

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



Representations on IOW 2: Wootton Bridge to Culver Down and Natural England's comments

February 2024

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1. Introduction

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

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

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

2. Background

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

In relation to the report for Wootton Bridge to Culver Down, Natural England received thirty-one (31) representations, of which ten (10) were made by organisations or individuals whose representations must

be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These ‘full’ representations are reproduced in Section 3 of this document together with Natural England’s comments where relevant.

As required by the legislation this document also summarises and, where relevant, comments on the twenty-one (21) representations submitted by other individuals or organisations, referred to here as ‘other’ representations. Of those twenty-one (21) ‘other’ representations, fourteen (14), contain similar or identical points. Natural England’s comments on ‘other’ representations are set out in two parts:

1. The recurring themes in the fourteen (14) ‘other’ representations have been summarised in section 4 as four (4) points, each with our comments on them.
2. Any of the same ‘other’ representations that make other, non-common points are then commented on separately in section 5 alongside any remaining ‘other’ representations.

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

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

Representation number:	MCA/IOW2/R/9/IOW3889
Organisation/ person making representation:	The Ramblers, [redacted]
Route section(s) specific to this representation:	IOW-2-S022-24
Other reports within stretch to which this representation also relates:	N/A
Representation in full	
The proposed route is well away from the coast and there is an opportunity here to follow footpath R47 to the coast and follow the seaward side of Ryde House, returning to R48 via the golf course road. This is item 2.4 in our representation table on page 19 of our Supporting Document. See Key Issue 2b pages 7 and 8 for details of our proposal.	
Natural England’s comments	
We considered many options in this area, including the use of R47. Please refer to the report table - Other options considered: Maps IOW 2a to IOW 2k – Wootton Bridge to Culver Down for our detailed justification of why we were not able to find a shoreline route here.	
Relevant appended documents (see section 6):	
Annex 1: Ramblers Supporting Document, IOW 2	

Representation number:	MCA/IOW2/R/10/IOW3889
Organisation/ person making representation:	[redacted] on behalf of The Ramblers
Route section(s) specific to this representation:	IOW-2-S001 to S016, S018-22, S024-126, and S142 to 158 IOW-2-OA1-32
Other reports within stretch to which this representation also relates:	N/A

Representation in full
We support the proposed route. We are particularly pleased to see the infrastructure improvements proposed at the St Helens Causeway and Priory Wood.
Natural England's comments
<p>We welcome the supportive comments made by the Ramblers. Since the proposals were published, a landslip occurred within Priory Woods (IOW-2-S092 to IOW-2-S097). Natural England has worked with the Council and the National Trust to agree a new route at this location, avoiding the area lost to erosion and still within close proximity to the sea. We ask the Secretary of State to approve the amended route as set out on the map included in annex 2. Accompanying this map, we have also included a revised entry for table 2.3.1.</p> <p>In terms of infrastructure improvements at Priory Woods, we are planning to replace and extend much of the existing boardwalk and steps. However, we may be limited to what we can improve due to the geology of the area and its designation (Priory Woods SSSI). Another factor to consider is the terrain and distance to bring any required materials onto site.</p> <p>Regarding the infrastructure improvements along St Helens Causeway (IOW-2-S120), the Isle of Wight Council and Natural England commissioned a report by Isle Access to see what further improvements could be made along the causeway. This report has since been reviewed by the Highways Contract Management Team and Island Roads, to which they have created a design scheme for a further bridge, recommendations, and costs for delivery. Even though we have a walkable route, NE believes that this infrastructure improvement would further enhance the walker experience. Therefore, we would like to take this forward at the time of establishment. NE will work with the landowner as the decision on whether to proceed will depend on their agreement.</p>
Relevant appended documents (see section 6):
<p>Annex 1: Ramblers Supporting Document, IOW 2 Annex 2: Map of new route at Priory Woods and revised attribute table 2.3.1</p>

Representation number:	MCA/IOW2/R/11/IOW3889
Organisation/ person making representation:	[redacted] on behalf of The Ramblers
Route section(s) specific to this representation:	IOW-2-S016 to S018 (land at Quarr Abbey)
Other reports within stretch to which this representation also relates:	N/A

Representation in full
<p>We disagree with the proposal as it is a non-coastal route and ask that Natural England reconsider their position. The reasons for this are outlined in our key issues document 2a, pages 2-6. A brief summary of our concerns is:</p> <ul style="list-style-type: none"> • The route is aligned away from the coast when there is an opportunity to provide a more seaward option • Provision of this woodland route would not impact greatly on local residents and guests.
Natural England's comments
<p>This representation relates to land at Quarr Abbey where our proposed route follows the existing coast path to its landward side. Quarr Abbey is a monastery that is home to a small group of Benedictine monks as well providing spiritual retreats for paying guests. We concluded that public access to the areas of the monastery used for private contemplation is not compatible with the peaceful and secluded environment required by its residents and paying guests. We have therefore proposed that a S24 long-term exclusion to the coastal margin be put in place (see Directions Maps 2A and 2B).</p>

It is not true to say that the grounds of the Abbey are not excepted by the Marine and Coastal Access Act. Whilst monasteries or other religious buildings are not in themselves excepted land under Schedule 1 to the CROW Act, parts of the grounds will be excepted from the rights of access where they fall within one of the other categories such as burial grounds or buildings and their curtilage. The Ramblers are correct to imply however that not all of the site would be excepted land.

Table 2.3.3 of Natural England's report IOW 2 states the reasons why a more seaward route wasn't available here.

Although the woods are reasonably wide, there is only one path through it and it is noticeably quiet – when we visited, it was very quiet, even the nearby visitor attractions, which include a café where out of earshot. We also concluded that it would be hard to manage walkers from wandering off the trail around the grounds and into the monks' private residences, as it's all quite open.

The business requires the entire woodland to be quiet, secluded and disturbance free; this is part of its unique selling point. It is our opinion that any route within the grounds would impact this. We consulted with the monks at Quarr Abbey about several different routes through the sanctuary and we concluded that any route open to the public would have a detrimental impact on the Abbey's spiritual retreat and therefore their business.

As the Ramblers acknowledge, a route along the foreshore would follow particularly difficult terrain, consisting of some sand with mudflat and blue slipper clay in places, making it unsuitable for use as the route of a national trail. Much of this is inundated at high tide potentially leaving walkers unfamiliar with the route stranded. It should also be noted that the dense vegetation within the woodland, means there are very limited views of the sea.

Natural England disagrees that our proposed route in this location is inland for 6km with no views of the coast. The route from Fishbourne to Ryde is approximately 3.5km and whilst the route is in places up to 500m inland there are opportunities for views of the coast.

Relevant appended documents (see section 6):

Annex 1: Ramblers Supporting Document, IOW 2

Representation number:	MCA/IOW2/R/12/IOW3889
Organisation/ person making representation:	[redacted] on behalf of The Ramblers
Route section(s) specific to this representation:	IOW-2-S127 to IOW-2-S132
Other reports within stretch to which this representation also relates:	N/A
Representation in full	
In summary, the Natural England proposed route follows a busy and noisy main road, with a pavement narrow in parts. The B3395 road is used by lorries and double decker buses. Our proposal is for the route to follow an existing tranquil path through a nature reserve. The route is further extended to provide a new route which has been agreed with the local landowner.	
Natural England's comments	
When preparing our proposals, we investigated the route outlined in the Ramblers' supporting document item 2.10 and Key issue 2c (annex 1). We believe that the proposed route is more suitable for the following reasons:	

Convenience

The proposed route follows the existing Isle of Wight coastal path along Embankment Road. It is aligned along the pavement, which provides a safe, even surface to walk on and is more accessible for those with reduced mobility.

Proximity to the sea

The route suggested by the Ramblers, along the permissive path south of Embankment Road within Brading Marshes Nature Reserve is neither by the coast nor provides views of it. Natural England’s proposed route provides a better fit with this particular statutory alignment criteria (para 4.5.1 of the coastal access scheme) and provides unimpeded views of Bembridge Harbour and the open coast.

Public safety

The Ramblers’ suggested route would require two road crossing points added at Embankment Road. We do not agree that our proposed route poses a safety risk to walkers given that it is aligned on an existing well used and maintained pavement, alongside a 30mph speed limited road (see the Street View Link below).

Infrastructure cost

The Ramblers’ suggested route would require a new bridge to be added on the eastern most point of the proposed route within Brading Marshes, at significant expense.

Environmental considerations

Brading Marshes is a SAC, SPA, Ramsar and SSSI designated nature reserve which hosts a range of water birds, mammals, and other wildlife. The existing permissive path directs walkers through a small portion of the reserve, but the amount of footfall would significantly increase as a result of this route being established as a National Trail. This in turn would lead to a likely unacceptable increase in disturbance to nearby wildlife, especially wintering birds. The addition of a new bridge would also have an impact on the SAC.

This link to [Google Street View](#) clearly demonstrates the good quality of the pavement, its sufficient width and its proximity to the sea with good views.

The Ramblers indicate that the landowner is supportive of their proposal. We believe this to be the Harbourmaster who owns part of the Ramblers’ suggested route near to the reserve. When we checked the position with the RSPB Manager (26.10.2023), he stated “I can confirm that we do not support a route through our nature reserve because of the potential impacts of increased wildlife and habitat disturbance within the SSSI, SPA and SAC. The alignment of the current proposed ECP route along embankment road is closer to the sea and is more sustainable because that route has a higher elevation than any alignment through the nature reserve, which would be lower and more prone to flooding”.

Relevant appended documents (see section 6):

Annex 1: Ramblers Supporting Document, IOW 2

Representation number:	MCA/IOW2/R/13/IOW3889
Organisation/ person making representation:	[redacted] on behalf of The Ramblers
Route section(s) specific to this representation:	IOW-2-S133 to IOW-2-S141 and IOW-2-OA033 to IOW-2-OA051
Other reports within stretch to which this representation also relates:	N/A
Representation in full	

The 2.5 km route proposed by Natural England follows the coast. At high tide, it is not possible to fully follow the coast and an inland path is proposed as an optional route. Our proposed route is accessible at all tidal conditions and includes mainly coastal walking.

Natural England's comments

Route alignment

Route between IOW-2-S132 to IOW-2-S142

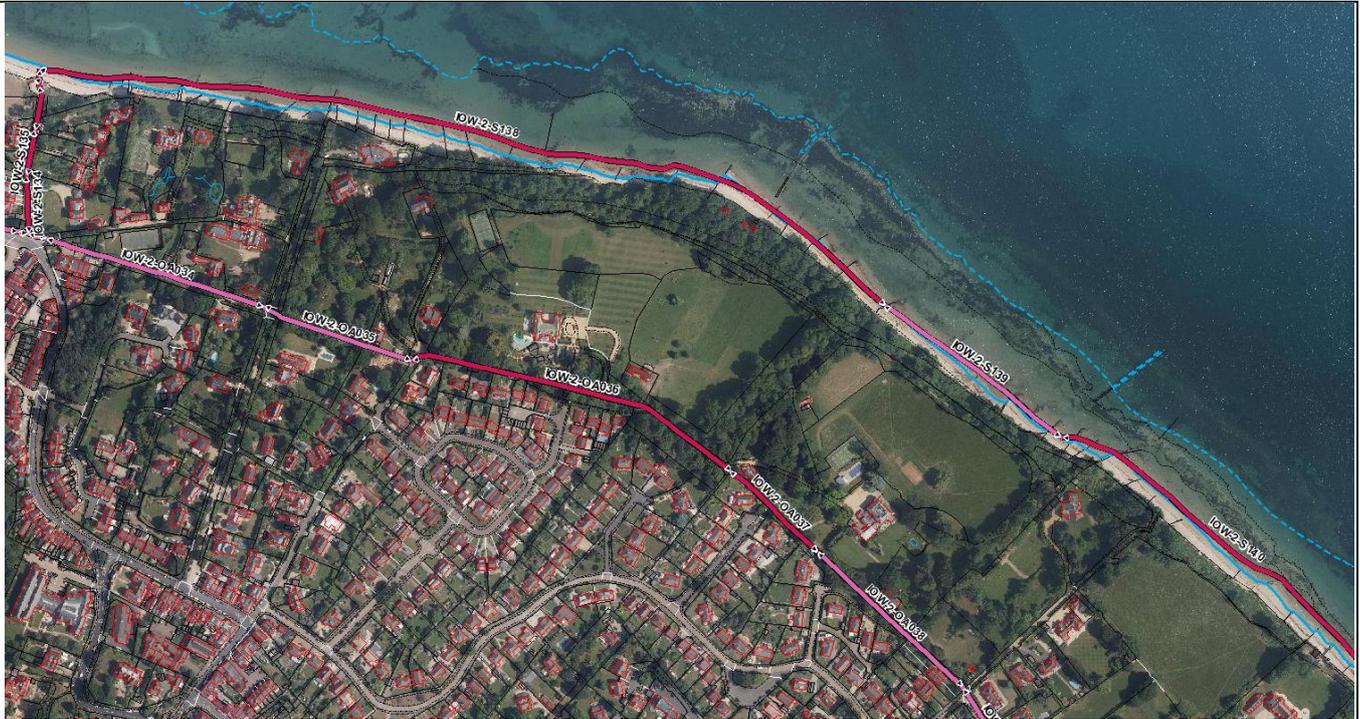
The proposal from the Ramblers across this area is aimed at creating a route that is available at all states of the tide and is close to the coast. Natural England investigated creating a similar route in this area, but for a range of reasons we concluded that this was not feasible. The main reasons for proposing a main route and high tide, optional alternative route, are as follows:

1. To establish a route along the coast at Bembridge would require an exceptional amount of new infrastructure such as revetments, new paths, steps and retaining walls for elevated paths. This would be too costly to be justifiable, considering that there are good existing access routes in the area.
2. The Ramblers' suggested route would need to be aligned through excepted land at the seafront, in front of East Cliff, which is not legally possible (without an explicit dedication from the landowner). We would also have to negotiate an access strip through Warner Holiday Village.
3. Some of the suggested access improvements, particularly between the end of Swains Road and Fisherman's Walk, would equate to the creation of new or enhanced sea defences, which is broadly out of scope for the England Coast Path programme.
4. Creation of new access or enhancements to existing access to the intertidal and Cliffside here would impact on the South Wight Maritime SAC and Whitecliff Bay and Bembridge Ledges SSSI.

