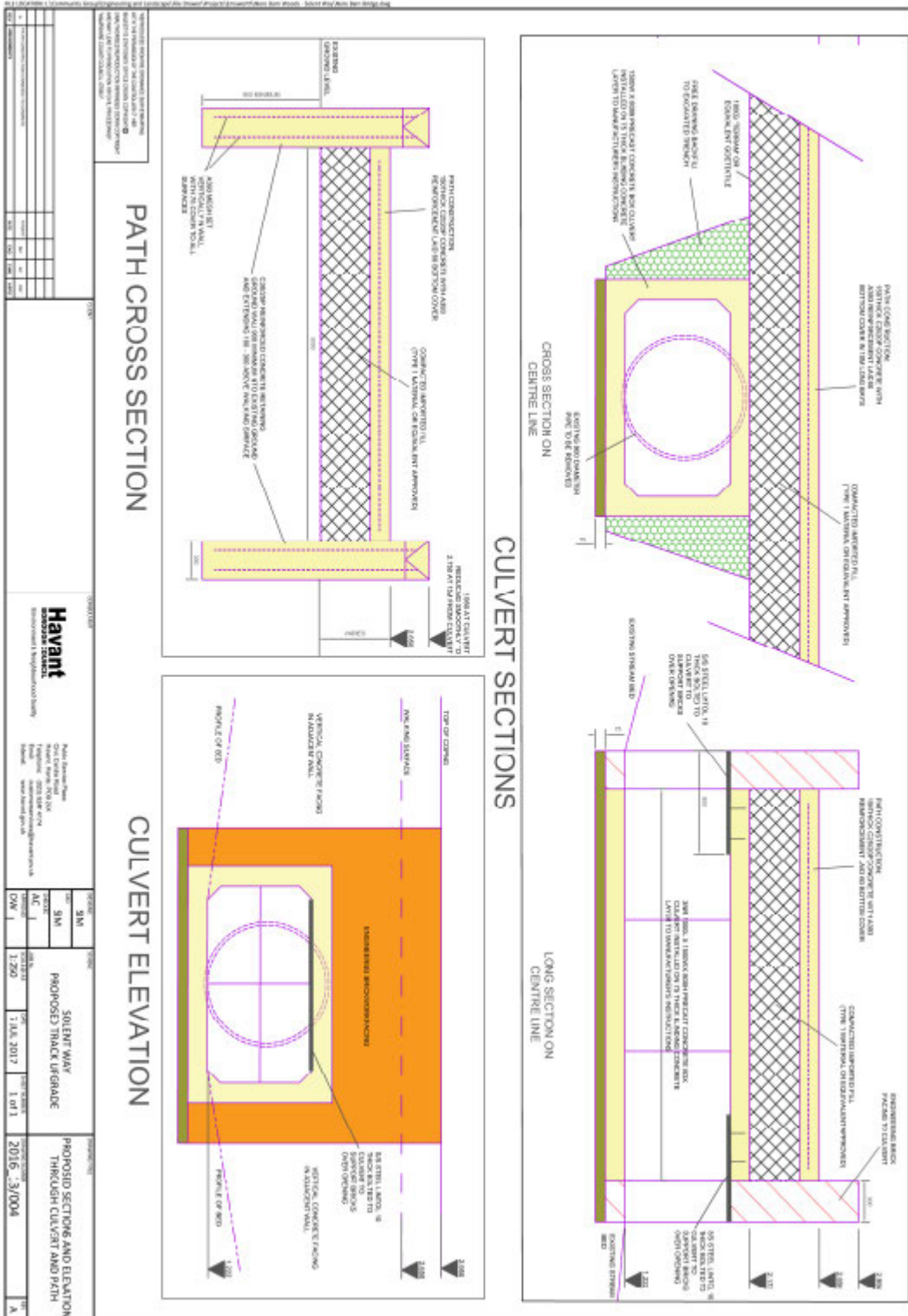
This section of the Solent Way is designated to be part of the England Coastal Path. Once that is officially launched and recognised in 2020 the paths will, from then on, have to be maintained by Local Authorities through a Trail Partnership. The bridge and its approaches are in a poor state of repair so this is a timely project.

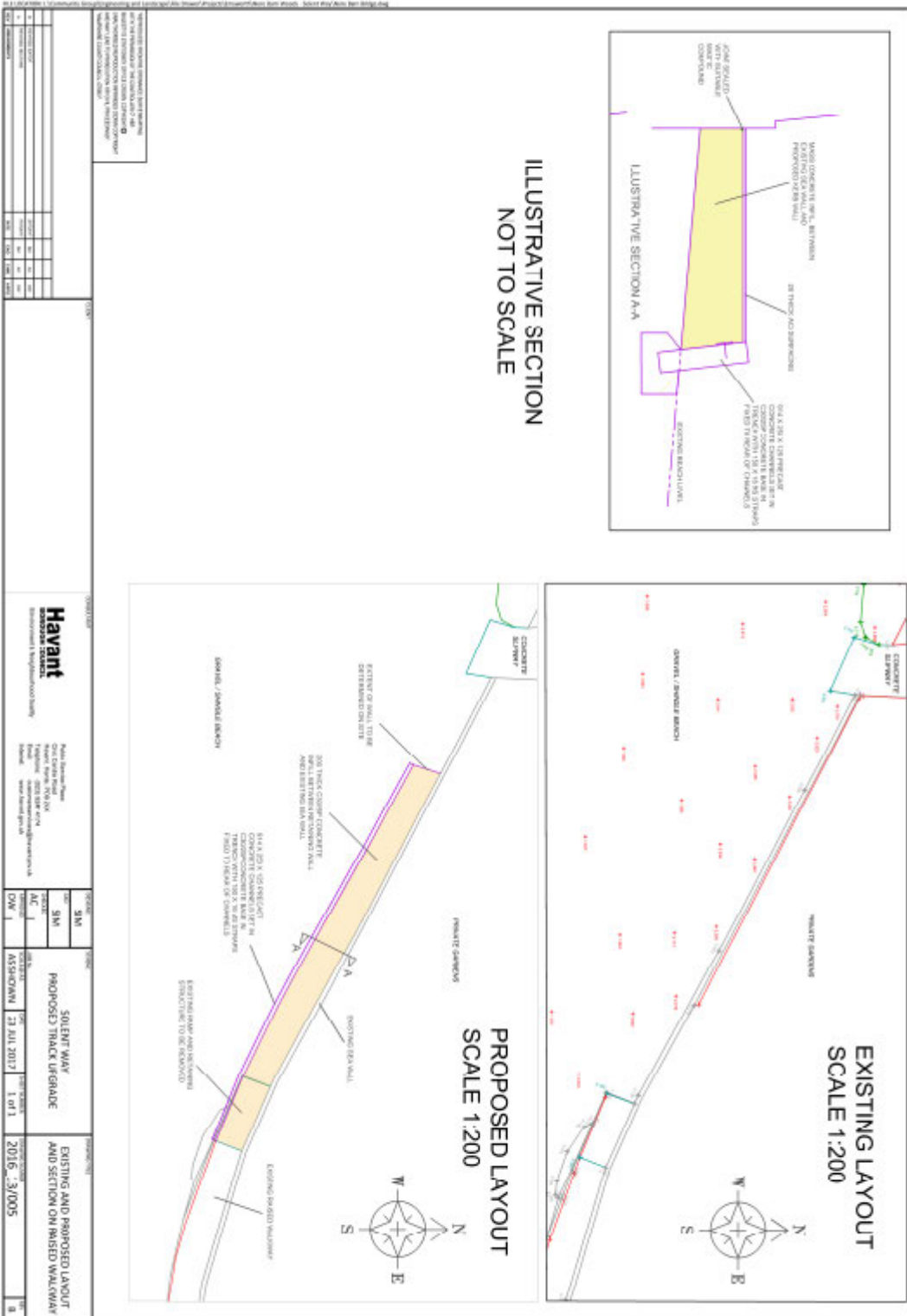
Sea level is expected to rise. (Government estimate is approx 50cm in the next century). Raising the level of the surface of the bridge will only become an even more pressing problem as time goes by if this cost-effective work is not completed. The design and strength of the new bridge structure will enable the surfaces to be raised further if necessary. All the time the bridge is not improved there is a significant risk to public safety. The project team commends these plans to the decision makers for consideration as a vital and timely community-led project.

MG 6/17









## Solent Way Upgrade Project from Warblington Road to Nore Barn Woods

This path requires improvements to two sections to improve accessibility:

**Section 1** : extension of raised path adjoining seawall. Needs to be 15 to 20m longer with a width of 180 cm and height of 80cm (plus foundations). This to extend the existing raised path. The western end of the path should go into the shingle base. The privately owned ramp from the dinghy park would not be compromised.



Current raised walkway is faced on the seaward side with concrete 'sleepers' then infilled with stones and surfaced with tarmac. It is sound. The proposed extension would match the design.

## Section 2—Avoid the tidal water going over the bridge at high tide.

The plan is to replace the (damaged) bridge so it is higher in the centre with approaches also higher than now.

There would also be a slight diversion of the footpath to the west of the stream thus returning some intertidal land to its natural state. (Mitigation ar-



This is the bridge as the water rises towards high tide. (4.6m and higher). The low parapet can be covered at Springs and the water can be very deep especially when barometric pressure is low.



**Left:** Only the top of the bridge parapet visible in March 2015. It is not unusual to be this high—and at most higher tides there are several inches of water over the centre of the bridge and extending either side. This is when walkers try the reed-beds in the hope of finding an alternative route. They may not be ready for the concealed pond in the reeds, and there is no other route here.

**Below:** Looking east at low tide—the dilapidated bridge over the stream. It has been repaired but is not in good condition and concrete approaches and aprons either side are very patchy and unnecessarily large. Approaches and bridge need lifting.



## **SOLENT WAY / WAYFARERS WALK IMPROVEMENTS, EMSWORTH**

### **DESIGN AND ACCESS STATEMENT**

This Design and Access Statement is prepared in support of the planning application for work to the Solent Way / Wayfarers Walk at Warblington Road, Emsworth. The Solent Way and Wayfarers Walk are two long distance footpaths, linking Emsworth with New Milton and Inkpen Beacon respectively. The route is a right of way, being part of Havant footpath 56, and formerly 'Church Path' linking Emsworth to Warblington Church, historically being used, among other things, as the route for funeral cortèges before the days of Emsworth having its own church.

The path will form part of the English Coastal Path (ECP) proposals for which in this area are currently being developed by Natural England for implementation in 2019. The proposed works offer good synergy with the ECP programme by creating a route which will avoid a 1.5km diversion away from the coast in all but the most extreme conditions.

### **EXISTING SITUATION**

The proposal addresses two key areas, both of which limit the effectiveness of the right of way as a long distance path.

- a. **NORE FARM STREAM:** the path crosses the stream by means of a bridge. The bridge is formed from a 900mm diameter concrete pipe faced with brickwork and it is believed this was built in its present form in the 1940s replacing an older structure and before that a ford. This structure is used by Havant Council for maintenance access into the woods, and is showing increasing signs of structural distress. At its east end the bridge connects into the beach, and at its west end it connects into Church Path through Nore Barn Woods. At the highest tides, the bridge and / or its approaches are inundated, and people using the path force their way through adjacent reed beds causing damage and disturbance. Either side of the bridge there are concrete apron areas which extend some way beyond the width of the right of way.
- b. **WARBLINGTON ROAD:** the path connects at its eastern end into Warblington Road. Here the right of way runs both along the head of the shingle beach and along a raised path which follows the line of sea defences which form the boundary to properties at the south end of Maisemore Gardens. This raised path does not extend the full length of the boundary however, and where it ends and ramps down onto the beach, again high tides can make this section impassable.

The proposal replaces the bridge with a new structure at a level designed to be passable at most states of the tide, and extends the Warblington Road raised path at a level which again remains above all but the very highest tides. At present, when the route is severed, the only alternative route is an inland route via Beach Road, Havant Road and the footpath opposite Selangor Avenue, a diversion of some 1.5km.

### **PROPOSAL**

The proposal comprises two elements.

- a. **NORE FARM STREAM:** replace the bridge with a new structure, with the stream water conveyed through a 3m long precast concrete box culvert. The conveyance capacity of the culvert has been chosen to increase the fluvial capacity for water passing downstream, thus reducing instances of flooding affecting Maisemore Gardens, whilst not increasing it to such a degree that tidal flooding becomes an issue north of the path.



Either side of the culvert, reinforced concrete ground walls will retain the path on both sides where it is higher than the adjacent beach. The walking surface is a 3m wide bound surface between the concrete retaining walls, set to levels such that the walking surface is above normal high tide but slightly below the level of the side walls to provide an edge stop in hours of darkness and maintaining the current situation. On the harbour side of the path, the face of the culvert will be faced with engineering brickwork to recreate the existing appearance of the crossing. The damaged concrete apron areas either side of the existing bridge will be removed and returned to the underlying beach material.

- b. WARBLINGTON ROAD: the existing raised path along the sea defences is formed from precast concrete channel kerbs laid on end, with the walking surface being tarmac laid on fill between the kerbs and the defence wall. This same detail would be used for the extension work, at the same level, thus providing a route above all but the highest tides.

As a right of way Hampshire County Council will maintain the surface in future and require a bound surface.

#### **VISUAL IMPACT**

The designs have been chosen to minimise visual impact. From the harbour, which is the only direction from which open views are possible, the bridge replacement will have the appearance of a low concrete structure rising from the beach, against a backdrop of distant trees and the adjacent reed beds and matching the existing concrete defences to the east. The path extension along the sea defence will match that existing, and will be the same colour as both the defence it is built against and the existing path which it extends. The area around the culvert will match the existing brickwork appearance.

The existing security gate which is currently located on the bridge will be replaced in a new location to the east of the bridge.

#### **ENVIRONMENTAL IMPACT**

Construction will be undertaken in such a way as to minimise soil disturbance and resultant pollution of the tidal water. Excavations will be undertaken at low tide with the stream water sandbagged into a channel away from the works. It is expected that the path will need to be closed for a short period whilst the old bridge is demolished and the new culvert installed.

The removal of the concrete aprons either side of the existing bridge, and the diversion of the shoreline path in Nore Barn Woods to connect to the bridge at its western end, will result in a net gain of inter-tidal habitat over and above that lost by the extension of the Warblington Road raised path and ramp. It is intended to manage this new intertidal habitat positively with input from suitably qualified ecological staff to ensure a successful addition to the harbour habitat.

By keeping the public to the clearly defined path, damage and disturbance to the adjacent reed beds will be minimised and again these will be positively managed to enhance their habitat value.

The design accommodates the ability to raise the elevation of the walking surfaces as sea level rises, by adding height to the concrete retaining walls.

June 2017



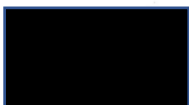
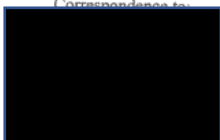
Annex 10: MCA/SHE2/R/50/SHE1170 – Representation Supporting Documents from [redacted] and [redacted]

SUPPORTING DOCUMENTS for  
OBJECTION from [redacted] SHE-2-5023-26  
and REPRESENTATION " " " SHE-2-5010-33

1

**MAISEMORE GARDENS LIMITED**  
Registered in England; No.714547

Correspondence to:



19 April 2016

Dear

Sea Wall

Thank you for your letter dated 16<sup>th</sup> April 2016 and your enclosure of £360.00 towards the costs. It was fortuitous that cosmetic damage caused by storm 'Katie' was also undertaken and paid for by MGL.

We are continuing our very serious monitoring of the wall and adjacent foreshore and have contacted at Havant Borough Council to enquire as to whether a report, following the storm, is being undertaken.

We shall, of course, if necessary take further professional advice.

Yours sincerely



on behalf of the Council of Management

*Document 1 - letter from Maisemore Gardens Ltd showing our seawall repairs payment*

Objection from SHE-2-5023-5026

~~and Representative SHE-2-5010-5033~~

This was circulated as described and M&L issued a copy to those attending the EGM. No date or signature is with this document, but it was accepted as genuine by M&L.



England Coast Path Delivery Team (South)  
Natural England  
4<sup>th</sup> Floor, Eastleigh House  
Upper Market Street  
Eastleigh  
Hampshire  
SO50 9YN

Natural England Project Note for Maisemore Gardens EGM - 9<sup>th</sup> December 2018 - Document corrected 14<sup>th</sup> January 2019

In 2015 we started work on the South Hayling to East Head stretch of the England Coast Path and wrote to land owners giving details of the England Coast Path (ECP), the long distance walking route around the English coast, which will pass through some of the most stunning and iconic landscapes of England.

Our duty under the Marine and Coastal Access Act 2009 is to make the proposals to the Secretary of State for the England Coast Path, which will also include an adjoining margin of land ('the coastal margin') where the public will also have a right of access on foot.

Our proposals under consideration here, are for the ECP to follow the route of the Solent Way along the Public Right of Way past the properties at Maisemore Gardens and across the bridge. After much deliberation the project team decided there was a need to ensure the route here was available at almost all states of the tide and improve the current situation. This is a change to our original thoughts but feedback from various stakeholders and interested parties led to us reconsider our proposals.

By creating this route, the public will no longer have to wait or turn back at this pinch point. Our proposals will form part of the long distance walking route and as a National Trail we felt it important to provide a route that could be used at almost all states of the tide. As such Natural England has decided to take on the original proposals put forward by the Solent Way Upgrade Team and the designs prepared by Havant Borough Council.

NE have not revealed who these are  
except Maisemore Gdn  
Ltd see it as a way of eliminating any further financial burden for maintenance of seawall.

The proposals are to extend the raised 80cm high walkway which runs at the foot of the seawall, further along to the west thus addressing the low point that currently floods. Secondly the old bridge will be replaced with a robust, cost-effective, long-lasting and safe model that will occupy a similar footprint but be at least 30cm higher than at present (with a higher parapet) so making it passable to walkers who will be channelled onto the route across the bridge with extended approaches.

It is 4 times LONGER on the plans.

\* It is blurred but the plan shows 90+cm?

- Document 2 from NE to Members of Maisemore Gardens Ltd for EGM
- Objection from [redacted] - SHE-2-S023-S026
- and Representation " " " " - SHE-2-S010-S033

We understand these proposals have been circulated to all the residents of Maisemore gardens and discussed at recent AGMs, where concerns and issues were raised. **We also understand that these proposals were aired at the 2017 AGM with a recommendation to support the plan and that no votes against it were received at that time.** Natural England apologise for incorrectly stating that a vote was taken, we were misinformed and understand that whilst the matter was discussed, no vote was taken on the issue at that time.

According to HBC, NE orchestrated the CIL funding of £85,000

Funding for the project will be covered by the England Coast Path project, whilst we would expect the on-going maintenance of the trail and any associated infrastructure to be covered by a Trail Partnership. We are working closely with the relevant authorities to ensure the raised walkway and bridge are constructed to a high quality that reduces the maintenance requirements. We are aware that CIL funding is also available.

We can't get any information as to whom this might be

They are 20m from raised walkway, we would be 7m.

We have spoken with [redacted] as the new raised walkway would increase the height by which people would pass the foot of their garden and **the loss of privacy they currently have** when seated in their garden. We are proposing to increase the screening/fencing here to prevent this loss of privacy but we are aware that the loss of some view by any screening is something Mr and Mrs Outram wish to avoid. We would anticipate this screening to continue at a similar height to that already in place at the neighbouring properties and are happy to consider any innovative designs that could prevent the loss of the view. However if screening was not wanted then we would remove it from any design.

and house. Absurd to think that any screening would block voice intrusion

We also understand the concerns that by not extending the walkway to the full extent of their garden wall, some form of scouring may occur that may cause damage to the existing sea wall. When any licenses are applied for we will investigate the likelihood of this and if necessary propose an extension of the walkway.

No idea what they are talking about NE have never discussed this.