Pump lane to the field by the seaward end of Swains Road and adjacent to Beach House (IOW-2-S138 -S140)

The Ramblers recommend that the route is moved slightly inland from its current position on the beach, which would allow it to be used during all tidal states. The reason we did not align here is that it would not be the best use of the public purse to create new routes (or to upgrade existing access routes) when a suitable existing high tide/low tide route arrangement is a viable alternative. In addition, the new path and infrastructure would be vulnerable to coastal erosion and may need to be replaced in future years.

At certain points along this part of the coast there are areas of land which could be considered as excepted. This includes a beachside property and extensions of the gardens of houses such as East Cliff and Tyne Hall.



Sea wall walkway seaward of Beach House Lane (IOW-2-S140)

This route provides a walkway supported by a revetment and infilled with aggregate, used by visitors and the local community during most states of tide. The route does get regularly overtopped at high tide, as indicated in the supporting document images on page 17, which show shingle from the adjacent beach built up on the walkway. This shingle build-up and the narrow walkway can make the route difficult and less enjoyable to walk along. Furthermore, a significant amount of funding would be required to upgrade the route in this location to make it accessible at all states of the tide. The works would involve altering the coastal defences here, which would be expensive and difficult to achieve within the timeframe of the project.

Warner Holiday Village (IOW-2-S140)

At this location, the Ramblers recommend two options: i) to route the path landward of the hotel and ii) to renegotiate with the hotel to reinstate footpath BB10 along its seaward cliff top, which is currently eroded into the intertidal zone. The first route option is similar to our proposal and in fact aligns along part of it. We believe the proposed route strikes the best balance as it is aligned along a well-used path through the eastern edge of Bembridge. Regarding the second option, we have discussed the route along the cliff edge with the landowner. However, we believe that re-establishing a path here would involve aligning the ECP through a garden along the edge of the hotel, which is classed as excepted land under Schedule 1 to the CROW Act 2000 and is therefore unavailable for alignment.

For further information, the Council have provided the following information regarding BB10: "BB10 around Warner's has been on the beach since at least 1968 (recorded as being along the beach on the 1968 definitive map review). There is no closure (permanent or temporary), it simply the case that the legal alignment when it was first recorded in 1952 along the cliff top has been lost to erosion meaning that the legal alignment is now on the beach".

Relevant appended documents (see section 6):

Annex 1: Ramblers Supporting Document, IOW 2

Representation number:	MCA/IOW2/R/17/IOW0145
Organisation/ person making representation:	Isle of Wight Council, [redacted]
Route section(s) specific to this representation:	IOW2

Other reports within stretch to which this representation also relates:	N/A
Representation in full	
<p>[IWC Ref: 2.1 IWC Representation (general)]</p> <p>Context/Introduction: The purpose of the following representations is for the Isle of Wight Council (Council) to seek clarity from Natural England on certain aspects of the Report, to highlight any existing problems with the proposed trail, propose areas of inland margin on its own land and to confirm Council support for particular sections:</p> <p>5.1 Map IOW 2B: IOW-2-S016 to S018 (land at Quarr Abbey): Please see separate representation form: 2.2 IWC Representation (site specific Quarr).</p> <p>5.2 Directions Maps IOW 2A and IOW 2B (beach and foreshore, Fishbourne to Binstead): The extent of the Section 25A restriction on this area is unnecessarily excessive. Fishbourne Lane and Public Footpath R46 both provide public access to the beach and shore (see attached Map 5.2.1). Use of this beach and walking along it between these two public access points is a regular and popular public activity. Direction Maps 2A and 2B contained in the Report appear to exclude public access altogether. Enquiries with Natural England on this point have revealed that there is in fact a narrow strip of beach which is not subject to the restriction (shown on Maps 5.2.2 and 5.2.3). However, such a narrow strip is unreasonable and due to the scale of the maps which will be available for the public to view (e.g. ordnance survey leisure maps) it will not be possible for the public to be aware that this narrow strip of land is available for public use. Accordingly, this will effectively result in the public's right to access coastal land in accordance with the Marine and Coastal Access Act 2009 being unknown and unavailable and lead to an unfair advantage for landowners. It will also cause confusion and possible conflict between the public and landowners. Attached are photographs (5.2 photos 1-4) clearly showing the wide areas of beach available for the public to use and walk along. Further, the narrow strip which is not subject to the restriction appears in some places to be areas of large rocks rather than beach which may not be possible to use or pass over in a safe manner. The Council objects to the Direction Maps as drawn and requests they be amended to provide for a much wider corridor for the public to use. Please see Maps 5.2.4 and 5.2.5 for reasonable suggestion.</p> <p>5.3 Map IOW 2C: IOW-2-S023 (land north thereof known as Ryde House): At the western side of the golf course shown on this map is an existing public footpath running adjacent a watercourse providing access to the beach. Whilst the golf club itself is excepted, it was initially expected that the trail would proceed through the wooded area north of Ryde House and then return along its eastern boundary to re-join IOW-2-S024 FP. It is understood that this route has not been proposed due to the current use of Ryde House, which offers a home to adults with severe learning disabilities, autism and challenging behavior. For safeguarding and security reasons the Council understands why coastal access rights should not be introduced at the current time. However, the Council considers that the report should have highlighted the need to revisit a proposed route (as described above) if and when there is a change of use of Ryde House. The Council requests confirmation from Natural England that reassessment will take place should this occur.</p> <p>5.4 Map IOW 2C: IOW-2-S028 to S032 (Council car park and land north of Prince Consort): The Council fully supports this section of the trail as at point SO32 there are fantastic views of the Solent and of the coastline to the west which would not be seen if the trail did not follow these sections and followed the main road instead.</p> <p>5.5 Map IOW 2D: IOW-2-S039 to S045 (Railway crossing bridge and Ryde Arena): The Council fully supports this section as it will provide a route in very close proximity of the sea with exceptional views of the Solent and avoid crossing a bus station and walking alongside a very busy road.</p> <p>5.6 Map IOW 2E: IOW-2-S049 (Appley Park): The trail routes along a path immediately adjacent the beach. The Council proposes designation of an upper path as inland coastal margin (see map 5.6 attached).</p>	

5.7 Map IOW 2F: IOW-2-S061 to S065 and OA001 to OA011 (Sea wall and beach south of Nettleston Point):

The Council fully supports this section as it will provide a route in very close proximity to the sea providing exceptional views of the Solent at all times other than high tide, at which time the alternative proposed route will be available.

5.8 Map IOW 2G: IOW-2-S067 to S107 & OA012 to OA032 (Seagrove & Priory Bays & Priory Woods):

The Council fully supports this section as it will provide a route in very close proximity to the sea providing exceptional sea views at all times other than at high tide, at which time the alternative proposed route will be available. The proposed infrastructure works in Priory Woods to National Trail standards will enable use of this trail to become a very rewarding coastal woodland experience.

5.9 Map IOW 2G: IOW-2-S074 (Seagrove Bay slipway):

The Council proposes designation of the slipway as inland coastal margin (see map 5.9 attached).

5.10 Map IOW 2G: IOW-2-OA025 and OA026 (Nodes Point and The Priory Hotel access road):

The Island Roads Highways Assessment Report, February 2020 assessed this route as being a moderate risk to pedestrians and minor works required to ensure the route is safe. The recommended works involve verge improvements to provide areas to step off the road to avoid traffic. The Council requires clarification that: such works will be undertaken and will be funded with landowner consent obtained to create step off areas/verges; or, Natural England has assessed that such measures are unnecessary and/or have sought further advice from Road Safety Engineers.

5.11 Map IOW 2H: IOW-2-S123 to S126 (Footbridge at Bembridge Marina):

The Council fully supports this section using what has previously been a private footbridge. Use of this footbridge will provide very good views of Bembridge Harbour and will also avoid a section of walking alongside a road in an urban environment.

5.12 Map IOW 2H and 2I: IOW-2-S133 to S142 and OA33 to OA51 (Bembridge low tide – high tide route):

The Council fully supports these sections which will provide a coastal experience at low tide and a straightforward direct route at high tide using existing public rights of way and footways/pavements.

5.13 Map IOW 2J: IOW-2-S142 to S147 (Forelands Sea Wall):

The Council fully supports the inclusion of this sea wall and the associated infrastructure works to provide a National Trail compliant surface which will formalise access along an unrecorded and popular public route.

5.14 Map IOW 2J: IOW-2-S151 and S152 junction (Forelands cliff path):

A landslip occurred at this location during winter 2019/20 which has resulted in a temporary closure of the existing public footpath between trail sections S149 and S157. The Council hopes to reopen the path during the summer of 2020 with landowner agreement, at which point Natural England will be advised of any realignment.

5.15 Map IOW 2K: IOW-2-S165 (Sandhills Holiday Park):

A landslip occurred at this location during winter 2019/20 which has resulted in the existing public footpath being moved slightly inland with landowner agreement. The Council is monitoring the situation and hopes to erect permanent fencing to the diverted section, at which point Natural England will be advised of the permanent realignment.

Natural England's comments

Natural England welcomes the Council's supportive comments on the sections referenced under 5.4, 5.7, 5.11, 5.12, 5.13 of the Isle of Wight Council's representation. We have addressed the points in order as follows:

5.1 Map IOW 2B: IOW-2-S016 to S018 (land at Quarr Abbey)

Natural England has provided separate comments for the Quarr Abbey site specific representation referred to by the Council (MCA/IOW2/R/18/IOW0145).

5.2 Directions Maps IOW 2A and IOW 2B (beach and foreshore, Fishbourne to Binstead)

The shoreline between Fishbourne Lane and Public Footpath R46 further east is wholly private land owned by Quarr Abbey, including the entire area depicted in blue on Map 5.2.5 supplied by the Council. Although there may be a level of use currently there is no formal agreement allowing access by the public to this area.

Countryside and Rights of Way Act section 25A directions to exclude access can only be applied to areas of saltmarsh or flat which are unsuitable for public access. This area is comprised of an expanse of mudflat bordering a narrow strip of shingle beach. A section 25A direction has been applied to the mudflat area within the coastal margin, as it can be dangerous to walk on and is a risk to public safety. The 'narrow strip' referred to by the Isle of Wight Council is a section of shingle beach, which is accessible at some states of the tide. It has not been included within the section 25A direction or the s24 direction so it will be available for public access.

We used the Priority Habitat Index (PHI) layer to identify the extent of the mudflat in the area, and one of our case officers 'ground-truthed' it during a site visit.

5.3 Map IOW 2C: IOW-2-S023 (land north thereof known as Ryde House)

We appreciate the Council's acknowledgement of the reasons for not formalising an access route through the woodlands north of Ryde House. We have spoken to the Council and confirmed that if the land use in the area of Ryde House was to change in the future, the route alignment in the area could be reassessed. The Council has withdrawn this part of the representation (annex 4).

5.5 Map IOW 2D: IOW-2-S039 to S045 (Railway crossing bridge and Ryde Arena)

Natural England welcomes the Council's supportive comments. Since our proposals were submitted the Council made us aware that the Ryde Esplanade Regeneration Plan (as mentioned in our report proposals under 'Other future change') has been developed. The Esplanade has been remodelled and refurbished to provide better travel connectivity and improved public space for residents and tourists. The upgrade of the esplanade affects the alignment of the originally proposed sections IOW-2-S033 to IOW-2-S039. **We ask the Secretary of State to approve the amended route as set out on the map included in annex 5.** Accompanying this map is a revised entry for table 2.3.1.

5.6 Map IOW 2E: IOW-2-S049 (Appley Park)

Since publication of our proposals, Natural England has discussed using our discretion to extend the landward coastal margin (LCM) over Appley Park with the Isle of Wight Council (which owns the land). Land used as a park is excepted from coastal access rights under Schedule 1 to the CROW Act (see Figure 1, page 11 in the Coastal Access Scheme). Therefore, using our discretion to extend the landward coastal margin in this location would not have the effect of extending coastal access rights nor would the Council benefit from the reduced occupier's liability that comes with it. To benefit from these things, the Council would need to dedicate the land, under section 16 of the Countryside and Rights of Way Act, as access land in perpetuity. The Council does not wish to do this.

5.8 Map IOW 2G: IOW-2-S067 to S107 & OA012 to OA032 (Seagrove & Priory Bays & Priory Woods):

Natural England welcomes the Council's supportive comments. Since the proposals were published, a landslip occurred within Priory Woods. With the Council's help we have managed to find a new alignment within close proximity to the sea. Please refer to our response to the representation made by [redacted] of the Ramblers Association - MCA/IOW2/R/10/IOW3889 which gives further detail.

5.9 Map IOW 2G: IOW-2-S075 (Seagrove Bay slipway)

Natural England is happy to agree the Council's request that the land in their ownership - the slipway - on the landward side of the route section IOW-2-S075 become landward coastal margin. **We ask the Secretary of State to approve this amendment** as set out on the map included in annex 6. Accompanying this map is a revised entry for table 2.3.1.

5.10 Map IOW 2G: IOW-2-OA025 and OA026 (Nodes Point and The Priory Hotel access road)

This section of our proposed optional alternative route follows the existing Isle of Wight Coast path along a public bridleway. It will be used by coast path walkers when the ordinary route of the trail is unavailable because of the high tide. No works have been carried out by the Isle of Wight Council along this section of public bridleway as a result of the highways report. We have concluded that, as it is already in use as the Isle of Wight Coast Path and a bridleway, then it is suitable for use as the KCPECP III. On assessment of the route we noted little opportunity for verge improvements without removal of hedgerow or encroachment on to adjacent private land and, as such, have made no recommendations in the report to carry out such works.

The Isle of Wight Coast Path is a very popular route promoted by the Isle of Wight Council and this route is in regular use. We acknowledge that the road safety assessment highlighted a moderate risk (annex 7) but there have been no pedestrian accidents recorded at this location and the route is along an access road to the holiday park and the Priory Hotel, used regularly by the public on foot, with space for pedestrians and vehicles to pass safely (see images below).

The report states that at this location no traffic data is available, but it is expected that speed and volume of traffic will be low. Natural England notes that the highways report states that “where traffic flows are less than 100 vehicles per hour and speeds are known or expected to be less than 20mph, the route will be considered suitable for pedestrians to share the space with vehicles”.

Google Map image: IOW-7-OA027 joins lane at this PRow onto IOW-7-OA026



Google Map images: Entrance to Nodes Park Holiday Centre and KCIIIIECP diverts to the left along RoW to Priory Hotel access track onto IOW-7-OA024



5.14 Map IOW 2J: IOW-2-S151 and S152 junction (Forelands cliff path)

We thank the Isle of Wight Council for providing this update on the status of the path at IOW-2-S151 and S152. Rollback has been proposed for this section of the route, in line with paras 4.10.5 to 4.10.9 of the Coastal Access Scheme. Natural England agree with the Council's representation that a revised route is required at this location. Natural England has worked with the Council and the relevant landowners to agree a new route at this location, avoiding the area lost to erosion (annex 8). **We ask the Secretary of State to approve the amended route as set out on the map included in annex 9.** Accompanying this map, we have also included a revised entry for table 2.3.1.

5.15 Map IOW 2K: IOW-2-S165 (Sandhills Holiday Park)

We thank the Isle of Wight Council for providing this update on the status of the path at IOW-2-S165. Rollback has been proposed for this section of the route, in line with paras 4.10.5 to 4.10.9 of the Coastal Access Scheme. Natural England agree with the Council's representation that a revised route is required at this location. Natural England has worked with the Council and the relevant landowners to agree a new route at this location, avoiding the area lost to erosion (annex 10). **We ask the Secretary of State to approve the amended route as set out on the map included in annex 11.** Accompanying this map, we have also included a revised entry for table 2.3.1.

Relevant appended documents (see section 6):

- Annex 3: Supporting maps and photographs as referenced within the representation: Map 5.2.1, Map 5.2.2, Map 5.2.3, 5.2 Photographs 1 to 4, Map 5.2.4, Map 5.2.5, Map 5.6, Map 5.9
- Annex 4: Email from Isle of Wight Council regarding confirmation of representation withdrawal
- Annex 5: Map of new route at Ryde Esplanade and revised attribute table 2.3.1
- Annex 6: Map of inclusion of Seagrove Bay slipway as landward coastal margin and revised attribute table 2.3.1
- Annex 7: Highways Report- Coastal Path Route Risk Assessments (for Nodes Point Holiday Centre) and email correspondence with the Isle of Wight Council
- Annex 8: Email correspondence with landowners Roderick and Susan Watton and Sally Thomas agreeing to route
- Annex 9: Map of new route at Forelands cliff path and revised attribute table 2.3.1
- Annex 10: Email correspondence with landowners Sandhills Holiday Park agreeing to route
- Annex 11: Map of new route at Sandhills Holiday Park and revised attribute table 2.3.1

Representation number:	MCA/IOW2/R/18/IOW0145
Organisation/ person making representation:	Isle of Wight Council, [redacted]
Route section(s) specific to this representation:	Map IOW 2B: IOW-2-S016 to S018 (land at Quarr Abbey)

Other reports within stretch to which this representation also relates:

N/A

Representation in full

Context/Introduction: The Isle of Wight Council (Council) is making the following representations:

- The proposed route of the trail fails to comply with the Marine and Coastal Access Act 2009 (2009 Act) and the criteria set out in the Coastal Access – Natural England’s Approved Scheme, 2013, NE446 (Approved Scheme) has not been followed.
- The proposed long term exclusion to margin, Section 24 (total exclusion, all year round) is excessive.
- The proposed long term access exclusion, unsuitable for Public Access, Section 25A, No Public Access, Year round, is excessive.

It is considered that Natural England has failed in its duty set out in section 297(2) of the 2009 Act to ensure that the route of the trail adheres to the periphery of the coast and to provide views of the sea.

Section 4.5.1 of the Approved Scheme makes it very clear that the route should be close to the sea otherwise it would fail in its primary purpose to enable people to enjoy the coast of England.

The 2009 Act provides that Natural England is to strike a fair balance between the interests of the public in having rights of access over coastal land and the interests of owners/occupiers of such land. The proposed route does not strike a “fair” balance as no access rights are proposed for the public at all.

The stretch of England Coast Path from Wootton Bridge (IOW-2-S003 CT) and the western end of Ryde Esplanade (IOW-2-S032 FW) (approximately 5.5km) is completely inland and does not follow the periphery of the coast at all. For the most part there are valid reasons for this being the case e.g. mostly due to the existence of private dwellings and their curtilage and a golf course. Further, the proposed route offers very few opportunities to view the sea, and the few opportunities that do exist rely on landowners keeping trees and hedges cut to a low height to enable the public to see over, a practice which landowners are not of course under any obligation to carry out.

Quarr Abbey is strategically positioned. When using the proposed route in a clockwise direction there has been no experience of the coast at all for 2km. The last experience of the coast is Wootton Bridge and the route then follows a busy main road and “urban” paths with no sea views. Likewise, when using the proposed route in an anti-clockwise direction there has been no experience of the coast for 3.5km. At the eastern end, the route is very “urban” as it passes through the outskirts of Ryde town centre and then largely follows existing inland public rights of way, again with no sea views. Utilisation of land at Quarr Abbey for coastal access rights is therefore essential to break up a very long stretch of inland walking with no guaranteed sea views.

It is understood that Quarr Abbey has two distinct aspects to its operation. On the one hand it is a very popular and commercial tourist destination, attracting Island residents and visitors all year round with ample parking, a café and gift shop and with no entrance fee. The owners promote the attraction in various publications and in video advertising on ferries to/from the Island. This part of its operation is limited to its grounds in the immediate vicinity of the actual Abbey, which is some distance from the coast. The remainder of its grounds consists of a number of large fields and a copse along its northern/coastal boundary. There are a number of existing paths/tracks within these areas. These areas are used for quiet recreation and relaxation for a small number of people who are staying at the Abbey as a “retreat” from which the Abbey derives an income through donations. The guest accommodation consists of ten rooms and a coach house for up to three persons.

Section 5.2 of the Approved Scheme provides that coastal access rights should not interfere in any significant way the operational needs of coastal businesses or organisations. A true coastal England Coast Path route would not interfere with the commercial/tourist aspect of the organisation at all as this is located inland. With regard to the accommodation aspect of the organisation, section 5.2.2 of the Approved Scheme provides that a trail can be aligned in a way that it is sensitive to land use – it can pass along the seaward edge of fields and along existing paths and tracks where suitable ones are available. The Quarr Abbey site is approximately 200 acres. Such a large site lends itself very well to aligning a trail which is sensitive to the requirements of a very small number of guests. Further,

existing paths and tracks already exist, many of which are already fenced off from the remainder of the land.

Section 5.3 provides for the prevention of coastal business suffering “significant” loss of income from the introduction of coastal access rights. It is considered that Natural England have failed in its duty to strike a fair balance between the concerns of the owners and the interests of the public as a trail through all or part of the land at Quarr Abbey would be feasible without the owner suffering “significant” loss or any loss of income at all. As mentioned above a trail through a large site, sensitive to the needs of small number of guests, is feasible and reasonable without affecting income.

Section 5.4 of the Approved Scheme relates to the protection of privacy for owners, occupiers and invited guests. However, sections 5.4.3 and 5.4.4 make it very clear that Natural England are required to negotiate a route through which respects privacy and aim to strike a fair balance between privacy concerns and the interest of the public having a right of access. This has not been achieved by Natural England – a trail

through a large site of this could be aligned so as to protect the privacy of a small number of guests, especially as existing paths and tracks exist, many of which are already fenced or have hedge boundaries.

Section 8.18 of the Approved Scheme relates to private houses, hotels, holiday properties, parks and gardens. Section 8.18.4 states that wherever possible the trail will be aligned on the seaward side of hotels, holiday properties, private residences and any gardens or parkland associated with them. This provision has not been followed by Natural England at Quarr, despite the extent of the land lending itself very well to the such an alignment.

Section 8.18.17, in relation to hotel and accommodation businesses, provides that it will often be possible to align the trail in a way that avoids areas favoured by paying guests for quiet enjoyment, with any spreading room access being sufficiently low key to be in keeping with these qualities. This provision has not been followed by Natural England – no trail has been aligned at all and spreading room is proposed to be completely excluded. This is unreasonable for a large site such as this where the accommodation and number of guests is very small.

The land is not registered as a Park/Garden on the list compiled by English Heritage and does not come under the description of a garden in Figure 22 of the Approved Scheme. The land is not therefore excepted.

Attached is a Map (ref 2.2) upon which annotations have been made showing possible (indicative) alternative routes for the trail together with photographs (Photo 2.2 (1), (2) and (3) and Photo 5.2 (1)) showing the unimpeded and permanent views of the sea that would be enjoyed by the public.

Conclusion in relation to the proposed England Coast Path alignment:

It is considered that the approach of no coastal access rights at all through or on land at Quarr contradicts the Approved Scheme on many counts. A fair balance has not been achieved. The balance is weighted wholly in favour of the landowners at the cost of no public coastal access rights at all. A route through the land is perfectly achievable in order to “strike a fair balance” and at least one of the options shown on the attached map (ref. 2.2) should be considered and adopted. The Council objects to the route proposed in the Report for the reasons outlined above.

Section 24 Access Exclusion:

The blanket Section 24 exclusion on the whole site is excessive. It is unnecessary and unreasonable and does not comply with the provisions of the 2009 Act or the Approved Scheme. The restriction should be removed altogether or be revised after a fair and reasonable trail is adopted through the land.

Section 25A Exclusion:

The extent of the Section 25A restriction on this area is unnecessarily excessive. Fishbourne Lane and Public Footpath R46 both provide public access to the beach and shore (see map 5.2.1). Use of this beach and walking along it between these two public access points is a regular and popular public activity. Direction Maps 2A and 2B contained in the Report appear to exclude public access altogether. Enquiries with Natural England on this point have revealed that there is in fact a narrow strip of beach which is not subject to the restriction (see maps 5.2.2 and 5.2.3). However, such a narrow strip is unreasonable and due to the scale of the maps which will be available for the public to view (e.g. ordnance survey leisure maps) it will not be possible for the public to be aware that this narrow strip

of land is available for public use. Accordingly, this will effectively result in the public's right to access coastal land in accordance with the Marine and Coastal Access Act 2009 being unknown and unavailable and lead to an unfair advantage for landowners. It will also cause confusion and possible conflict between the public and landowners. Attached are four photographs (Photos 5.2. (1) – (4)) clearly showing the wide areas of beach available for the public to use and walk along. Further, the narrow strip which is not subject to the restriction appears in some places to be areas of large rocks rather than beach which may not be possible to use or pass over in a safe manner. The Council objects to the Direction Maps as drawn and requests they be amended to provide for a much wider corridor for the public to use. Please see maps 5.2.4 and 5.2.5 for reasonable suggestion.

Natural England's comments

We acknowledge the requirements of section 297(2) of the 2009 Act to have specific regard of the desirability of adhering to the periphery of the coast and keeping interruptions to a minimum and we have strived to achieve this. However, the Scheme also recognises that significant detours may occasionally be necessary to take into account uses of the land and that the trail may lose sight of the sea. Table 2.3.3 of report 2 states the reasons why it was not possible to propose a more seaward route in the area. It should also be noted that aside from this diversion, there is no other significant inland alignment in report IOW 2 (or indeed along the Isle of Wight Coast until we reach report IOW7).

Please see our response to [redacted], Ramblers Association - MCA/IOW2/R/11/IOW3889 for our commentary on the alignment decisions we made in the vicinity of Quarr Abbey. Our response addresses the need for a Section 24 direction to exclude access for the purpose of protecting income. Please also refer to our response to [redacted]'s other representation - MCA/IOW2/R/17/IOW0145 - which explains the proposed extent of the Section 25A direction over the mudflat. We disagree with the Council's proposal to modify the directions maps included within our reports.

Relevant appended documents (see section 6):

Annex 12: Supporting maps and photographs as referenced within the representation: Map 2.2, Photographs 2.2 (1 to 3), Map 5.2.1, Map 5.2.2, Map 5.2.3, Photographs 5.2 (1 to 4), Map 5.2.4

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

As representatives of the 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

Increased visitor numbers

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

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

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 also provides funding for on-the-ground access management projects specific to each site, including measures such as interpretation panels. Bird Aware Solent and Natural England colleagues have liaised to identify the likely projects that would be effective to reduce recreational disturbance in the Solent based on evidence.

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

Mapping of Spreading Zone

How coastal margin is to be mapped on the Ordnance Survey's Explorer Series Maps does not form part of our proposals.

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

Coastal margin will generally have, as a large component, land which is subject to coastal access rights but in some areas contains much land which is not subject to these rights. This may be because either it is excepted land, as set out in Schedule 1 of CROW, or because it is subject to statutory restriction.

It follows that, in contrast to the position with CROW 'open access land', the depiction of coastal margin on OS maps is not a depiction of 'access land' per se, but a depiction of the status of the land, rather as national park boundaries are depicted on the maps. This distinction was central to the decision to depict coastal margin distinctively on OS maps.

It was felt that because the existing open access 'yellow wash' is well-known by users and often perceived to mean that all areas within it are accessible, a different coloured wash and boundary to depict the coastal margin should be used in order to clearly reflect the different nature of this new

designation. In deciding this, the stakeholder group concluded that to show the coastal margin boundary only would not achieve the desired effect. Also, where coastal access rights have superseded existing open access rights on the coast, showing the boundary only would mean removing the existing yellow access land wash in order to avoid confusion – but this might create the undesirable impression of a *loss* of public access rights. Because of OS operational needs, the colour chosen for depicting the coastal margin was magenta, (a 10% magenta wash) bounded on its landward edge by distinctive magenta semi-circles.

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

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

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

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

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

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

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

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

- On the Isle of Portland, because of the need for the approved route of the ECP to cut across the northeast 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.

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Representation number:	MCA/IOW Stretch/R/8/IOW3902
Organisation/ person making representation:	[redacted] on behalf of the Isle of Wight Local Access Forum
Route section(s) specific to this representation:	Whole stretch – Reports 2 to 10
Other reports within stretch to which this representation also relates:	As above

Representation in full

The Isle of Wight Local Access Forum

Dear Colleagues,

Due to the Corvid 19 pandemic the I.W Local Access Forum were unable to hold its last Forum meeting to formulate an agreed response to the consultation process. In addition a number of key persons are currently in the shielding group (until end of June 2020) and as a consequence no site visits or consultations could take place in person.