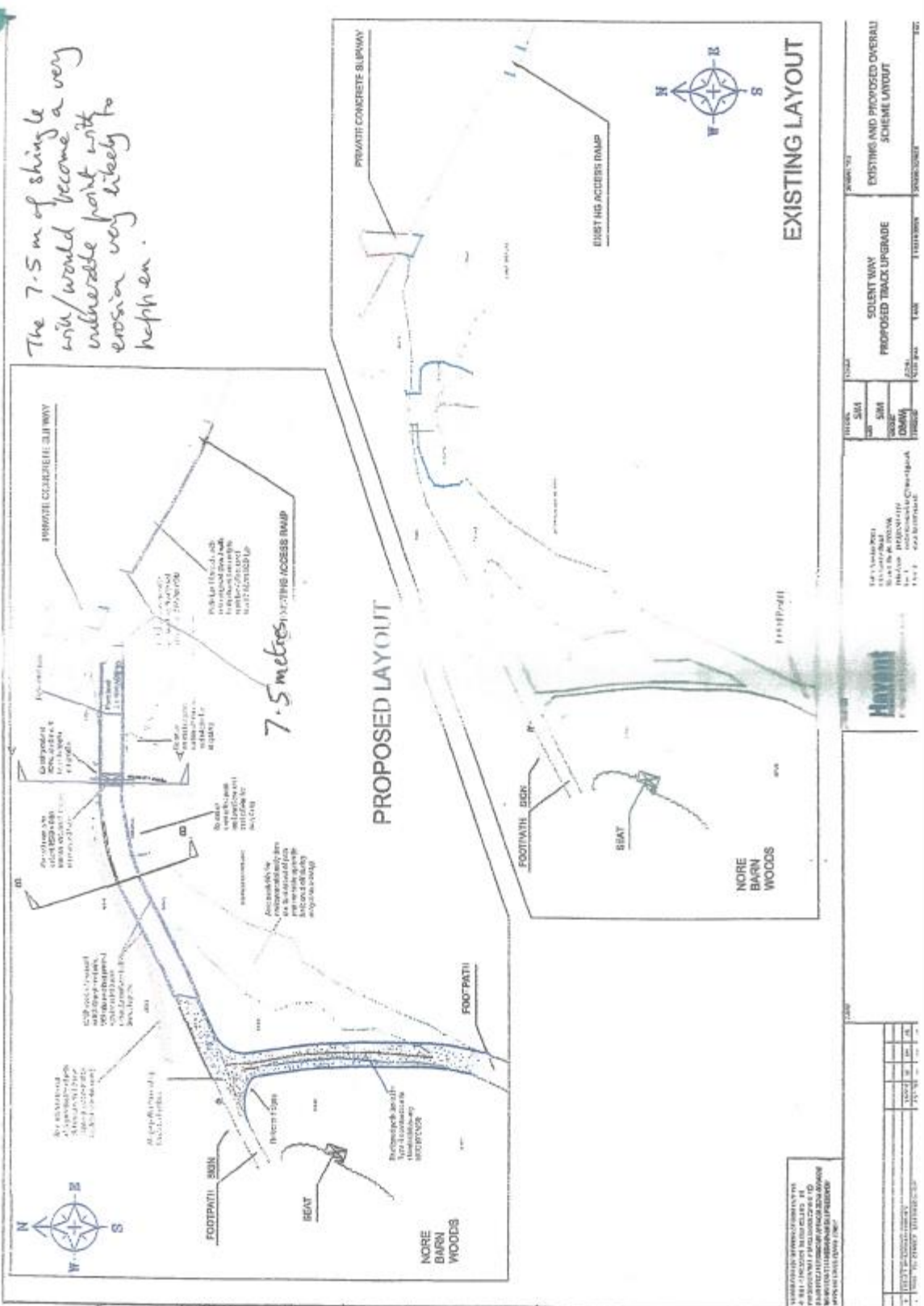
Natural England will work closely with Hampshire County Council, who will undertake the works. They have a strict tendering process that ensures all relevant licences and consents are applied for and that any works take account of existing infrastructure. Officers will have oversight of the project and special conditions can be put in place to ensure works take in to account the current sea wall and that no damage is caused to it during construction works.

Why do NE refuse to accept that we have a legal interest and we must be included in an such discussion

Publication of our final report is expected in Spring 2019 and it's important to note that there will be **no infrastructure works until the proposals have been approved by the Secretary of State** and that prior to this approval **landowners and affected parties will be sent the final proposals**, including guidance on how they may submit an objection or representation if they wish to do so. There is an 8 week period from submission of our report in which affected parties can object and anyone else can make representations on our proposals.

An independent inspector appointed by the Planning Inspectorate will then adjudicate on any objections and representations received before making a decision on whether to recommend the Secretary of State approves the proposals. This process is completely independent of NE and is designed to ensure we have proposed a fair balance between all parties.





The 7.5 m of shingle  
will/would become a very  
vulnerable point with  
erosion very likely to  
happen.

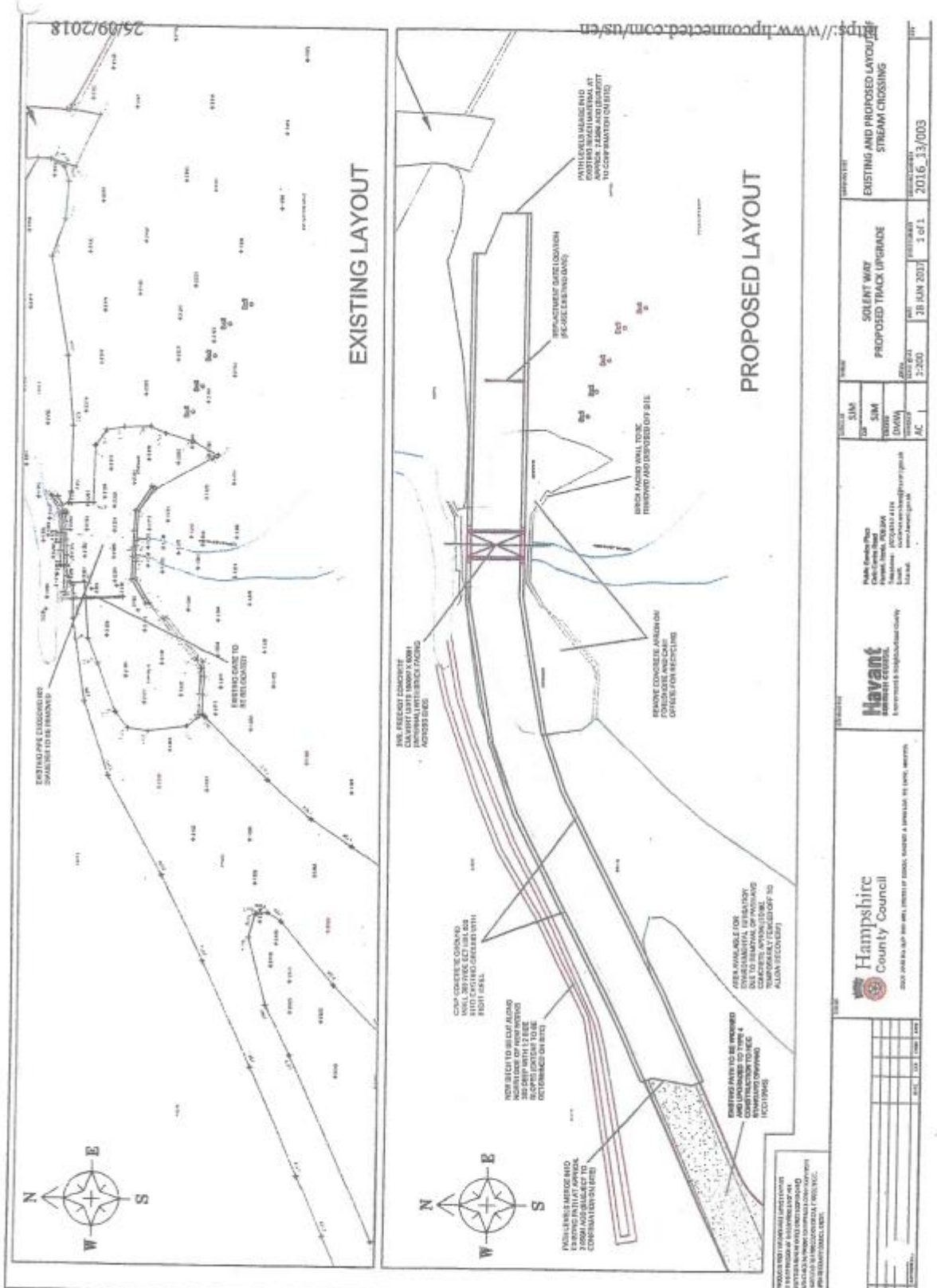
7.5 metres

98

Document 56: H&C plans for new bridge  
"Correction from [redacted] and Representation"  
SHE-2-5023-5026  
SHE-2-5010-5033

DATE: 11/01/2010	SCALE: 1:1000	PROJECT: SOLENT RAIL PROPOSED TRACK UPGRADE	CLIENT: SOUTH COAST RAILWAYS
DESIGNED BY: [redacted]	CHECKED BY: [redacted]	APPROVED BY: [redacted]	DATE: 11/01/2010
100% COMPLETE 100% CHECKED 100% APPROVED 100% AS BUILT			





38 Document 3c: HBC plans for new bridge  
 Objection from [redacted] and Representation  
 SHE-2-S023-S026  
 SHE-2-S010-S033  
 ATO for 3d

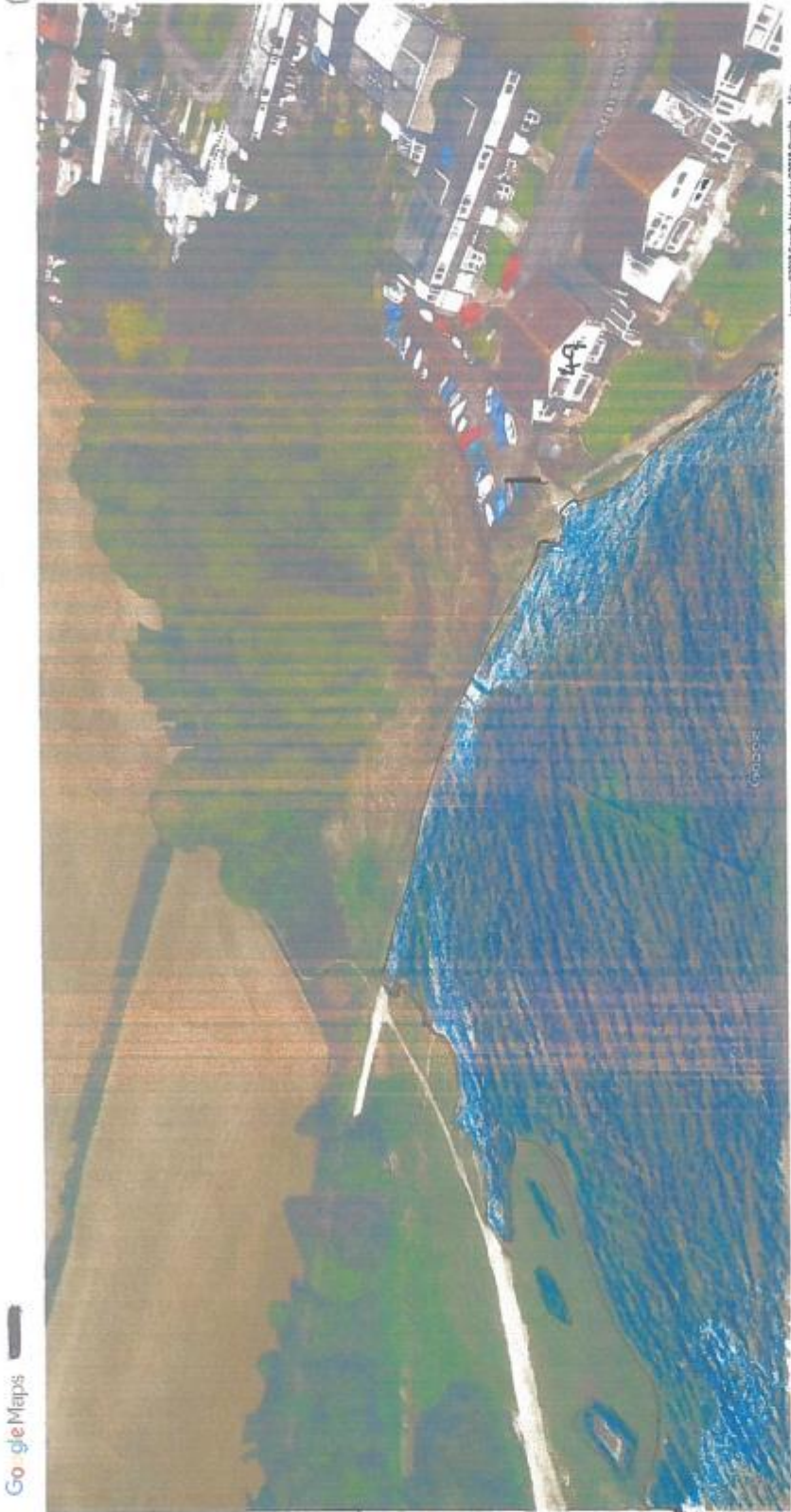
Document 3d: HBC photo/drawing of new bridge  
Objective from " [redacted] "  
and Reproduction SHE-2-5023-5026  
SHE-2-5010-5033



THIS PHOTO/DRAWING PREPARED BY HBC WITH LATER STATEMENT THAT  
TIMBER WILL BE REPLACED WITH BRICK.  
THE PROPOSED EXTENDED RAISED WALKWAY HAS NOT BEEN INCLUDED IN  
THIS DRAWING BUT THE PLANS INDICATE IT WOULD END BETWEEN THE  
2 PEOPLE IN THE PHOTO.  
THE TOP OF THIS NEW CONSTRUCTION IS THE SAME HEIGHT AS THE PARAPET  
OF THE CURRENT BRIDGE, WHICH HAS TIDAL WATER FLOWING OVER IT  
ABOUT 10 TIMES A YEAR.

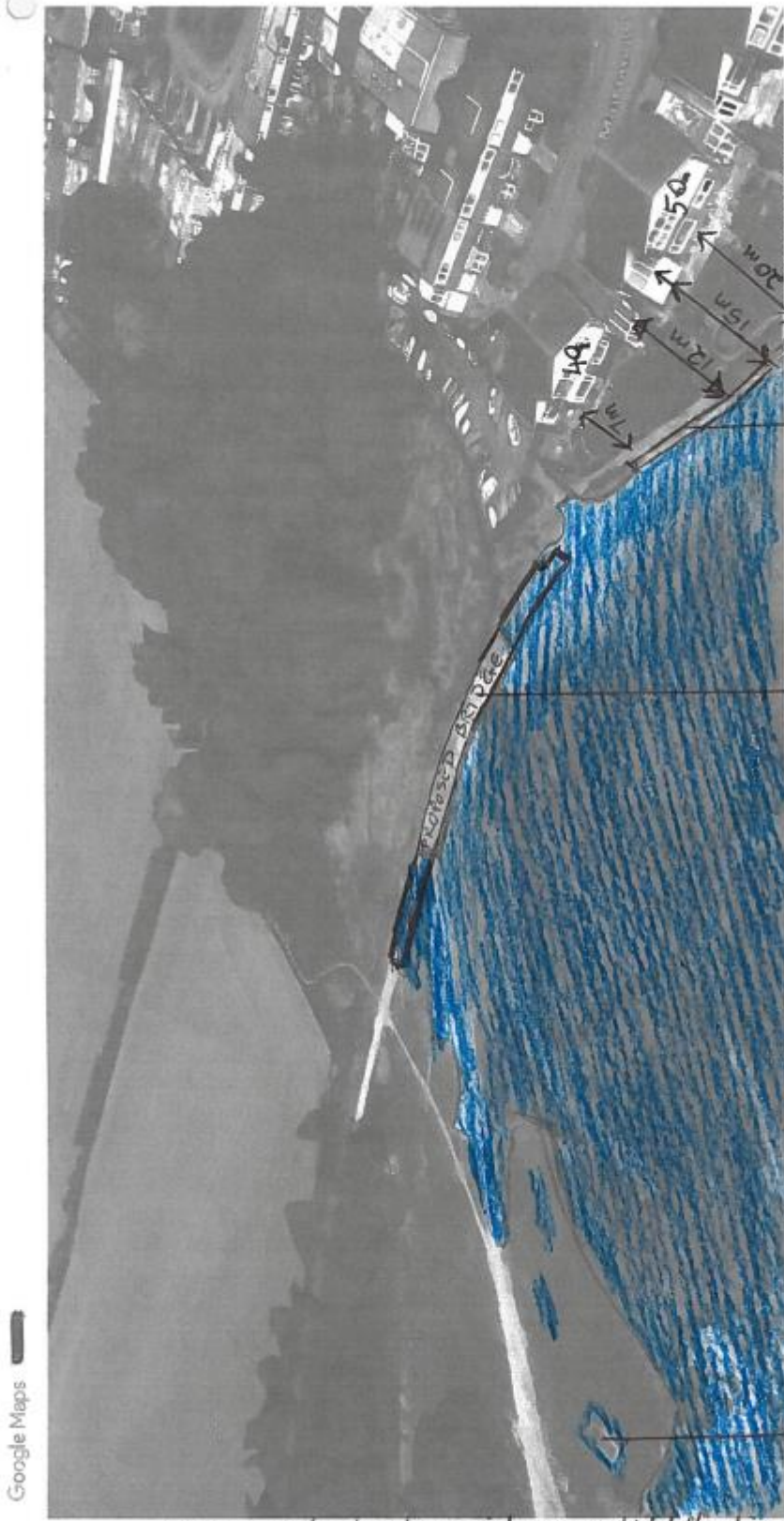
(3d)





AERIAL VIEW INDICATING TIDAL FLOODING COMMENSURATE WITH PHOTOS (see document 4) TAKEN ON SUNDAY, 27 OCT 2019, WITH 5 METRE TIDE. ON 1 NOV 2019 THE TIDE HEIGHT WAS 4.7 METRE, BUT WITH STRONGER WIND (AND LOWER PRESSURE?) THE HEIGHT OF FLOOD WATER OVER THE BRIDGE WAS THE SAME AS THE SUNDAY. THE AMOUNT OF TIDAL FLOODING OVER THIS SECTION OCCURS APPROX 71 DAYLIGHT TIDES AND WITH THE PROPOSED NEW BRIDGE THIS WOULD BE 42 DAYLIGHT TIDES

Document 5a showing aerial view of tidal flooding at New Stream  
 objection from [redacted] SHE-2-5023-5026  
 (D.S.) and Representation " " " " SHE-2-5010-5033



PICNIC TABLE WHICH HAS TIDAL WATER COVERING ITS TOP 6-8 TIMES A YEAR

PROPOSED NEW BRIDGE WOULD BE SAME HEIGHT AS EXISTING BRIDGE PARAPET, WHICH IS TOPPED BY TIDAL WATER ABOUT 10-12 TIMES A YEAR

PROPOSED RAISED WALKWAY EXTENSION

EXISTING RAISED WALKWAY WHICH HAS TIDAL FLOODING ABOUT 10 X A YEAR, IT COVERS WITH WATER 10 MINS AFTER EXISTING BRIDGE PARAPET. (THIS IS SAME HEIGHT AS PROPOSED BRIDGE)

AERIAL VIEW SHOWING HOW PROPOSED NEW BRIDGE WOULD HAVE SUFFERED TIDAL FLOODING ON SUNDAY 27.10.19 - THIS WOULD OCCUR 42 DAYLIGHT TIDES ANNUALLY.

Google Maps

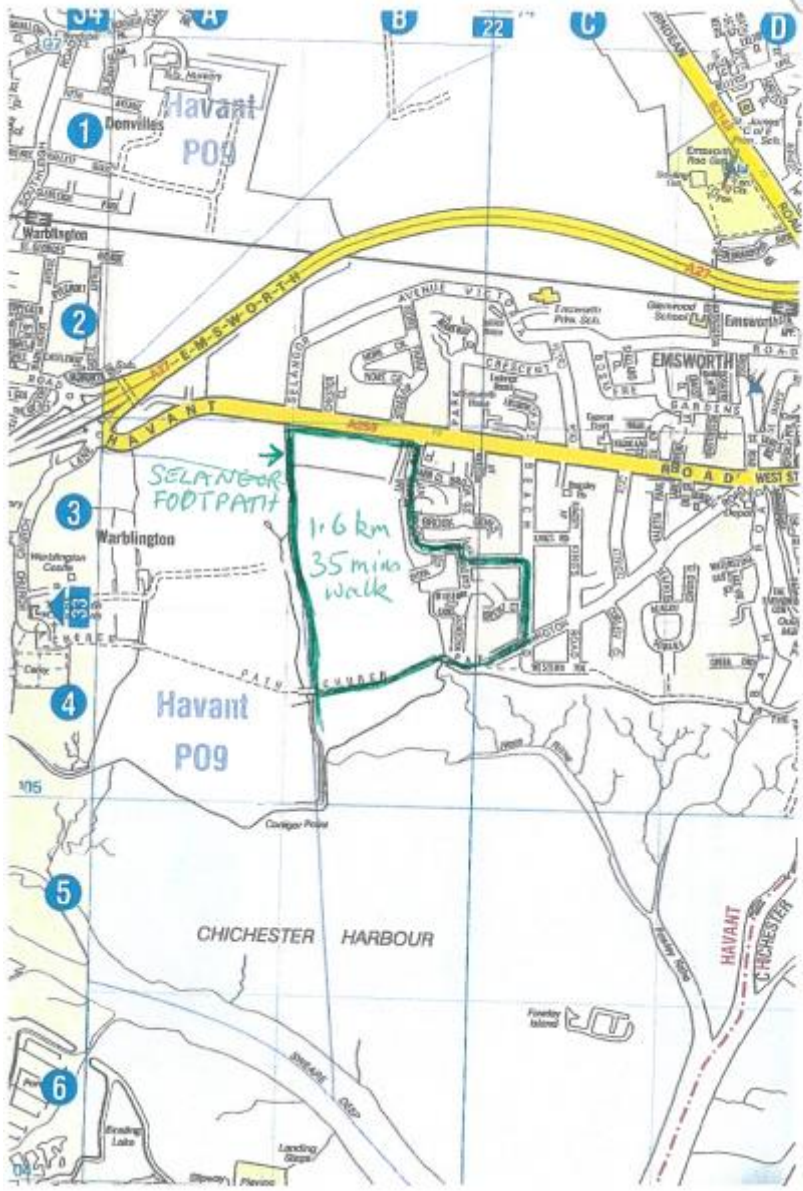
Document 56 showing aerial view of tidal flooding at Nove Stream to new construction  
 Objection from [redacted] SHE-2-5023-5026  
 and Representation " " " " SHE-2-5010-5033