As a National advisory body and constituted organisation the Chairman was therefore unable to agree or steer the Forum towards "a clear and agreed line" (para 5.2.4 LAF's in England).

However we have consistently been able to put our point across during the pre-consultation phase and have encouraged both individuals and organisations to comment at all stages.

sincerely, [redacted] - I.W LAF Chair.

Natural England's comments

Natural England thanks the Isle of Wight LAF for its constructive engagement with the Programme during the development of these proposals

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

Representation in full

The Open Spaces Society has considered the representations being submitted by The Ramblers' Association. They wish fully to support all those representations as follows:

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

Natural England's comment:

The Open Spaces Society representation concerns the whole stretch. Natural England has responded to the above parts of the representation that are relevant to the IOW 2 report (Ramblers' Items – Isle of Wight Report 2 Overall, Key Issue paper 2a Quarr Abbey, Key Issue 2b Ryde House, Key Issue 2c Bembridge Lagoons and Key Issue 2d Bembridge Coast).

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

MCA/IOW2/R/9/IOW3889
MCA/IOW2/R/10/IOW3889
MCA/IOW2/R/11/IOW3889
MCA/IOW2/R/12/IOW3889
MCA/IOW2/R/13/IOW3889

Relevant appended documents (see Section 6):

Annex 1: Ramblers Supporting Document, IOW 2

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

Representations containing similar or identical points	
Representation ID	Organisation/ person making representation:
MCA/IOW2/R/2/IOW3876	[redacted]
MCA/IOW2/R/5/IOW4203	[redacted]
MCA/IOW2/R/7/IOW4205	[redacted]
MCA/IOW2/R/15/IOW4208	[redacted]
MCA/IOW2/R/21/IOW4220	[redacted]
MCA/IOW2/R/23/IOW3874	[redacted]
Name of site:	Bembridge Harbour
Report map reference:	Map IOW 2h
Route sections on or adjacent to the land:	IOW-2-S127 to IOW-2-S133
Other reports within stretch to which this representation also relates	N/A
Summary of point:	
<p>The B3397 is a busy, and noisy road, with a narrow pavement. To overtake other pedestrians, you may need to walk in the road. The houseboats are interesting, but much of this route is through boatyards and industrial land. However, an existing path follows a pleasant off-road route (through Brading Marshes, RSPB nature reserve) which is peaceful and has attractive views over the salt marshes. It runs parallel to the road- just to the south of the B3397. Adds wildlife interest, heritage and shows diversity of coastal landscapes.</p>	
Natural England’s comment:	
<p>Please refer to our response to the representation made by [redacted] of the Ramblers Association - MCA/IOW2/R/12/IOW3889 which make all the same points. These comments can be found in section 3 ‘full’ representation towards the top of this document.</p>	

Representations containing similar or identical points	
Representation ID	Organisation/ person making representation:
MCA/IOW2/R/2/IOW3876	[redacted]
MCA/IOW2/R/5/IOW4203	[redacted]
MCA/IOW2/R/7/IOW4205	[redacted]
MCA/IOW2/R/15/IOW4208	[redacted]
MCA/IOW2/R/21/IOW4220	[redacted]
MCA/IOW2/R/23/IOW3874	[redacted]
Name of site:	Bembridge Village
Report map reference:	Map IOW 2h, Map IOW 2j
Route sections on or adjacent to the land:	IOW-2-S134 to IOW-2-S141

Other reports within stretch to which this representation also relates	N/A
Summary of point:	
<p>The representations propose a route that can be used during all tidal states, rather than Natural England's proposed high tide and low tide routes. The proposed route follows Pump Lane to Ducie Avenue. Between Ducie Avenue and footpath 'BB42' they propose aligning through a woodland strip, a field boundary, and existing paths on either side of the lifeboat pier as well as skirting the edge of the Warner Holiday Village. Due to difficult walking on the beach around the headland, the Goldspinks suggest reinstating path BB10 around the cliff top perimeter of Warner's Holiday Centre to re-join the revetment to Forelands fields.</p>	
Natural England's comment:	
<p>The suggestions in the representations are aimed at creating a route that is available at all states of the tides and is close to the coast. Natural England investigated creating a similar main route (for use at all tide times), but for reasons set out further above it was proven to be infeasible and excessively costly. Please refer to our response to the representation made by [redacted] of the Ramblers Association - MCA/IOW2/R/13/IOW3889 which addresses the same points. This representation can be found in the full representation section towards the top of this document.</p> <p>The investment in infrastructure and new path creation here would also be vulnerable to coastal erosion and may need to be replaced in future years. Roll back does accommodate for this, but much of the land onto which the route would roll back is currently considered to be excepted land. Due to this there is a risk that in the near future the route suggested would not be viable (para 2.3.13 of the Coastal Access Scheme). As such Natural England does not agree with the suggestion to amend the route here.</p>	

Representations containing similar or identical points	
Representation ID	Organisation/ person making representation:
MCA/IOW2/R/3/IOW3876	[redacted]
MCA/IOW2/R/8/IOW4205	[redacted]
MCA/IOW2/R/16/IOW4208	[redacted]
MCA/IOW2/R/20/IOW4220	[redacted]
MCA/IOW2/R/14/IOW4207	[redacted]
MCA/IOW2/R/2/IOW3876	[redacted]
MCA/IOW2/R/1/IOW4200	[redacted]
MCA/IOW2/R/6/IOW4204	[redacted]
Name of site:	Quarr Abbey
Report map reference:	Map IOW 2b
Route sections on or adjacent to the land:	IOW-2-S017 to IOW-2-S018
Other reports within stretch to which this representation also relates	N/A
<p>The representations all express disappointment that a coastal route at Quarr Abbey has not been proposed. The representations suggest that from Fishbourne to Ryde there is a great opportunity to open up a new path that offers fantastic views over the Solent and towards the mainland.</p>	

They state that the section 24 direction to exclude access should not be made and that access should be found through the woodland close to the coast. They say that a woodland route would not impact greatly on residents and guests. They do not agree that this would in any way “*compromise*” the commercial income that the owners obtain through ‘paying guests.’ They say that ‘quiet contemplation’ would be possible even if a coast path was aligned through the grounds and that appropriate signage would help manage this. [redacted] suggests that a fenced route through Fishbourne Copse might be possible.

Natural England’s proposal is presented as a long and rather dull stretch of inland walking. It is suggested that walkers will encounter traffic and will enjoy few views of the coast.

Some representations note that monasteries are not excepted land under Schedule 1 to the CROW Act.

Natural England’s comment:

Please refer to our response to the representation made by [redacted] of the Ramblers Association - MCA/IOW2/R/11/IOW3889 which makes all the same points. These comments can be found in section 3 (‘full’ representations), towards the top of this document.

Representations containing similar or identical points

Representation ID	Organisation/ person making representation:
MCA/IOW2/R/4/IOW3876	[redacted]
MCA/IOW2/R/8/IOW4205	[redacted]
MCA/IOW2/R/16/IOW4208	[redacted]
MCA/IOW2/R/1/IOW4200	[redacted]
MCA/IOW2/R/14/IOW4207	[redacted]
Name of site:	Ryde House
Report map reference:	Map IOW 2c
Route sections on or adjacent to the land:	IOW-2-S023
Other reports within stretch to which this representation also relates	N/A

A woodland coastal route should be found in and around Ryde House. The route could follow footpath R47 to access the coast and then go east, avoiding the boat area, if necessary, to follow the coast within woodland to then return inland via woodland to the east of Ryde House. This route would be outside the securely fenced Ryde House Centre, thus causing little disturbance, and using woodland outside their ownership.

Natural England’s comment:

This route was not proposed due to the current use of Ryde House, which offers a home to adults with severe learning disabilities, autism, and challenging behaviour. For safeguarding and security reasons coastal access rights should not be introduced at the current time to the grounds of Ryde House. However, if the use of the site changes in the future, then a more coastal route could be investigated.

In addition, any route through the woods seaward of Ryde House would only be a very short diversion, before it had to come inland, because there is no way through along the coast to the east. This would be unnecessarily circuitous. Please see table 2.3.3 of Natural England’s report IOW 2 stating the reasons why a more seaward route wasn’t available here.

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

Representation ID:	MCA/IOW Stretch/R/5/IOW4210
Organisation/ person making representation:	The Disabled Ramblers
Name of site:	IOW 2 - 10
Report map reference:	all
Route sections on or adjacent to the land:	all
Other reports within stretch to which this representation also relates	all
<p>Summary of representation:</p> <p>Modern mobility vehicles can be very large, and many man-made barriers that will allow a manual wheelchair through are not large enough for all-terrain mobility vehicles, or for ‘pavement’ scooters, and prevent legitimate access even though users of mobility vehicles have the same rights of access that walkers do. Man-made structures along the England Coast Path on the Isle of Wight should not be a barrier to access for users of mobility vehicles.</p> <p>Disabled Ramblers notes that Natural England proposes to help fulfil the Isle of Wight ROWIP ambitions with regard to replacing all stiles with gates. This is a positive step.</p> <p>Natural England states, in the <i>Overview</i> document to this stretch that they <i>have considered interrelationships between their proposals and the Isle of Wight Rights of Way Improvement Plan (IOW ROWIP)</i>. The Isle of Wight ROWIP was published in 2006, then reassessed and reviewed in 2016 and the findings published in 2018. <i>Policy C: Creating New Access</i> of this review states an objective is to make improvements to the network which benefit as wide a range of users as possible, and which address issues of accessibility for people with mobility difficulties.</p> <p>Disabled Ramblers requests that Natural England goes further than just replacing stiles with gates and considers all types of structure along the England Coast Path on the Isle of Wight. All new structures should allow convenient access to mobility vehicle riders as standard and should comply with British Standard BS5709: 2018 Gaps Gates and Stiles which places the emphasis on Least Restrictive Access. (NB this new standard postdates the ROWIP review, so would not have been available at the time to inform the review.)</p> <p>Disabled Ramblers also request that, as part of the preparation of the England Coast Path, all existing structures are removed and replaced if they prevent access to users of mobility vehicles.</p> <p>Suitability of all structures should always be considered on the assumption that a person with reduced mobility will be going out without more-mobile helpers, so will need to operate the structure on their own, seated on their mobility vehicle.</p> <p>Disabled Ramblers requests:</p> <ul style="list-style-type: none"> • that installation of new structures should be suitable for those who use large mobility vehicles, and that comply with British Standard BS5709: 2018 Gaps Gates and Stiles. 	

- that existing man-made structures that are a barrier to those who use mobility vehicles, should be reviewed, and where necessary removed and replaced with suitable structures to allow access to these people
- compliance with the Equality Act 2010 (and the Public Sector Equality Duty within this act)
- compliance with the Countryside Rights of Way Act 2000
- adherence to the advice from Disabled Ramblers as set in the attached document *Man-made Barriers and Least Restrictive Access*.

Natural England's comment:

Natural England acknowledges its duties under the Equality Act 2010 and the Countryside and Rights of Way Act 2000, and the extra responsibilities conferred by the Public Sector Equality Duty, under the former. An important element of equality law is that the needs of those with constrained or restricted mobility are taken into account throughout the planning, design and implementation processes, and that they are not simply treated as an 'add on'. We have endeavoured to achieve this as we have developed our proposals for the Isle of Wight, and, if our proposals are approved, will continue to do so through the implementation phase, working alongside Isle of Wight County Council, which shares the same responsibilities and duties.

We also recognise the importance of satisfying the relevant British Standards, and the desirability of complying with the advice contained in the *Disabled Ramblers Notes on Manmade Barriers* and will also be focusing on these documents as we work with the access authorities. We have not proposed any stiles on this route and where they do exist we are removing them. We have also limited the use of kissing gates.

We also note the Disabled Ramblers' pertinent advice regarding the larger/ all-terrain mobility vehicles and believe that many parts of the Isle of Wight, including much of the alignment covered by Report IOW 5, lend themselves to use by such vehicles.

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

"4.3.8 We follow the principles set out in our publication "By All Reasonable Means" to make the trail as easy to use as we reasonably can for disabled people and others with reduced mobility, whilst accepting that such opportunities will often be constrained by practical limitations, such as the rugged nature of the terrain or the availability of visitor transport and facilities (see section below). Where there is a choice of routes (after taking into account all the key principles in chapters 4 and 5 of the Scheme), we favour the one that is accessible to the widest range of people or most easily adapted for that purpose.

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

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

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

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

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

Finally, the English coastline is often a rugged and challenging environment. However, most of the route on IOW 2 is on concrete surfacing and following public rights of way that are generally suitable for use by those with reduced mobility. We’ve consulted with Isle Access to see what further infrastructure improvements could be made along St Helens Causeway (IOW-2-S120). Please refer to our response to the representation made by [redacted] of the Ramblers Association - MCA/IOW2/R/10/IOW3889 which gives further detail.

Nevertheless, it does also include locations where the new or retained infrastructure may restrict access to those with reduced mobility. For example:

- At Seagrove Bay (IOW-2-S068, IOW-2-S076) and Priory Bay (IOW-2-S085, IOW-2-S089 and IOW-2-S090), existing steps are used to ascend/descend the beach. It is not possible to replace these steps with ramps.
- The coastal slope through Priory Woods is narrow and there is no scope for the widening of this path. There are also several steps which are not possible to replace with ramps due to the gradient and surface conditions.
- There are kissing gates along the Priory Bay Optional Alternative which are needed due to the presence of livestock.
- There are groynes present on Bembridge beach. However, the optional alternative route can be used instead.
- There are steps at IOW-2-S148 and IOW-2-S160 which are unavoidable due to the gradient.

Relevant appended documents (see Section 6):

Annex 13: Disabled Ramblers Document: *Man-made Barriers and Least Restrictive Access*

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

Summary of representation:

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

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

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

Expressions of disappointment and satisfaction were discussed regarding the details of the route. It was felt that opportunities had been missed for better access to the coast notably at Norton Spit and the woodland around Quarr. It was felt that photography would have both improved the interpretation and illustrated the issues that were highlighted in the report. Recommend a fixed-point photography scheme is established as an aid for subsequent monitoring of the effects of the proposed mitigation on the coastal environment and landscape.