(95)

Havant 53	Footpath	7179 0620 South Street	7173 0620 Homewell	From South Street to Homewell From South Street between posts along metalled path 4' wide between wall and fence, and alongside St. Faith's Church to Homewell.	That part of the path which ran between 7174 0588 and 7174 0580 has been extinguished
Havant 54a	Footpath	7174 0580 Road A27, Havant By-Pass, junction with Footpath 35	7174 0579 Woodbury Avenue	From Havant to Langstone From South Street near end of No. 50 southwards along cart track 6' wide between hedges, over stile, along edge of meadow, over stile along path 3' wide between hedge and ditch to railway, through unlocked wicket gate each side of railway, along path, over two stiles, and along path 3' wide between fences, to junction with No. 56.	That part of the path which ran between 7174 0579 and 7176 0569 has been removed from the Definitive Map as it is a highway at the side of a public road
Havant 54b	Footpath	7176 0569 Woodbury Avenue	7197 0496 Footpath 56	From Havant to Langstone via Wide Court From No. 54 eastwards along cart track 6' wide between hedges, over stile south eastwards across pasture, over stile and through unlocked wicket gate on each side of railway, over footbridge, across Lynbourne Stream, south eastwards across park, through kissing gate into gravel road, southwards through field gate and along cart track 6' - 7' wide between hedges to join No. 55.	
Havant 55a	Footpath	7174 0580 Road A27, Havant By-Pass, junction with Footpath 54	7186 0573 Hamilton Close		That part of the path which ran between 7175 0582 and 7207 0559 has been in part diverted and in part extinguished, and now runs between 7174 0580 and 7186 0573 and between 7199 0560 and 7202 0559
Havant 55b	Footpath	7199 0560 Southbrook Road	7210 0514 Wide Court Park, junction with Footpath 56		
Havant 56	Footpath	7192 0489 Langstone High Street, near Royal Oak Public House	7488 0534 The Promenade, Emworth	From Langstone to Emworth along Court From Royal Oak Public House along metalled path north of Old Windmill to Sea Wall, northwards to junction with Footpath 55, then north eastwards and eastwards along edge of forebore to south end of Pook Lane, eastward along defined path on verge of arable field, through two wicket gates and over stile, north eastwards along defined path across arable field, through kissing gate, along path through cemetery to south-west of St. Thomas a Beckett's Churchyard between posts, along metalled path 5' wide between hedges and fence south of churchyard, eastwards through kissing gate and wicket gate, along Church Path, through kissing gate, over footbridge, along north side of meadow, through kissing gate to forebore near Nora barn, then along along Warlington Road, along Western Parade then along path on field boundary to Yacht Villa, along metalled path 6' wide between walls to Bath Road, then eastwards and southwards along concrete Mill Pond wall 10' wide, known as the Promenade, over footbridge, and across carriage way to South Street at its junction with Bridgfoot Path.	M5
Havant 57	Footpath	7200 0513 Town Hall Road	7257 0584 Pook Lane	From Town Hall Road to Warlington (Church Lane) From Town Hall Road south-eastwards along metalled path 4' wide over railway footbridge with unlocked wicket gate each side, passing junction with No. 58, along metalled path 4' wide between hedges, and through kissing gate to Wide Court Road, eastwards along path 5' wide between hedge and fence to Starfield Road, through wicket gate, into Pook Lane, through wicket gate, along footpath on verge of pasture and through wicket gate and kissing gate to Church Lane.	That part of the path which ran between 7257 0584 and 7282 0574 has been extinguished

Document 6: HCC definitive description of Havant path 56  
 Objectra from [redacted] SHE-2 - S023 - S026  
 and Representation SHE-2 - S010 - S033

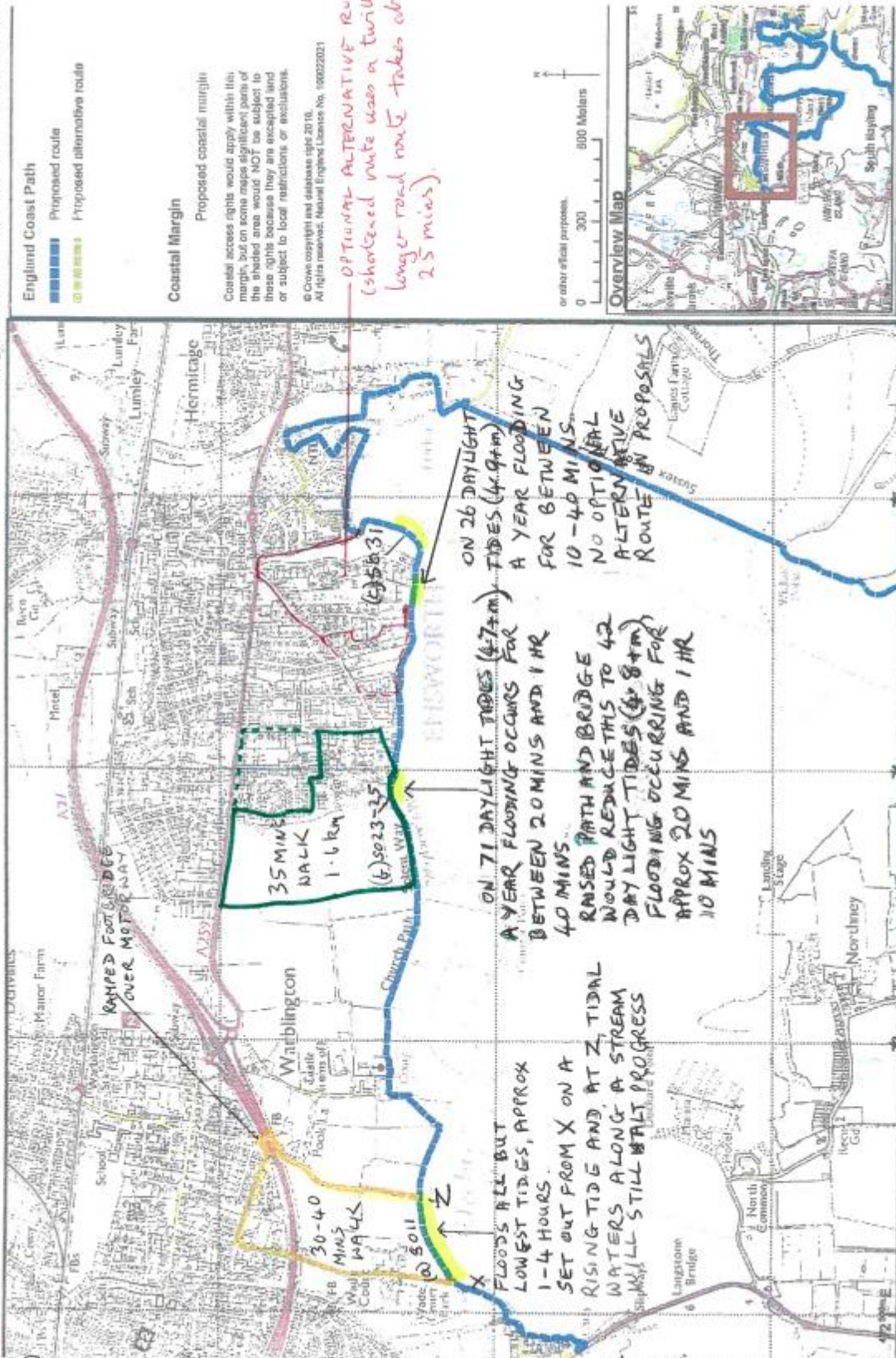
(7)



8

Indicative coastal access proposals on your land

Indicative coastal access proposals in the Emsworth area - March 2017



Overview Map

Document 8 showing tidal flooding at various parts of Langstone to Emsworth route  
 Objection from [redacted] SHE-2-15028 to 5026  
 SHE-2-15028 to 5026  
 SHE-2-15028 to 5026



# THE BRIDGE ON THE BEACH

9

GARDEN OF NO 57, WALKWAY 15-20 m FROM HOUSE

GARDEN OF NO 49, SHOWING PROPOSED WALKWAY, 7-12 m FROM HOUSE.

BOAT RAMP

AT THIS POINT THE EXTENDED RAISED WALKWAY TO BLEND INTO SHANGGLE, WHICH FIRST ROUGH SEA WILL REMOVE

EMSWORTH'S ONLY GREEN AONB AND BENT GEESE FEEDING GROUNDS

NORE BARN WOODS

Document 9 showing proposed "Bridge on the Beach" objection form and Representation [redacted] SHE-2-5023-5026 SHE-2-5010-5033



Annex 11: Report prepared by [redacted] (engineer at Havant Borough Council)

ENGLAND COAST PATH

BRIEFING NOTE REGARDING POTENTIAL DESIGN OPTIONS FOR NORE BARN STREAM

CURRENT PROPOSALS FOR THE CROSSING

The current proposal for the crossing of the Nore Farm stream on the England Coast Path is to implement two sections of engineered path upgrade. These upgrades cover a section along the frontage of residential properties (in particular, [redacted]) and work to secure the long term viability of the existing crossing of the stream.

SOLUTIONS PROPOSED

a. RESIDENTIAL FRONTAGE

This section comprises a semi-natural shingle beach with the landward boundary formed of a private concrete sea wall of indeterminate age. There is some appearance that the wall has been built up in stages, with perhaps the most recent being when the properties were constructed.

To the east of the section in question, a concrete walkway has been built against the wall, although there is no evidence it is secured to it (i.e. by ties or cutting in). The surface of this path is typically 2.700m above Ordnance Datum (Newlyn) – AODN – and this is the design level for all the works in the area as to go above this would extend the works beyond both what is affordable and geographically. See the section below on ‘tidal resilience’ for a further discussion on this point.

Although the most resilient solution would be to extend the walkway using the same construction methods (i.e. faced with concrete channels on end and the bulk filled with concrete) it is recognised that to do so may at some point in the future place load on the private sea wall. There are engineering techniques to minimise this, such as the use of bond breaker on the sea wall to prevent bonding of the new work to the existing, but this then offers the opportunity for water to be trapped in the narrow gap, and with winter freeze / thaw this would affect the longevity of the structure.

The **preferred alternative** is therefore to extend the walkway from its existing western end point, westwards to where the beach level rises to 2.700m AODN, with a boardwalk structure using recycled composite materials, and set slightly separated from the existing wall and its foundations. This has the added benefit of allowing the beach vegetation to remain; it is likely it will continue to grow beneath the boardwalk. The boardwalk supports would be screw piled into the beach, with the remaining components delivered in kit form for assembly on site, and would take an estimated 3 weeks to install allowing for tidal working. A boardwalk constructed using composite materials would be expected to have a life expectancy in excess of 25 years without significant maintenance. Estimated capital cost: £30,000.



*Typical composite boardwalk*

b. STREAM CROSSING

The path crosses the Nore Farm Stream (an Environment Agency main river) by means of a 750mm diameter precast concrete pipe set into the stream bed, with brick wing walls on either side retaining the path surface which at this point is formed of cast in situ concrete slabs.

The existing concrete pipe has failed and has low structural stability. Following a number of alternative solutions being investigated, the **preferred alternative** is to line this existing pipe with a polyester resin impregnated liner, of the type used successfully for many years to repair sewer pipes. This involves placing a 'sock' of lining material inside the pipe (after cleaning) and this then being pumped full of warm water. The heat sets off the cure of the polyester resin and within 12 hours the lining is at full structural strength. The water is then pumped out and disposed of as controlled waste, the ends of the 'sock' removed, and the pipe is then able to function as previously, but with the structural integrity now restored. During the period the 'sock' is curing, the stream would have to be over pumped. The entire operation is completed in a maximum of 48 hours. The life expectancy of this solution, based on its use in the sewer repair industry elsewhere, is in excess of 50 years. Estimated capital cost: £6,000.

c. STREAM CROSSING APPROACHES

The existing concrete surface on the crossing is approximately 2.35m AODN and formed of rough concrete slabs. To avoid trip hazards, the concrete surface should have additional concrete placed onto it, raising it to 2.700m AODN which would provide the same tidal resilience as the walkway along the residential frontage.

At present the bridge has an upstand either side of approximately 250mm this being the concrete facing brickwork extending above the walking surface. To maintain visibility of the edge of the raised concrete crossing deck it is proposed that marker posts be installed, of the same type used immediately adjacent to the existing structure on the beach.

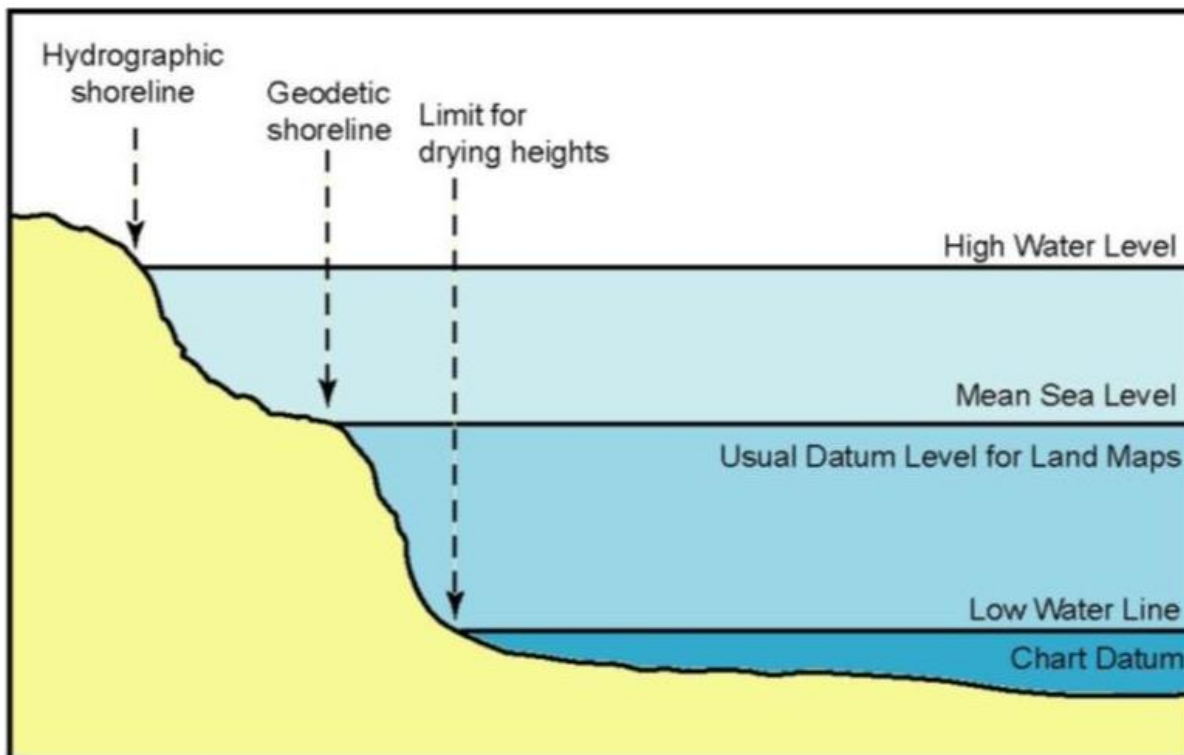
## OFFICIAL SENSITIVE

To maintain the dry shod route, the approaches both sides of the crossing would need to be raised to 2.700m AODN. Although earlier designs proposed a heavily engineered structure with concrete edge beams retaining the raised path, the **preferred alternative** is to use stone filled gabion baskets either side of the path, again marked by marker posts, as being sufficiently resilient to retain the walking surface. Being a relatively 'soft' engineering structure, these gabions could be raised in height if necessary, or strengthened or adjusted in light of operational experience to maintain the route. Installation would take about 3 weeks during which time the crossing would not be passable. It is estimated that a well-constructed gabion wall would have a life expectancy of 10-15 years before significant repair is required, although this could be extended by using additional engineering measures such as a concrete cap to the gabion baskets, and choice of fill material. Estimated capital cost: £30,000.

## TIDAL RESILIENCE

The minimum design elevation of the walking surface is 2.700m AODN. AODN relates to land surveys and is not the levels that are shown in tidal predictions. Because each length of coast has different characteristics, the datum used on navigational charts and in tidal predictions changes for each location. This datum is called Chart Datum (CD) and is usually the lowest tidal level observed purely by astronomical effects (i.e. without meteorological influences) – the lowest astronomical tide (LAT), although some areas use Mean Low Water instead. This is explained at [Chart datum & ordnance datum | National Tidal and Sea Level Facility \(ntslf.org\)](http://ntslf.org) where different examples are given by way of illustration – so at Avonmouth, chart datum is 6.500m below AODN, whereas in Portsmouth it is currently 2.730m below. The value of CD can change with time.

In practice this means that to convert AODN to Above Chart Datum (ACD) a correction has to be added. At Nore Farm the correction is currently 2.740m. The relationship between AODN (for land maps) and CD (for navigational charts and tidal predictions) is shown in the diagram below.



*Ordnance Datum and Chart datum © ResearchGate.net*

Choosing a design level of 2.700m AODN means that the raised level of the Path after the works are complete will be 5.440m ACD (2.700 + 2.740). **As no tides of this height are currently predicted in this area, against predicted tides the proposed works will provide a 24 x 7 x 365 dry shod route.**

In this corner of Chichester Harbour, the tide is fed by water coming from both the Hayling bridge channel and also the Chichester Harbour entrance. This causes a 'stand' in this area, as the water 'piles up' and is held at high and low tides for longer than elsewhere; as the tide starts to fall from the 'Langstone Bridge' peak, the 'Chichester Harbour' peak arrives and extends it – so sometimes high tide can extend over a period of 1½ hours or longer. This means that if the path surface is covered at high tide, it will sometimes be 1½ hours (or in some weather conditions, longer) before the tide drops enough to allow dry shod passage.

Meteorological influences can also affect the tide. Storms and low pressure can raise the level above what is predicted; high pressure can reduce it against predicted. Each 34mb change from average atmospheric pressure will raise or lower the tide height by 0.3m against what is predicted, although this occurs over a wide area, not at specific points. The key point to consider is that these weather events are not predictable with the degree of accuracy that would allow users to expect dry passage a set number of times a year. All that can be stated with confidence is that against **predicted** tides, the proposed works will provide a continuous dry shod route.

Putting the above into context, it is known and accepted that there is regular inundation above the predicted tides at this location. Further to the east, at the Mill Pond in Emsworth, the England Coast Path follows the promenade wall at the end of South Street. The level of this promenade is approximately 3.000m AODN – 300mm higher than the level proposed at Nore Barn. However at least three times in as many years, the promenade itself has been inundated, indicating a tidal level of somewhere in excess of 5.740m ACD (3.000 + 2.740). In such circumstances, of course the path at Nore Barn, even after improvement, would be impassable for the period of the high tide – but as would much of the Coast Path in the area.

[redacted]

6 July 2022

Updated 2 August 2022

Note on cost estimates: these are as at 2 August 2022. Construction inflation is currently running in excess of 20% per annum, and generally there is a high degree of uncertainty especially for specialist and tidal works. The estimates exclude design, licence fees, legal costs and contingency.

Annex 12: Draft Designs for Modified Infrastructure prepared by Engineers at Havant Borough Council to follow.

## **7. Natural England Modified Infrastructure Proposal**

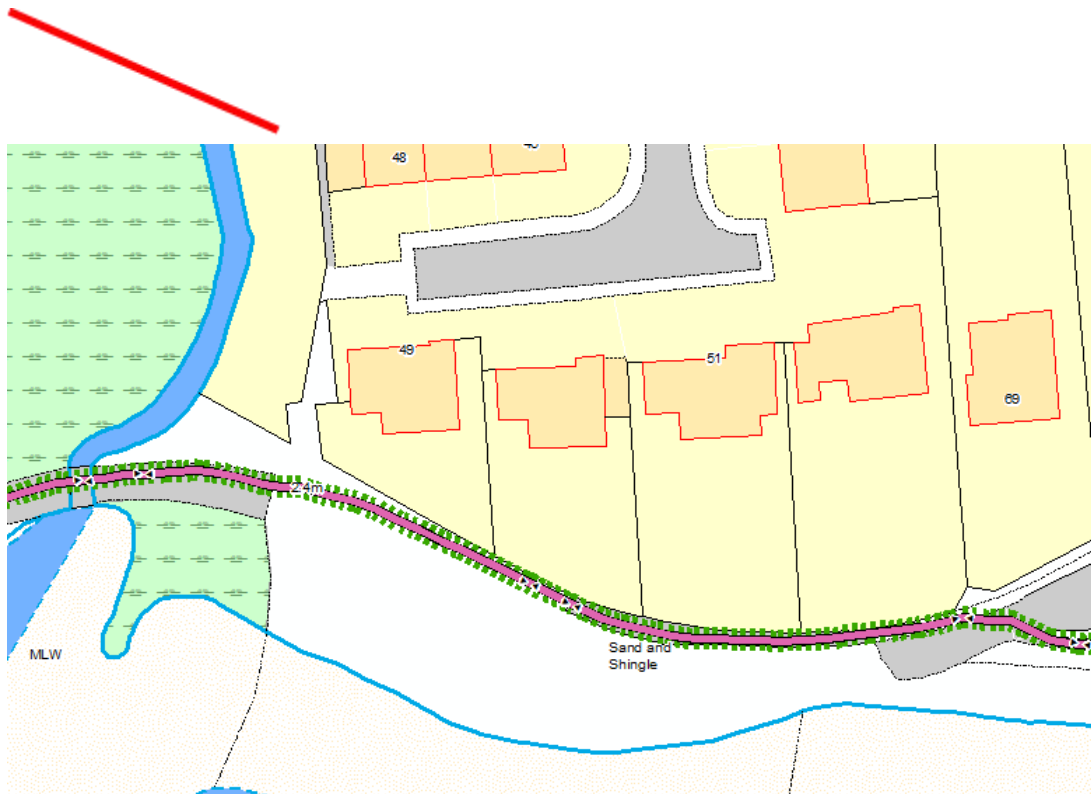
Following publication of our proposals, we further investigated the need to replace the existing culverted bridge structure with a hard engineered bridge and replacement culvert. During this investigation we took advice from Havant Borough Council's Coastal Engineers, the Coastal Partners and the Environment Agency. We found the original plans to be sub-optimal, with a more effective (24 x 7 x 365 dry shod route in all predicted tides) and more cost-effective alignment now being proposed.