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

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

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

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

Natural England's comment:

Natural England thanks the Isle of Wight AONB Steering Committee for its constructive engagement with the Programme during the development of these proposals. We note their conclusion that the provisions of the Marine and Coastal Act 2009 seem to have been satisfactorily addressed by the proposed route, given the constraints and having to consider the needs and aspirations of all parties concerned. We also note the Committee's feeling that opportunities were missed for better access at certain locations such as at Quarr (IOW2) and Norton Spit (IOW6). During consultation we explained in detail the rationale for our proposals and in our final report we discuss the other options that were considered. We make further comments about the proposed alignment at Quarr Abbey in our response to the representation made by [redacted] of the Ramblers Association- MCA/IOW2/R/11/IOW3889. These comments can be found in section 3 'full' representation towards the top of this document.

Conflicting legal duties

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

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

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

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

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

Efficacy of access management techniques

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

Bird Aware Solent is funded through financial contributions from developers, and we fully support the focus on using the resources generated to provide wardens. With coastal access on the other hand, interventions are mainly associated with improvements to paths and their associated infrastructure,

including directional signage, awareness raising notices, physical barriers and screening. Through our consultation during the design stage of implementing coastal access, we make sure our proposals fit with Bird Aware Solent's site-specific projects. Also, we assess our impacts in combination with the development pressure. We believe that interventions delivered by coastal access and Bird Aware Solent may be beneficially combined with access management done by local authorities, Environment Agency, wildlife organisations and others. We hope this provides some clarification about Natural England's views on access management.

Evaluation

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

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

Signage:

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

Representation ID:	MCA/IOW Stretch/R/2/IOW0259
Organisation/ person making representation:	Southern Gas
Name of site:	Stretch wide
Report map reference:	All
Route sections on or adjacent to the land:	Specified within the supporting documentation
Other reports within stretch to which this representation also relates	All
Summary of representation:	
<p>NE should be aware that ground works that take place in the vicinity of gas infrastructure could result in personal injury or damage to the gas infrastructure. As such NE will be expected to consult with Southern Gas in relation to said points of interaction and any ground works that might be required.</p> <p>Southern Gas has provided a bundle of plans that show the locations of the relevant infrastructure on the IOW which is situated either on the route or in close proximity (50m).</p>	

Natural England's comment:	
Natural England and the Isle of Wight Council (who will undertake the establishment works) will consult with Southern Gas as necessary during the establishment phase.	
Relevant appended documents (see Section 6):	
There are a significant number of documents that were provided to help NE locate gas infrastructure. These have not been attached but can be provided if necessary.	

Representation ID:	MCA/IOW Stretch/R/4/IOW3891
Organisation/ person making representation:	[redacted] (chairman) on behalf of Isle of Wight Gardens Trust
Name of site:	Quarr Abbey and The Priory, St Helens
Report map reference:	Report IOW 2 Map 2b and Map 2g
Route sections on or adjacent to the land:	N/A
Other reports within stretch to which this representation also relates	Report IOW 3 Map 3i (Ventnor Botanic Gardens) Report IOW 4 Map 4a (Old Park, St Lawrence)

Summary of representation:	
<p>The Isle of Wight Gardens Trust has reviewed the reports and maps relating to the proposed route of the England Coast Path on the Isle of Wight. For the stretches of the route currently under consultation, we have identified that the following parks and gardens are affected:</p> <p>Quarr Abbey – This is on the Local List due to its designed landscape importance. Having reviewed the proposals we note they the route of the proposed National Trail will follow that of existing public rights of way and the current Isle of Wight Coastal Path. We raise no objection to this as we do not feel that the integrity of the designed landscape will be adversely affected.</p> <p>The Priory, St Helens – This is on the Local List due to its designed landscape importance. The proposed route is seeking to use current public rights of way through Priory Woods (partly within in the boundary of the Local List site. To date these have been an alternate and fair-weather route for the Isle of Wight Coastal Path due to difficulties of maintaining a path through this clay based coastal landscape which is subject to movement. We understand that the proposal will see capital investment in path improvements to allow the route to be become the promoted National Trail. Whilst this will no doubt result in increased usage, as the paths concerned are already public rights of way, we raise no objection to this proposal.</p>	

Natural England's comment:	
Natural England thanks the Isle of Wight Gardens Trust for its supportive comments.	

Representation ID	MCA/IOW2/R/6/IOW4204
Organisation/ person making representation:	[redacted]
Name of site:	Ryde House

Report map reference:	Map IOW 2c
Route sections on or adjacent to the land:	IOW-2-S023
Other reports within stretch to which this representation also relates	N/A
Summary of representation:	
[redacted] is familiar with the organisation at Ryde House. He believes that Natural England's proposed route does not impact on Ryde House and is therefore sensible.	
Natural England's comment:	
Natural England welcome [redacted]'s support for the route avoiding Ryde House.	

Representation ID:	MCA/IOW2/R/19/IOW3866
Organisation/ person making representation:	[redacted] (Lichfields) on behalf of Bourne Leisure Ltd
Name of site:	Bembridge Point to Holiday Village (Bembridge Coast Hotel)
Report map reference:	Map IOW 2i
Route sections on or adjacent to the land:	IOW-2-S140 IOW-OA043 to IOW-OA048
Other reports within stretch to which this representation also relates	N/A

Summary of representation:	
<p>Bourne Leisure operates more than 50 holiday sites in the form of holiday parks, family entertainment resorts and hotels in Great Britain under the Warner Leisure Hotels, Haven and Butlins brands. It is therefore a significant contributor to the national tourist economy, as well as local visitor economies. On the Isle of Wight, Bourne Leisure operates Norton Grange Coastal Village and Bembridge Coast Hotel. The representation also expresses support for the proposed route itself, which was agreed by their client in February 2019, and comments on engagement with Natural England throughout the process.</p> <p>These representations relate to the proposed coast path at Bembridge Coast Hotel.</p> <p>Bourne Leisure Ltd has engaged with Natural England throughout its preparations of the Coastal Report and in developing the proposed coast path route on the Isle of Wight. The proposed route is located outside of its landholdings, as does the optional alternative route along Foreland Farm Lane.</p> <p>The proposed route in the vicinity of Bembridge Coast Hotel was agreed by Bourne Leisure in February 2019 and there are no material changes to that agreed route in the published Coastal Report. The Report proposes no coastal access rights landward of the proposed route nor seaward of the optional alternative route. Bourne Leisure endorses this approach.</p> <p>Notwithstanding this, there are two matters on which representations are made:</p> <p>Firstly, the Report includes reference to roll-back procedures should this be necessary. It states at table 2.3.4 that, "If it is no longer possible to find a viable route seaward of a designated site (e.g. SSSI, SAC,</p>	

SPA, SAM), or where the existing route already passing through such a site must be altered, we will choose a new route after detailed discussions with the relevant experts and with any potentially affected owners or occupiers, which will either (a) continue to pass through the site, if appropriate or (b) if necessary, be routed landward of it.”

Whilst Bourne Leisure endorses the approach to detailed discussions, in principle, it appears that in this particular situation the roll back position has already been identified and assessed in forming the Optional Alternative Route. Given the lack of alternative options in this location, the Optional Alternative route should be identified as the roll-back route in the Report. This will provide clarity and certainty. It will also avoid the need and expense of further rounds of discussions.

Secondly, no infrastructure is to be provided/removed along this route section. Natural England previously suggested to Bourne Leisure that there would be signs installed at either end of the route where it splits into the high tide and low tide paths, with a map to clearly show these routes. This has not been carried forward into the submitted Coastal Report. In order to aid route users and to avoid them traversing private land, the proposal for signage should be reinstated.

Natural England’s comment:

Support for the route

We welcome the positive engagement from the representatives of Bourne Leisure Ltd during the development of our proposals and the supportive comments regarding the proposed route made on behalf of Bourne Leisure Ltd.

Roll back

The 2009 Act enables Natural England to amend the location of the trail in response to coastal erosion by creating a ‘roll back’ route (4.10 of the Coastal Access Scheme). It would be unwise for NE to commit to the location of the rolled back route in our report as there is no certainty as to when roll back will occur, or that the land use and land management on the adjacent land will be unchanged when erosion occurs.

Infrastructure

Natural England do not include signage on the reports map as the volume of locations would result in cluttered and difficult to read maps. We confirm that the advisory signs will be added at the junction between IOW-2-S141 and IOW-2-OA51 to indicate the location of the main route and optional alternative route. As per discussions with the representatives of Bourne Leisure Ltd, these signposts will display a map to indicate the location of the main route and optional alternative route. We will also add a waymarkers at the junction between IOW-2-OA49 and IOW-2-OA50.

Representation ID:	MCA/IOW2/R/2/IOW3876
Organisation/ person making representation:	[redacted] (Solent Protection Society)
Name of site:	IOW 2
Report map reference:	Map IOW 2g, Map IOW2h & Map IOW 2j
Route sections on or adjacent to the land:	IOW-2-S089 to end of IOW-2-S092 IOW-2-S093 to end of IOW-2-S097 IOW-2-S112 to IOW-2-S114 IOW-2-S125 and S126 IOW-2-S150 to S158
Other reports within stretch to which this representation also relates	N/A

Priory Woods. Map 2g. IOW-2-S089 to end of IOW-2-S092.

We would strongly support the proposals through Priory Woods. The path at high level becomes very muddy and sticky in winter so a board walk is needed.

Nodes Point. Map 2g. IOW-2-S093 to end of IOW-2-S097. Strong support again for this section with adequate steps due to the underlying ground.

Ferry Point. Map 2h. IOW-2-S113. Remove this section. Suggest path should not pass in front of Ferry House to avoid trampling on developing shingle spit with interesting floral assemblage. Suggest short fenced path between the end of IOW-2-S112 and the start of IOW-2-S114. Information board sited at end of IOW-2-S112

Yar Quay Bridge. Map 2h. IOW-2-S125 and S126. We draw your attention to the current Planning Application P/00637/14 for nine houses to be built on IOW-2-S126. Suggest Coastal path to follow the current route to join the B3395 about 150 yds to the West unless a route past the housing can be agreed.

From the “Crab and Lobster carpark” to Bembridge Boarding Campus IOW-2-S150 to S158. This section is frequently closed due to cliff slumping. The option is either roll back or Howgate Road (suburban with no view of the sea) so roll back provision is important here.

Natural England’s comment:

Priory Woods and Nodes Point

Natural England welcomes [redacted]’s support for our proposals at Priory Woods and Nodes Point. Since the proposals were published, a landslip occurred within Priory Woods. With the Councils help we have managed to find a new alignment within close proximity to the sea. Please refer to our response to the representation made by [redacted] of the Ramblers Association - MCA/IOW2/R/10/IOW3889 which gives further detail. In terms of infrastructure improvements, we are planning to replace and extend much of the existing boardwalk and steps. However, such improvements may be constrained due to the geology of the area and its designation (Priory Woods SSSI). Another factor to consider is the terrain and the extent to which this might dictate ability to bring required materials onto site.

Ferry Point

In Table 2.2.7 of the report, we explain that an interpretation panel will be installed explaining the environmental sensitivities and asking people to keep to the path. The trail is aligned along the sea wall and other existing paths away from dune habitat. Our Nature Conservation Assessment concluded that our proposals are made in accordance with the relevant environmental protection legislation and would have no significant effect on the designated features.

Yar Quay Bridge

Since our original proposals were submitted, the planning application for a housing development along IOW-2-S126 has been granted. There will be no public access throughout the newly developed site, however, the path remains walkable at this present time. If the works for the housing development begin in the near future, then it is likely that we will realign the ECP along the existing Isle of Wight Coast Path. This will be achieved through a variation report, which includes a chance for further representations and objections.

From the “Crab and Lobster carpark” to Bembridge Boarding Campus

Roll back has been proposed for this section of the route, in line with paras 4.10.5 to 4.10.9 of the Coastal Access Scheme. A revised route is required at this location. Natural England has worked with the Council and the relevant landowner to agree a new route at this location, avoiding the area lost to erosion (annex 14). **We ask the Secretary of State to approve the amended route as set out on the map included in annex 15.** Accompanying this map, we have also included a revised entry for table 2.3.1.

Relevant appended documents (see Section 6):

Annex 14: Email correspondence between the IWC and Kingswood agreeing to route

Annex 15: Map of new route at Kingswood and revised attribute table 2.3.1

Representation ID:	MCA/IOW2/R/2/IOW3876, MCA/ IOW2/R/3/IOW3876, MCA/ IOW2/R/4/IOW3876
Organisation/ person making representation:	[redacted]
Name of site:	Stretch Wide
Report map reference:	All
Route sections on or adjacent to the land:	All
Other reports within stretch to which this representation also relates	IOW6, IOW7 (cover letter)

In addition to [redacted]'s representations, he attached a cover letter with general comments on the report (attached at Annex 16).

Natural England's comment:

General comments on the report

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

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

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

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

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

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

Relevant appended documents (see Section 6):

Annex 16: Cover Letter

Representation ID:	MCA/IOW Stretch/R/7/IOW4218
Organisation/ person making representation:	[redacted]
Name of site:	Stretch Wide
Report map reference:	All
Route sections on or adjacent to the land:	All
Other reports within stretch to which this representation also relates	IOW 2, 6, 7, 8, 9 & 10 (This representation also relates to the report titled Habitats Regulations Assessment of England Coastal Path proposals between Wotton Bridge and East Cowes ferry terminal)
Summary of representation:	
<p>[redacted]' representation is set out in detail in his letter of 5th June 2020 as sent to the England Coast Path Delivery Team in Eastleigh (attached at Annex 17).</p> <p>In summary the representation is an objection to the alignment of the path and the identification and management of spreading room as [redacted] believes, in general, it does not properly consider the nature conservation issues and, specifically, it is incompatible with statutory obligations under the Habitats Regulations. The representation includes a formal complaint as to the adequacy of the Habitats Regulation Assessment and the process by which it was drafted.</p>	
Natural England's comment:	
<p>[redacted] supporting representation letter is attached to the bottom of this representation form (Annex 17). For ease of reference each point is included in Natural England's comments, alongside an extract from [redacted] document.</p> <p><u>HRA</u></p> <p><i>Habitats Regulations Assessment is faulty in a number of regards; including</i></p> <ul style="list-style-type: none"> • <i>The lack of analysis as to whether the data available to the authors was adequate, which in turn results in a failure to identify and address any significant deficiencies in data. Through my professional background I am all too familiar with the inadequacy of data relating to high water wader roosts within and outside the boundary of statutory sites around the Solent together with the inadequacy of data on the character and condition of intertidal habitats that will be included in the 'spreading room', particularly higher upper-saltmarsh transitions into freshwater grasslands and estuarine woods. This is material as we know from more accessible coasts that these internationally important habitats are vulnerable to abrasion from even modest levels of recreational use.</i> <p>Our response</p> <p>In order to address the comments made in response to the consultation on the proposals for the ECP from Wootton Bridge to East Cowes, Natural England has revised and updated the Habitats Regulations Assessment (HRA). As part of the revised HRA, additional data has been sought, including from the Solent Wader and Brent Goose Strategy, British Trust for Ornithology, Bird Aware Solent and the National Trust (a full list of additional sources and references can be found in the HRA). These data give a good picture of the use of the area by wintering waterbirds, including foraging and roosting areas within and outside the Solent and Southampton Water Special Protection Area (the SPA).</p> <p>In addition to the bird data, Natural England sought the advice of an independent expert on managing walkers and their dogs. Steve Jenkinson provided informal advice on the proposals for Western Haven</p>	

and Shalfleet, and a formal report on the proposals for Western Haven and Clamerkin (parts of Newtown Harbour). This advice aided our understanding of how dog walkers are likely to use the ECP and the mitigation measures that are necessary to minimise impacts on designated nature conservation sites.