As a result of this new information, we are proposing a modification to the infrastructure originally detailed in our original proposal. We no longer propose to implement the plans originally drawn up by Havant Borough Council of removing the existing structure and replacing with a hard engineered structure.

## OFFICIAL SENSITIVE


Following conversations with the Environment Agency, Hampshire County Council, Havant Borough Council, Chichester Harbour Authority and Natural England's Designated Sites team we recommend that the Secretary of State approves the following infrastructure modifications to our original proposals:

- The existing structure will remain in situ. This will carry on providing vehicle access for Havant Borough Council. This structure will be reinstated to its maximum structural integrity by re-sleeving the existing culvert. This method has been used successfully for many years to repair sewer pipes and the life expectancy of this solution is in excess of 50 years.
- The height of the existing structure will be raised to the same height as the existing walkway along the residential frontages of Maisemore Gardens to ensure this route is dry for all predicted tidal ranges. To maintain visibility of the edge of the raised concrete crossing deck it is proposed that marker posts be installed, of the same type currently used immediately adjacent to the existing structure on the beach. The stream crossing approaches will also be raised for this reason. Gabions will be used to dissipate wave energy either side of the raised approaches.
- A boardwalk will be constructed along the line of the PRoW to link the existing concrete walkway in front of the Maisemore Gardens properties to the dinghy park slipway at the east of the site. The boardwalk will be ramped to allow those with reduced mobility to enjoy this route. The boardwalk will include a non-slip surface and be removable to allow for works to be undertaken to the nearby seawall if it became necessary. Please see diagram below for location of boardwalk.



**Key:**

 Public Right of Way

 Location of proposed boardwalk



Proposed ECP alignment submitted to Secretary of State on 3<sup>rd</sup> October 2019

- Annex 11 provides an overview of justifications behind this infrastructure modification; this document has been prepared by engineers at the Coastal Partners and Havant Borough Council.
- Annex 12 provides a draft plan from engineers at Havant Borough Council and the Coastal Partners. Draft to be submitted.

Please note, the ecological impacts of these have been assessed as part of the Habitats Regulations Assessment.

The new infrastructure proposals will provide access at all states of predicted tides, however as with many locations of the England Coast Path it may become inundated during extreme weather events. During these times users can wait for the water to recede. Please see Annex 7 for further information on tidal resilience for the new infrastructure proposals.

Keeping the existing structure in situ will preserve the local history of the area and a structure which many who live locally enjoy. The additional boardwalk at this location will be in keeping with the general characteristics of the area which could be characterised as a mix of rural and residential developments near to the foreshore.

Lastly, we will also update the interpretation panels, one to the west of the site, and one to the east of the site which will encourage walkers to check tidal information. This is in addition to the existing tidal times notice at the end of Warblington Lane.

***Length report SHE3***

**5.1 MCA/SHE Stretch/R/11/SHE0008** – Photographic examples of people using mobility vehicles on various terrain



Disabled Ramblers: Tidworth Ramble May 2019



Disabled Ramblers: Tidworth Ramble May 2019





Disabled Ramblers: Tidworth Ramble May 2019



Disabled Ramblers: Godrevy Ramble June 2019



Disabled Ramblers: Winchcombe Ramble Oct 2019



Disabled Ramblers: Bradgate Park April 2019

*Length report SHE5*

5.1 **MCA/SHE Stretch/R/10/SHE2391** - Green Links across the Manhood Peninsula (GLaM) - A Key Statement from the Manhood Peninsula Partnership



## **Green Links across the Manhood Peninsula (GLaM) – A Key Statement from the Manhood Peninsula Partnership**

The aim of this Key Statement is to influence all those who can act to improve Green Links across the Manhood Peninsula, including:

- Local communities, particularly Parish Councils as they develop neighbourhood plans; and respond to planning applications
- Chichester District Council as it decides on planning applications; delivers the Local Plan, and develops a Green Infrastructure Strategy and an Infrastructure Delivery Plan
- West Sussex County Council as it manages the local road and public rights of way networks; implements the Rights of Way Improvement Plan; and comments on the highway and transport aspects of planning applications
- Chichester Harbour Conservancy and the Royal Society for the Protection of Birds as they manage our outstanding harbours and the visitors they attract
- Funding bodies as they consider requests for contributions towards project costs
- Local businesses as they consider sponsorship of projects and new business opportunities

## **Green Links across the Manhood Peninsula (GLaM) – rights of way and other route proposals and aspirations**

The Manhood Peninsula Partnership (MPP) supports and advocates the improvement of rights of way and other pedestrian, cycle and equestrian routes across the peninsula. The MPP wants to work with and to bring together route advocates, route providers and route funders to achieve a superb network of green links across the Manhood – the **GLaM** network.

### **Key benefits**

An improved and extended network of well-maintained green links/access routes across the whole of the Manhood peninsula could:

- Provide better links between communities for all journeys – to work, to school, and to have fun
- Enhance the wellbeing of local residents by delivering physical and mental health benefits through offering safe and enjoyable walks and cycle rides
- Encourage local people and visitors to get out of their cars and explore the area, reducing the burden on the congested roads and keeping more local and visitor expenditure on the peninsula
- Boost the local economy and provide opportunities for new and existing business to grow  
Broaden the shoulders of the tourism market, drawing in visitors who want out-of-season

## OFFICIAL SENSITIVE

countryside and coastal experiences, which will help bolster the local economy during the low season and offer opportunities and better financial security for ‘green tourism’ and businesses, such as cycle hire and accommodation providers

- Reinforce the ‘sense of place’, enabling the Manhood Peninsula to become better known as somewhere with wonderful scenery and impressive wildlife that is readily accessible to visitors

### **What are green links/access routes?**

The peninsula has a network of public rights of way, including footpaths and bridleways; and two significant cycle routes, Salterns Way and Bill Way. These all encourage “green”, non-car journeys. Many of the routes are actually *green* – with trees, hedgerows and other features that provide a living landscape for wildlife and for our enjoyment.

Quiet lanes are also important – especially in Apuldram, Almodington and Batchmere, and Birdham, Sidlesham and Earnley – where they link up with footpaths and bridleways away from the main road traffic routes. Protecting the character of the quiet lanes and managing traffic speeds will be important to protecting the tranquillity and attractiveness of the Manhood.

Much of the rights of way network is historical. New routes have been created where the vision of an individual, an organisation or a partnership has found the necessary funding, won the necessary acceptance and agreements, and managed to implement schemes. We have Salterns Way and Bill Way and the new routes at Medmerry (the “Medmerry Way”?) to show for their efforts. But the many existing paths etc. don’t always join up in ways that make for attractive and convenient routes that link the settlements and attractions of the Manhood.

An improved and better integrated network of routes would benefit existing residents and businesses, and provide for more enjoyable journeys, improved health and wellbeing, and more opportunities for local businesses.

The existing route providers – West Sussex County Council and Chichester Harbour Conservancy – have ambitions to improve and extend their routes. The WSCC South Chichester County Local Committee has resolved to approve as a transport priority the Manhood Greenlinks project to enhance and connect footpaths, cycle paths and bridleways around the Medmerry Coastal Realignment Scheme. Around the harbours and the open coast “spreading room” will be necessary as paths are threatened by erosion; central government, through Natural England, is pursuing a national coastal path, although full delivery is likely to take many years.

The Environment Agency and the RSPB are delivering exciting new routes as part of the Medmerry scheme. Sustrans aim to extend Bill Way from Selsey to Sidlesham to complete the Selsey to Chichester route. Sidlesham Parish Council is exploring how to create a green network corridor in the parish. Selsey Town Council and Selsey Coastal Trust have aspirations for a coastal promenade. Other community groups and businesses have their own ideas about improvements and provision of missing links.

Linking our local network with longer distance routes is important, too, as that may attract users that are currently unaware of the attractions of the peninsula – from routes such as the South Coast National Cycle Route that links to Portsmouth and to Bognor Regis and Brighton; and Centurion Way and the Lipchis Way (Liphook to West Wittering) that link to the South Downs National Park.

We need to bring all these initiatives together to provide a complete network of pedestrian and cycle routes, as much off-road as possible, and an extended range of bridleways. Where possible, more paths need to be made

## OFFICIAL SENSITIVE

easier for users of wheelchairs and mobility scooters. We need well- signed routes, particularly circular ones that encourage exploration and discovery. And we need good sources of information about routes: on the internet and in publications and leaflets.

### Support for the Green Links across the Manhood network

To identify and map proposals for the whole peninsula, the Manhood Peninsula Partnership brought together representatives from WSCC, CDC, Sidlesham Parish Council, the West Sussex Local Access Forum, Sustrans, local businesses, RSPB and the Manhood Wildlife & Heritage Group. This built on and extended the work of the Medmerry Stakeholders Advisory Group (MStAG), who developed aspirational routes associated with the Medmerry Managed Realignment Scheme.

The Manhood Peninsula Partnership's **Green Links across the Manhood Peninsula [GLaM]** proposals are supported by the vision set out in both the MPP's Destination Management study and the Integrated Coastal Zone Management (ICZM) Plan, *Towards ICZM on the Manhood Peninsula*, adopted by Chichester District Council.

The **GLaM** proposals reflect strategies prepared by key partner organisations:

- Coastal West Sussex and Greater Brighton Local Strategic Statement
- "Chichester – a very special place" Chichester in Partnership
- The emerging Chichester Local Plan 2014-2029
- West Sussex Transport Plan
- West Sussex Rights of Way Improvement Plan 2006-2017
- Chichester Harbour AONB Management Plan 2014-2019
- RSPB management plans for Pagham Harbour and for Medmerry

### Implementation

Working within the overall **GLaM** vision, we need to make sure that longer-term strategies recognise route aspirations and that they plan accordingly for their delivery. We also need to be opportunistic, identifying and seizing opportunities whenever and wherever they arise, particularly as a result of planning applications.