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

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

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

Our response

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

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

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

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

sites and not used by SPA/SSSI birds. The trail will be fenced on the seaward side. The landowner does not consider that the proposals will lead to a change in management, and in any case would not affect designated site features. (See HRA3.2E & F)

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

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

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

Our response

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

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

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

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

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

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

Our response

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

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

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

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

Our response

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

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

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

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

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

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

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

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

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

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

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

Complaint

[redacted] complaint correspondence is attached to the bottom of this representation form (Annex 18).

In summary the HRA;

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

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

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

Our response

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

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

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

Relevant appended documents (see Section 6):

Annex 17: Supporting representation letter
Annex 18: Complaint correspondence

6. Supporting documents

Supporting Document	Description and reference number
Annex 1	MCA/IOW2/R/9/IOW3889, MCA/IOW2/R/10/IOW3889, MCA/IOW2/R/11/IOW3889, MCA/IOW2/R/12/IOW3889, MCA/IOW2/R/13/IOW3889 Ramblers Supporting Document, IOW 2
Annex 2	MCA/IOW2/R/10/IOW3889 Map of new route at Priory Woods and revised attribute table 2.3.1
Annex 3	MCA/IOW2/R/17/IOW0145 Supporting maps and photographs as referenced within the representation: Map 5.2.1, Map 5.2.2, Map 5.2.3, Photographs 5.2 (1) to (4), Map 5.2.4, Map 5.2.5, Map 5.6, Map 5.9
Annex 4	MCA/IOW2/R/17/IOW0145 Email from Isle of Wight Council regarding confirmation of representation withdrawal
Annex 5	MCA/IOW2/R/17/IOW0145 Map of new route at Ryde Esplanade and revised attribute table 2.3.1
Annex 6	MCA/IOW2/R/17/IOW0145 Map of inclusion of Seagrove Bay slipway as landward coastal margin and revised attribute table 2.3.1
Annex 7	MCA/IOW2/R/17/IOW0145 Highways Report: Coastal Path Route Risk Assessments (for Nodes Point Holiday Centre) and email correspondence with the Isle of Wight Council
Annex 8	MCA/IOW2/R/17/IOW0145

	Email correspondence with landowners Roderick and Susan Watton and Sally Thomas agreeing to route
Annex 9	MCA/IOW2/R/17/IOW0145 Map of new route at Forelands cliff path and revised attribute table 2.3.1
Annex 10	MCA/IOW2/R/17/IOW0145 Email correspondence with landowners Sandhills Holiday Park agreeing to route
Annex 11	MCA/IOW2/R/17/IOW0145 Map of new route at Sandhills Holiday Park and revised attribute table 2.3.1
Annex 12	MCA/IOW2/R/18/IOW0145 Supporting maps and photographs as referenced within the representation: Map 2.2, Photographs 2.2 (1 to 3), Map 5.2.1, Map 5.2.2, Map 5.2.3, Photographs 5.2 (1 to 4), Map 5.2.4
Annex 13	MCA/IOW Stretch/R/5/IOW4210 Disabled Ramblers Document: <i>Man-made Barriers and Least Restrictive Access</i>
Annex 14	MCA/IOW2/R/2/IOW3876 Email correspondence between the IWC and Kingswood agreeing to route
Annex 15	MCA/IOW2/R/2/IOW3876 Map of new route at Kingswood and revised attribute table 2.3.1
Annex 16	MCA/IOW2/R/2/IOW3876, MCA/IOW2/R/3/IOW3876, MCA/IOW2/R/4/IOW3876 Cover Letter
Annex 17	MCA/IOW Stretch/R/7/IOW4218 Supporting representation letter
Annex 18	MCA/IOW Stretch/R/7/IOW4218 Complaint correspondence

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



Representations on IOW 7: Hamstead Point to Thorness Bay and Natural England's comments

March 2024

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1. Introduction

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

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

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

2. Background

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

In relation to the report for Hamstead Point to Thorness Bay, Natural England received thirty-eight (38) representations, of which nine (9) were made by organisations or individuals whose representations must

be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These 'full' representations are reproduced in Section 3 of this document together with Natural England's comments where relevant.

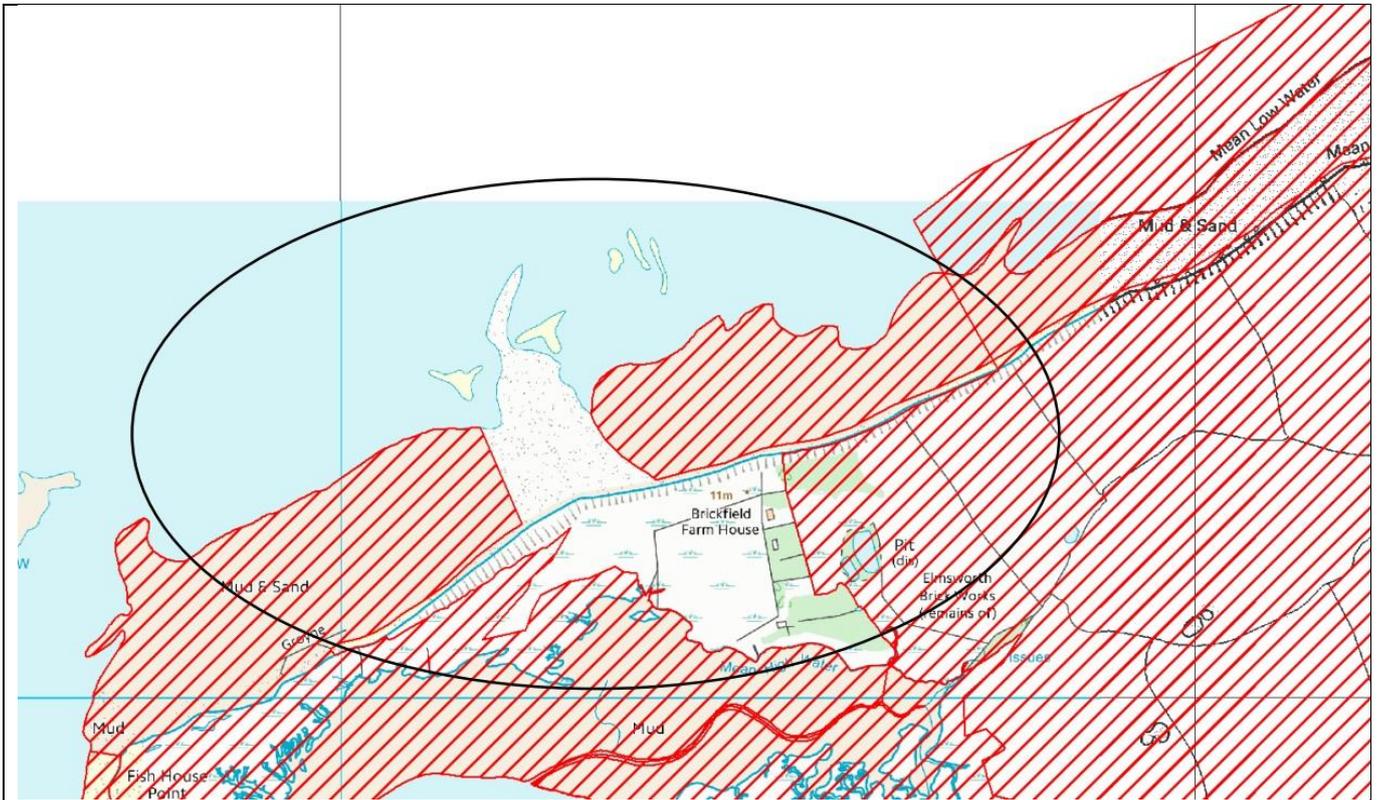
As required by the legislation this document also summarises and, where relevant, comments on the twenty-nine (29) representations submitted by other individuals or organisations, referred to here as 'other' representations. Of those twenty-nine (29) 'other' representations, nine (9), contain similar or identical points. Natural England's comments on 'other' representations are set out in two parts:

3. The recurring themes in the nine (9) 'other' representations have been summarised in section 4 as two (2) points, each with our comments on them.
4. Any of the same 'other' representations that make other, non-common points are then commented on separately in section 5 alongside any remaining 'other' representations.

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

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

Representation number:	MCA/IOW7/R/10/IOW3854
Organisation/ person making representation:	[redacted], Ramblers Association
Route section(s) specific to this representation:	Whole report IOW 7
Other reports within stretch to which this representation also relates:	N/A
Representation in full	
Representations numbered 7.1 to 7.9 expressing support for the proposed route and highlighting how and where national trail standards can be achieved. Representation 7.10 commenting on the application of Section 25a.	
Natural England's comments	
[redacted] says that the extent of the Section 25A direction excluding access to the marsh and flat needs to be reassessed towards Brickfield where it is easy to walk. He says the shingle beach at Thorness Bay is heavily used by water-based adventure activity groups as well as walkers.	



In this area we have mapped the extent of the saltmarsh/mudflats using the Priority Habitats Inventory (PHI) layer. There are thin areas of coastal margin in the area not covered by the proposed direction. These are close to the upper limits of the direction, near to the mean high water line, where the sand and shingle is more prevalent. There are also some larger areas not covered by the direction in both the Brickfield and Thorness areas. There is also an area not covered by the PHI layer near Burnt Wood that is denoted as 'mud' by the Ordnance Survey. We checked this area; it was a borderline decision whether to include this in the coastal margin as the substrate is inconsistent.



It is worth noting that if we altered the extent of the S25A we would have to revisit the HRA. It is entirely likely that further s26(3)(a) directions would be necessary in the place of the proposed S25A directions, because of the sensitive nature of some of the surrounding areas.

Relevant appended documents (see section 6):

Annex 1: Ramblers Supporting Document, IOW 7

Representation number:	MCA/IOW7/R/11/IOW3854
Organisation/ person making representation:	[redacted], Ramblers Association
Route section(s) specific to this representation:	IOW-7-S057 to IOW-7-S066
Other reports within stretch to which this representation also relates:	N/A

Representation in full

Nat. Eng.'s proposed route crosses the road twice and follows the narrow roadside verge for 250 m. It then passes through a hedge to follow a field edge adjacent to the road. A viable alternative route exists across fields west and north of Corfe Farm.

Natural England's comments

In this area we are following the line of the existing coast path, but we are improving it by taking it off the road and installing a new kerbed footway (1.2m wide) on the verge. Further along the road we propose to take it away from the road altogether by routing it through a field at Corfe Copse (IOW-7-S060 to IOW-7-S066).

We could not continue the route on the left side of the road at IOW-7-S059 because there is no suitable place for the trail to be located. On the south side of the road there is a wide verge on which, after some vegetation clearance, there will be room for a good-sized path. The road crossing points at either end of this section have good sight lines.

[redacted] suggests a route through Corfe Farm. Our proposed route will be less disruptive for the farm. It is also no less direct than the Rambler's proposed route; this point was a large factor in our alignment decision, as there are no sea views from either the Rambler's route or our proposed route and neither route would give walkers a coastal feel.

It should also be noted that we looked at options to align the trail further north but that was not possible – further details can be found on page 30 of our report.

Please also see our response to [redacted]'s representation - MCA/IOW7/R/7/IOW3876.

Relevant appended documents (see section 6):

Annex 2: Ramblers Key Issue Paper 7C – Corfe Fields

Representation number:	MCA/IOW7/R/12/IOW3854
Organisation/ person making representation:	[redacted], Ramblers Association
Route section(s) specific to this representation:	IOW-7-S117 to IOW-7-S120
Other reports within stretch to which this representation also relates:	N/A

Representation in full

Ramblers Key Issue paper 7F makes the case for establishing a truly coastal route for the coast path overlooking a Newtown Nature Reserve and the Solent rather than Nat. Eng.'s proposed inland route.

Natural England's comments

Natural England is not able to propose that the trail is aligned through the land suggested by the Ramblers because:

- It is excepted land under the terms of Schedule 1 to the CROW Act because it is subject to a military lands byelaw.
- It is not land that is 'accessible to the public' by virtue of section 296(5)(c) of the Marine and Coastal Access Act 2009.

In addition, even if there was appetite from the MoD to allow access across the land using a flag system, the terms of the military lands byelaw won't allow currently allow it.

This will remain the situation until such time that the byelaw is amended or removed from the land in question by the MoD. We did consider using footpath CB10a through this area. Please see our response to the IOW Council MCA/IOW7/R/16/IOW0145 below for a detailed explanation about why this was not possible.

Relevant appended documents (see section 6):

Annex 3: Ramblers Key Issue Paper 7F – Newtown Ranges

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

Representation in full:

The Open Spaces Society has considered the representations being submitted by The Ramblers' Association. They wish fully to support all those representations as follows:

- Isle of Wight Report 2 –Overall
- Key Issue paper 2a Quarr Abbey
- Key Issue 2b Ryde House
- Key Issue 2c Bembridge Lagoons
- Key Issue 2d Bembridge Coast
- Isle of Wight Report 3 Overall, with mention of Haddons Pit
- Isle of Wight Report 4 Overall
- Isle of Wight Report 5 Overall
- Item 5.2 Freshwater Bay

Item 5.5 Needles Viewpoint
 Item 5.7 Needles Park
 Isle of Wight Report 6 Overall
 Key Issue Paper 6A - Colwell to Linstone Chine
 Key Issue Paper 6F – Hamstead Gully Copse
 Isle of Wight Report 7 Overall
 Key Issue Paper 7C - Corfe Fields
 Key Issue Paper 7F – Newtown Ranges
 Isle of Wight Report 8 Overall
 Isle of Wight Report 9 Overall
 Report 10 Overall
 Item 10.3 Linking Northwood to the river
 Item 10.6 Riverside Field
 Item 10.13 Folly Works
 Item 10.14 Whippingham riverside
 Item 10.16 North of power station
 Item 10.17 Britannia way riverside development

Natural England’s comment:

The Open Spaces Society representation concerns the whole stretch. Natural England has responded to the above parts of the representation that are relevant to the IOW 7 report (Ramblers’ Items – Isle of Wight Report 7 Overall, Key Issue Paper 7C - Corfe Fields and Key Issue Paper 7F – Newtown Ranges).

For our comments, please see our response above to representations:
 MCA/IOW7/R/10/IOW3854
 MCA/IOW7/R/11/IOW3854
 MCA/IOW7/R/12/IOW3854

Relevant appended documents (see Section 6):

Annex 1: Ramblers Supporting Document, IOW 7

Representation number:	MCA/IOW7/R/15/IOW0145
Organisation/ person making representation:	[redacted], Isle of Wight Council
Route section(s) specific to this representation:	IOW-7-S001 to IOW-7-S053 IOW-7-S097 to IOW-7-S124 IOW-7-S125 to IOW-7-S126
Other reports within stretch to which this representation also relates:	N/A

Representation in full

Context/Introduction: The purpose of the following representations is for the Isle of Wight Council (Council) to confirm its support for particular sections:

5.1: Maps IOW 7B and 7C: IOW-7-S025 to S053 (Hamstead Plantation and Newtown Nature Reserve): The Council wishes to express its full support for this proposed section and its gratitude to Natural England and all landowners for achieving coastal access rights in this area, should this come to fruition. It will be one of the biggest success stories of the England Coast Path on the Isle of Wight. Not only does it fully accord with the primary aims of the Marine and Coastal Access Act 2009 (2009 Act) in securing a trail close to the coast and the provision of sea views, but also opens up brand new access for the public in picturesque and tranquil areas.

5.2 Maps IOW 7E, 7F and 7G: IOW-7-S097 to S124 (Ministry of Defence land at Porchfield): Please see separate representation form: 7.2 IWC Representation (site specific MOD land Porchfield).

5.3 Map IOW 7G: Burnt Wood to Thorness Bay: IOW-7-S125 and S126 (Thorness Wood): The Council fully supports the introduction of these sections through woods owned by Thorness Bay Holiday Park and wishes to express its gratitude to Natural England and the owners of the holiday park. These sections accord with the aims and purpose of the 2009 Act and will provide an ornamental and enjoyable trail through a copse and avoiding an inland route.

Natural England's comments

Noted.

Representation number:	MCA/IOW7/R/16/IOW0145
Organisation/ person making representation:	[redacted], Isle of Wight Council
Route section(s) specific to this representation:	IOW-7-S097 to IOW-7-S124
Other reports within stretch to which this representation also relates:	N/A

Representation in full

IWC Representation (site specific: Ministry of Defence land Porchfield):

The Isle of Wight Council's (Council) representations on these sections relate to:

1. Possible failure on the part of Natural England to ascertain the exact extent of land subject to military land byelaws.
2. Non-compliance by Natural England and the Ministry of Defence (MOD) with the Marine and Coastal Access Act 2009 (2009 Act) and the Coastal Access – Natural England's Approved Scheme 2013, NE446 (Approved Scheme)

1. Military Land Byelaw:

This representation is based on a concern that the exact extent of the MOD land at Porchfield regulated by byelaws under section 14 of the Military Lands Act 1882 or section 2 of the Military Lands Act 1990 was not ascertained by Natural England either prior to publication of its Report or at a very late stage, resulting in a lack of consideration as to whether coastal access rights could be introduced on land not subject to the byelaw. Attached is a map (7.2. 1 and 2) showing boundaries/land believed to be subject to the Isle of Wight Newtown Rifle Ranges Byelaws dated 18th April 1935 (Byelaw). The Council requests that all land outside of this boundary is assessed for potential inclusion of coastal access rights pursuant to the 2009 Act. This is considered essential by the Council due to the potential of additional land, closer to the coast and with sea views, being available for the benefit of the public to enjoy in accordance with the 2009 Act. Further, if such land is available then this may avoid the land of adjacent and nearby owners being subject to coastal access rights - the Council considers that it would be inequitable for this process not to occur for the benefit of those inland landowners.

2. Non-compliance with the 2009 Act and the Approved Scheme:

Irrespective of the extent of land subject to the Byelaw, the Council considers that many provisions of section 8.22 of the Approved Scheme have not been followed or satisfied:

Section 8.22.2 of the Approved Scheme provides that public access is compatible with some types of defence activity and that there is already managed access to a significant proportion of military training

land on the coast, either alongside defence activities or at times when it is not in use for such purposes. Some of this access even occurs when subject to military byelaws.

Indeed, there are 47 MOD sites in Great Britain where there is managed public access and this includes major sites at Lulworth, Aldershot and Salisbury Plain. Notification of temporary path closures (e.g. red warning flags) and diversionary routes are widely and routinely used.

Section 8.22.3 of the Approved Scheme clearly states that Natural England and the MOD have agreed to work closely together to improve the current position and achieve the best possible “fit”. This has not occurred at Porchfield. No public access at all has been achieved on the MOD land at Porchfield and therefore both Natural England and the MOD have failed to comply with this section. Further, the Council is not aware of any “close working” between the two organisations.

Section 8.22.4 of the Approved Scheme refers to the potential for routes on the seaward side of MOD land or along other routes in keeping with defence needs. No public access at all has been achieved on the MOD land at Porchfield and therefore both Natural England and the MOD have failed to comply with this section.

Section 8.22.5 of the Approved Scheme refers to the potential for “managed” routes near to the coast in places where a significant detour inland would be necessary for defence reasons. There has been a failure to comply with this section as no attempt appears to have been made to achieved managed access - no public access has been achieved at all.

Section 8.22.6 of the Approved Scheme refers to the acceptance of temporary breaks in continuity, if a coastal route can be provided at times when land is not used for defence purposes. There has been a failure to comply with this section as no attempt appears to have been made to provide a trail with temporary breaks - no public access has been achieved at all.

Section 8.22.10 of the Approved Scheme “**Potential issues and likely range of solutions**” provides that where land is currently used for defence purposes, Natural England will reach agreement with the MOD on the alignment and management of coastal access rights. There has been a failure to comply with this section as no agreement has been reached - no public access has been achieved at all.

In addition to the above shortcomings, the Council is dismayed that a 1.4km section of an existing public right of way (recorded on the Definitive Map as CB10a) has not been utilised as part of the trail - please see attached map (ref. 7.2 MOD land / Public Footpath CB10a). This is the only public access through and in the vicinity of the MOD land. It provides access to the shore and views of the sea, being a primary aim of the 2009 Act. At the northern end of the public right of way, a trail could easily head east through the seaward side of Burnt Wood (not subject to the Byelaw) and continue through fields to re-join trail section S122 or S124. This would comply with the requirement of the 2009 Act i.e. that the trail should follow the periphery of the coast.

In view of the above the Council requests that this whole area be reassessed by senior management within DEFRA and MOD and by the Secretary of State with a view to reasonable coastal access rights being introduced. A review/inquiry should be undertaken to ascertain why no coastal access rights have been achieved and why the Ministry of Defence has failed to work with Natural England and to agree to such rights.

Natural England’s comments

The extent of the military lands byelaw

To inform its military lands byelaw review process, the MOD publishes its byelaws on [.Gov.uk](http://www.gov.uk). The [IOW Newton Rifle Ranges byelaw](#) is published on the site. The byelaw was introduced in 1935 and it includes a description of the boundaries. It seems likely that a map was produced to support this document as the text talks about the boundaries in relation to marked points e.g. “By a line drawn in a Westerly direction along the rear of the 600 yards Firing Point of “B” Range”.

The map provided by the IOW Council seems to [originate in a similar time period](#), although interestingly it is dated a year prior to the production date of the byelaw. We have sought the advice of James Nevitt (DIO/MoD) who informs us that:

"I believe the plan to which you refer namely the one dated 14 Sept 1934 (as attached), is the plan to which the Byelaws refer, i.e. the "Byelaw Plan".

The reason I say this is because after studying the map and cross referring the Byelaw document, all Firing Flags match up alongside description. For example, Firing Flag 1 being located at Shepherds Hill as described in Para 3(i). The orange line on the plan is the extent of the ownership and the red-line is the danger area as mapped and drawn by hand in 1934".

James goes on to say: *"Whilst this is useful I continue to not consider this a definitive answer. I will request further scrutiny be undertaken, but appreciate this does not fit your timescales".*

Whilst it seems likely, we cannot at this time confidently conclude that the map is associated with the byelaw.

Natural England is not able to propose that the trail is aligned to the north of Porchfield Road, through the MoD's land where:

- It is excepted land under the terms of Schedule 1 to the CROW Act because it is subject to a military lands byelaw.
- It is not land that is 'accessible to the public' by virtue of section 296(5)(c) of the Marine and Coastal Access Act 2009.

In addition, even if there was appetite from the MoD to allow access across the land using a flag system, the terms of the military lands byelaw won't currently allow it.

This will remain the situation until such time that the byelaw is amended or removed from the land in question by the MoD (we have had no indication by the MoD that this is the current intention).

All land outside of the byelaw should be assessed for potential inclusion of the KCIIIECP

We believe that the Council are referring to a small strip of land to the north of the road that a neighbouring landowner ([redacted] – objection reference MCA/IOW7/O/1/IOW4100) believes falls outside of the military lands byelaw.

Setting aside the legal ambiguity about the extent of the military lands byelaw in the area (i.e. whether or not it covers this strip of land adjacent to the road) and therefore our ability to propose alignment to the north of the road, we do not support an alignment through that land. Our report and our comments on [redacted]'s objection explain the conservation issues, engineering difficulties (bridge) and road crossing considerations that informed our decision.

Natural England should be able to reach an agreement with the MOD

We are disappointed that the Council have included this point within the representation, given how closely we have worked with both the Council and the MoD. The Council must know the extent of the dialogue that we have had with the MOD both locally and nationally.

The Council quotes 8.22.10 of the Scheme which states that "where land is currently used for defence purposes, we will adopt the general approach to alignment described above to reach agreement with the Ministry of Defence on the alignment and management of coastal access rights." Even if there was appetite from the MoD to allow access across the land using a flag system, the terms of the military lands byelaw won't allow it. Because the land is subject to this military lands byelaw, it is excepted land under the terms of Schedule 1 to the CROW Act. In addition, it is unavailable for path alignment because it is not land that is 'accessible to the public' by virtue of section 296(5)(c) of the Marine and Coastal Access Act 2009. This will remain the situation until such time that the byelaw is reviewed and amended or removed from the land in question by the MoD (as mentioned above, we have had no indication by the MoD that this is the current intention).

Red flag system

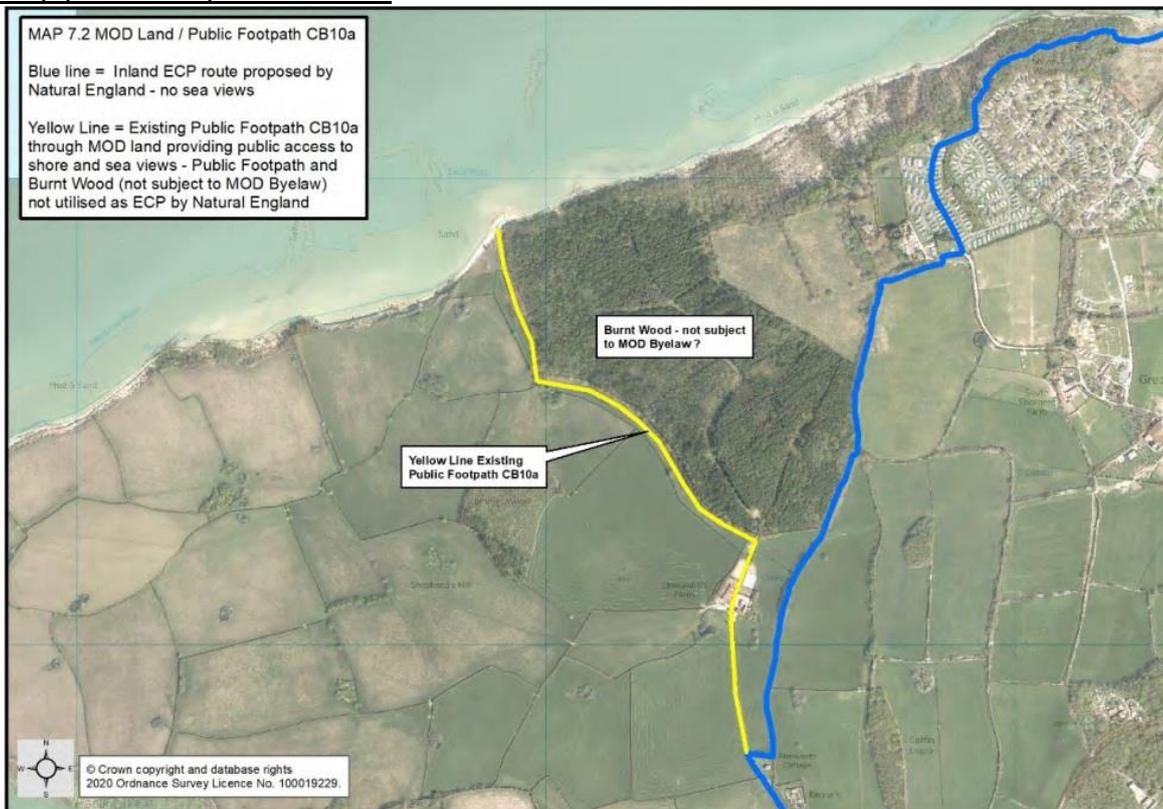
As explained above, this is not legally possible with the current byelaw.