The emerging **Green Links across the Manhood Peninsula [GLaM]** proposals are set out below and visually represented on the accompanying map.

The next stages are to discuss and refine these ideas with key stakeholders, to identify route champions and funding opportunities, to get the routes into plans and strategies, and then to press ahead with improving the Green Links network.

The Manhood Peninsula Partnership will consult widely on the **GLaM** proposals and incorporate helpful comments into its **GLaM** strategy. Given the organisations that the MPP is seeking to influence, it hopes that the **GLaM Key Statement** will be adopted by them and will influence their actions and decisions. The MPP will ask Chichester District Council to adopt the **Key Statement** as a material consideration for planning applications. As the MPP develops projects it will use this **Key Statement** to support and justify bids for funding and hopes that others will do the same.

### Proposed Green Links

The emerging **Green Links across the Manhood Peninsula [GLaM]** are identified in three broad phases: Phase 1 for achievement in the short-term - the next one/three years - to maximise the benefits of the Environment

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Agency's works at Medmerry; phase 2 for achievement in the next three/five years; and phase 3 for achievement in the next five years+. The phasing is indicative rather than fixed in any way; once detailed investigation work has been carried out, individual routes may be brought forward or moved to later.

At this stage, routes have not all been scoped in detail. Apart from existing ones, the routes shown on the map are purely indicative and further work is required to agree them with all parties and to fully define them.

### Phase 1:

- 1 Pagham Harbour Visitor Centre to Medmerry - footpath and cycleway [plus, eventually, a bridleway]
- 2 Pagham Harbour Visitor Centre to Bird Pond, Sidlesham – extension of footway alongside road carriageway; provision of bridleway
- 3 Bunn Leisure – permissive bridleway access to Medmerry

### Phase 2:

- 4 Bracklesham Barn to Earnley to Medmerry – footpath, cycleway and bridleway
- 5 Bill Way II – cycleway from Sidlesham Ferry ( Pagham Harbour Visitor Centre) to Selsey
- 6 Selsey coastal promenade
- 7 Jury Lane – upgrade footpath to bridleway
- 8 Mapson's Lane – use of farm track for bridleway linking Sidlesham to Birdham
- 9 Pagham Harbour Visitor Centre to Pagham village bridleway

### Phase 3:

#### West Manhood

- 10 West Wittering to East Wittering and Bracklesham to Earnley cycleway/bridleway
- 11 Salterns Way (Shipton Green) to Bracklesham cycleway/bridleway

#### East Manhood

- 12 North Selsey to Medmerry bridleway
- 13 -
- 14 Sidlesham Ferry to East Beach, Selsey bridleway
- 15 Bill Way to Pagham bridleway

#### North Manhood

- 16 Chichester Canal – towpath improvements from Hunston to Chichester Marina to connect to Salterns Way
- 17 Chichester to North Mundham via Southern Leisure Lakes- bridleway improvements to link to new A27 bridge
- 18 Hunston to North Mundham – linking Chichester Canal towpath to Bill Way
- 19 Vinnetrow Road bridleway crossing
- 20 Vinnetrow Road to A259 - upgrading of existing bridleways
- 21 Hunston to Merston/Colworth - Portsmouth to Arundel canal towpath improvements

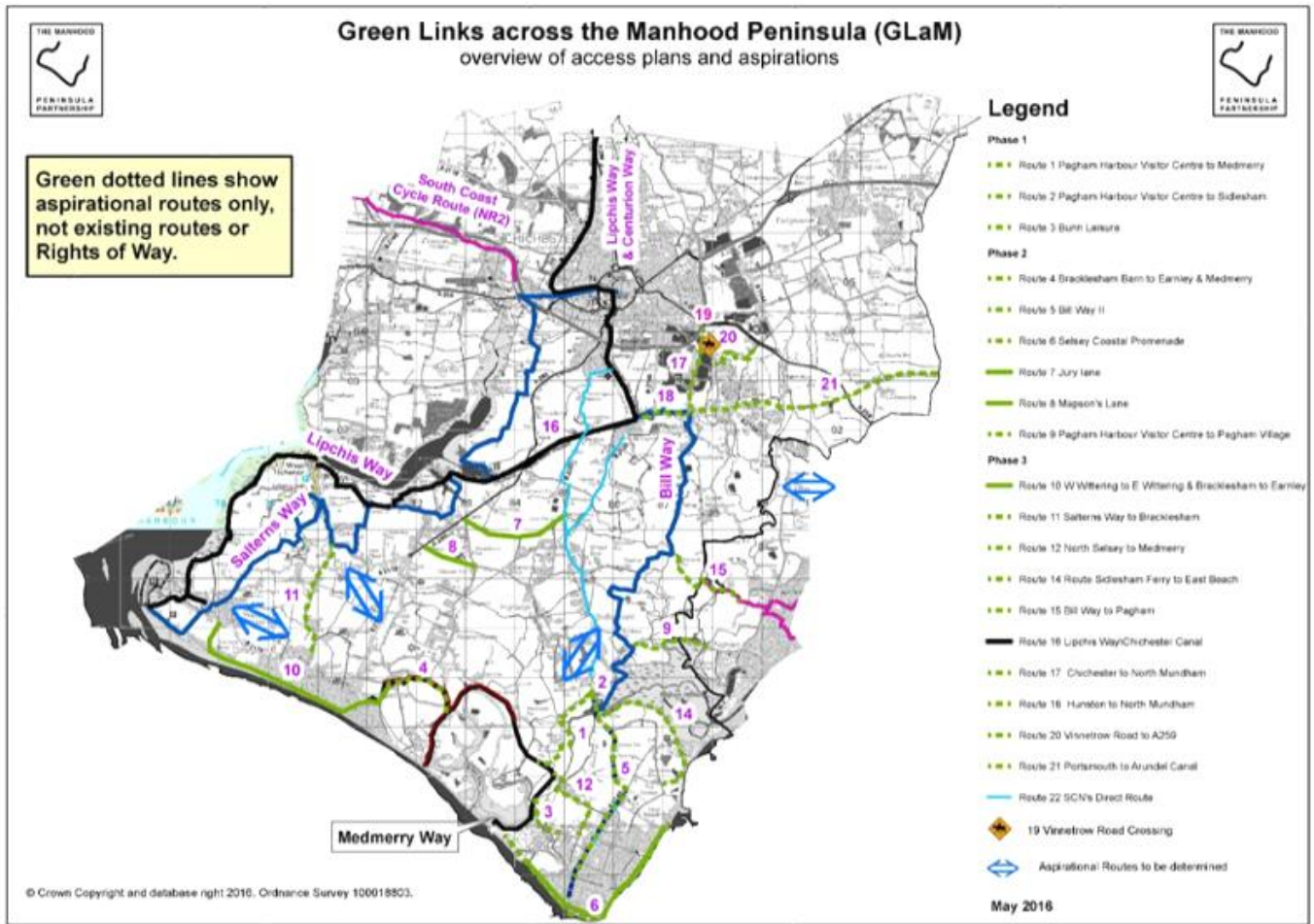
This Key Statement was agreed by the Manhood Peninsula Partnership in June 2014.

Further information about the **Manhood Peninsula Partnership** can be found at:

<http://peninsulapartnership.org.uk/>

Or by contacting the MPP Project Officer, Jane Cunningham 01243 521091 [jcunningham@chichester.gov.uk](mailto:jcunningham@chichester.gov.uk)

## 5.2 MCA/SHE Stretch/R/10/SHE2391 - Green Links across the Manhood Peninsula (GLaM) overview of access plans and aspirations



5.3 MCA/SHE Stretch/R/11/SHE0008 – Photographic examples of people using mobility vehicles on various terrain







Disabled Ramblers: Tidworth Ramble May 2019



Disabled Ramblers: Tidworth Ramble May 2019



Disabled Ramblers: Godrevy Ramble June 2019

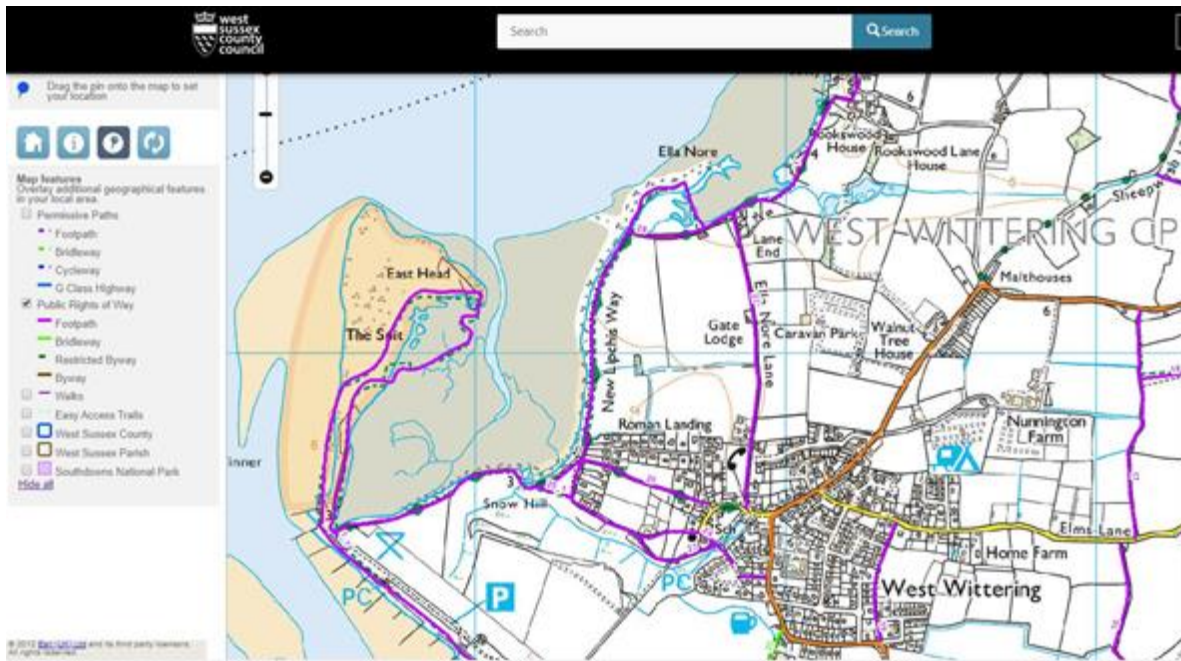


Disabled Ramblers: Winchcombe Ramble Oct 2019



Disabled Ramblers: Bradgate Park April 2019

5.4 MCA/SHE5/R/3/SHE1752 – West Sussex County Council "Public Rights of Way iMap"



Clip taken from

<https://www.westsussex.gov.uk/land-waste-and-housing/public-paths-and-the-countryside/public-rights-of-way/public-rights-of-way-imap/imap/>