The Council states that "Section 8.22.6 of the Approved Scheme refers to the acceptance of temporary breaks in continuity if a coastal route can be provided at times when land is not used for defence purposes. There has been a failure to comply with this section as no attempt appears to have been made to provide a trail with temporary breaks - no public access has been achieved at all". We are not sure what benefit a different main route, incorporating a temporary break, would bring to the coast path, particularly as section 297 of the Marine and Coastal Access Act stipulates that Natural England should have regard to the desirability of ensuring that so far as reasonably practicable interruptions to that route are kept to a minimum.

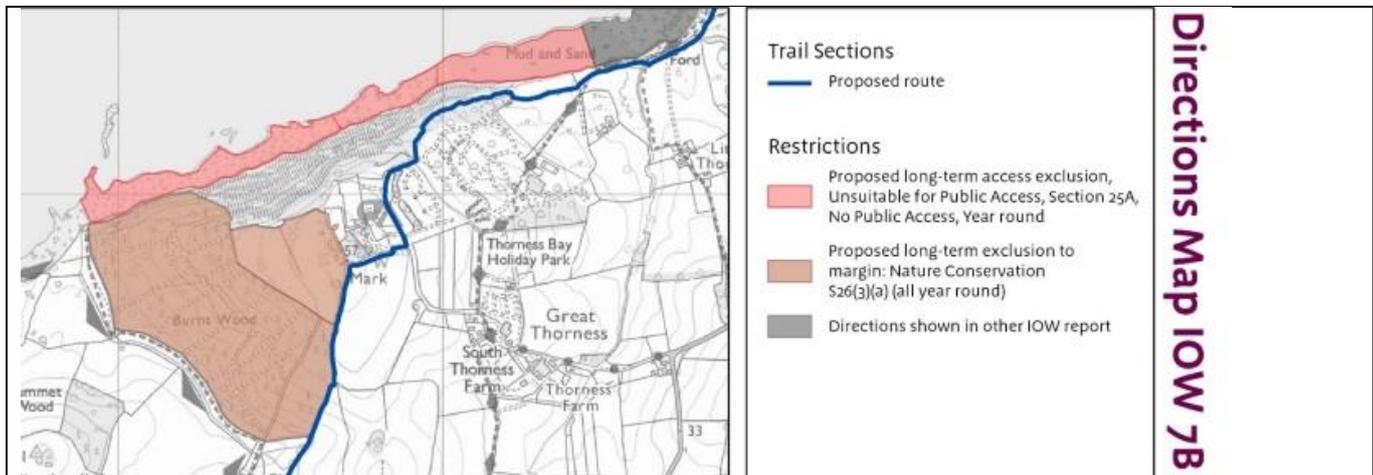
Public Right of Way CB10a

This is the only public footpath in the vicinity of the MOD land. It provides access to the shore, where it ends. The Council says that at the northern end of the public right of way, a trail could head east through the seaward side of Burnt Wood and continue through fields to re-join trail section S122 or S124.

Map provided by IOW Council



Extract from Report Directions Map - N.B the footpath runs along the west side of the wood.



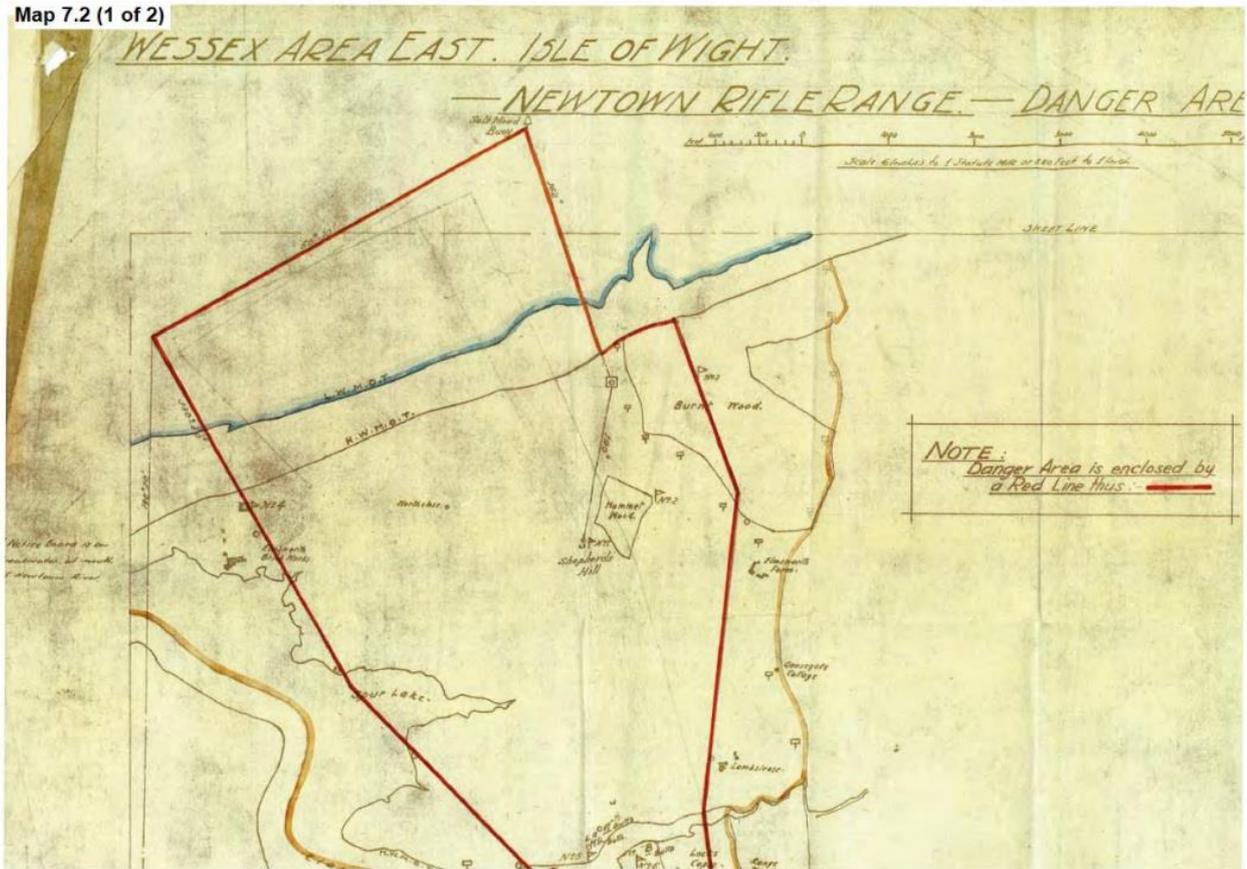
We considered various route options in this area but were unable to find a suitable route. The trail could not be aligned through Burnt Wood because of the proposed year-round direction put in place to protect a sensitive wildlife project see report paragraph 7.2.32. The trail would have to be aligned seaward of the route, but much of that land will be subject to a S25A direction because it is a flat that is unsuitable for public access. The intertidal area covered by the S25A direction is also part of the Solent and Southampton Water Special Protection Area (SPA) and used as a refuge area for wintering birds, so there would be Habitats Regulations implications of an alignment seaward of Burnt Wood. Once the trail exits Burnt Wood it would have to avoid the slumping area of coastline, as this could not support a trail, as well as the holiday park, both of which can be seen on [this Google Maps aerial view](#) [Porchfield - Google Maps](#). We would therefore have to align the trail inland through the fields adjacent to the wood to rejoin the trail at IOW-7-S122, however these fields will be subject to the same direction to exclude access as the Burnt Wood. We therefore concluded that a route utilising the PROW was not possible.

Relevant appended documents (provided by IOW Council)

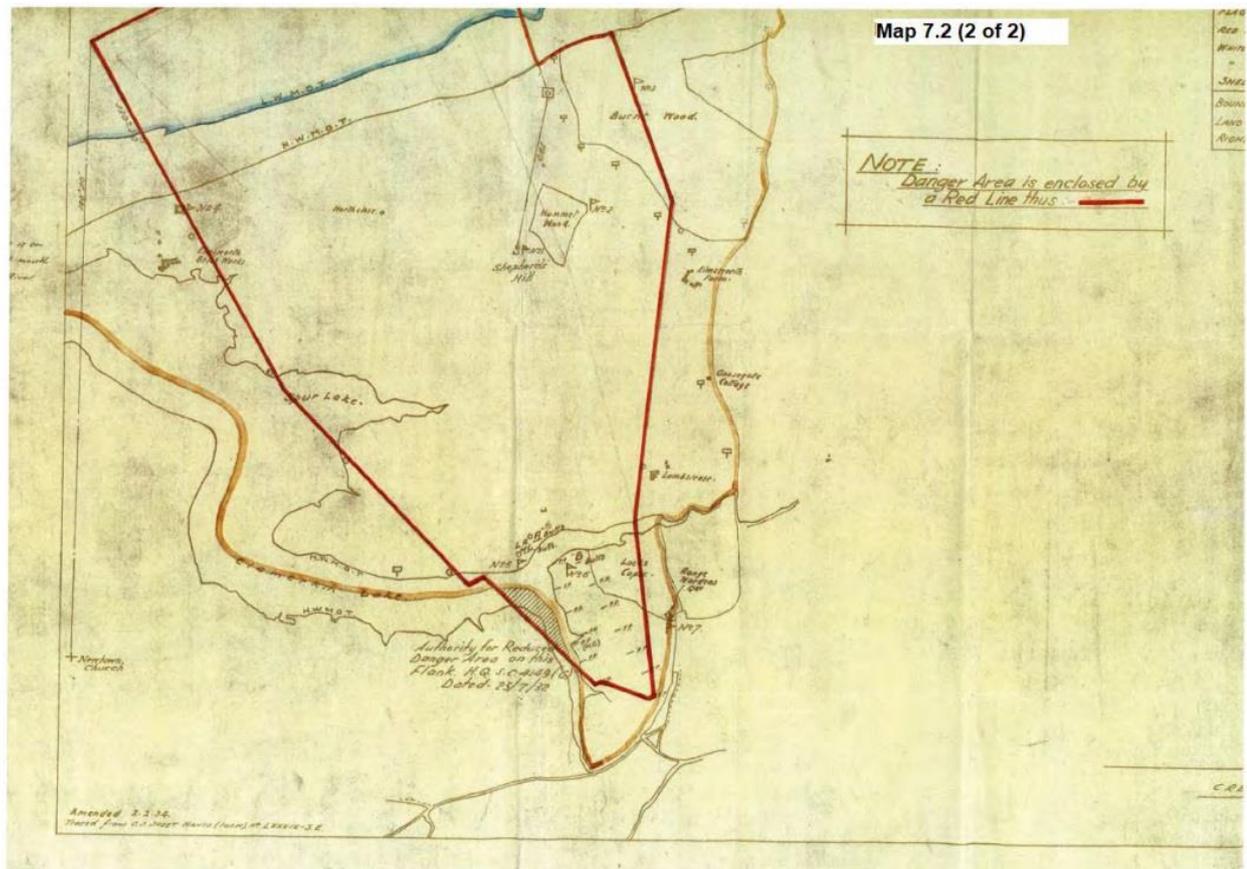
Map 7.2 (MOD land / Public Footpath CB10a) – See above in Natural England’s comments section.

[‘Byelaw’ map](#)

Map 7.2 (1 of 2)



Map 7.2 (2 of 2)



Representation number:	MCA/IOW Stretch/R/8/IOW3902
Organisation/ person making representation:	[redacted] on behalf of the Isle of Wight Local Access Forum
Route section(s) specific to this representation:	Whole stretch – Reports 2 to 10

Other reports within stretch to which this representation also relates:	As above
Representation in full	
<u>The Isle of Wight Local Access Forum</u>	
<p>Dear Colleagues,</p> <p>Due to the Covid 19 pandemic the I.W Local Access Forum were unable to hold its last Forum meeting to formulate an agreed response to the consultation process. In addition a number of key persons are currently in the shielding group (until end of June 2020) and as a consequence no site visits or consultations could take place in person.</p> <p>As a National advisory body and constituted organisation the Chairman was therefore unable to agree or steer the Forum towards "a clear and agreed line" (para 5.2.4 LAF's in England).</p> <p>However we have consistently been able to put our point across during the pre-consultation phase and have encouraged both individuals and organisations to comment at all stages.</p> <p>sincerely, [redacted] - I.W LAF Chair.</p>	
Natural England's comments	
<p>Natural England thanks the Isle of Wight LAF for its constructive engagement with the Programme during the development of these proposals</p>	

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

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

Our programme to establish the England Coast Path is complementary to the Partnership’s strategy; it seeks to enable responsible access to the Solent coast and inform visitors about the ecological sensitivities. Through meetings and a series of workshops we have developed our proposals in close liaison with Bird Aware Solent and have fully considered the Bird Aware Solent evidence base and both the interim and definitive mitigation strategy. A key feature of the Bird Aware Solent strategy is the provision of coastal rangers to educate and inform coastal visitors about the wintering bird sensitivities and how to enjoy the site, whilst avoiding disturbing the feeding and roosting birds. Our proposals for the alignment and detailed design of the Coast Path complement the work of the rangers. The definitive strategy also provides funding for on-the-ground access management projects specific to each site, including measures such as interpretation panels. Bird Aware Solent and Natural England colleagues have liaised to identify the likely projects that would be effective to reduce recreational disturbance in the Solent based on evidence.

Representatives of the ECP team have provided updates on the proposals to Bird Aware Solent meetings. These sessions have generated useful feedback which we have used in developing our proposals. We have taken care not to introduce proposals that would change the current risk assessment used by Bird Aware Solent rangers to prioritise the areas that they visit. In particular, where new access is proposed, we have used mitigation and avoidance measures such as fencing and seasonal closures, to ensure that the risk of disturbance to birds is not increased, without having to rely on Bird Aware Solent rangers.

Mapping of Spreading Zone

Please see our note about Ordnance Survey (OS) mapping in annex 4.

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):

Annex 4: Ordnance Survey Mapping

Representation number:	MCA/IOW7/R/2/IOW0012
Organisation/ person making representation:	[redacted], NFU
Route section(s) specific to this representation:	IOW-7-S100 and IOW-7-S106
Other reports within stretch to which this representation also relates:	N/A
Representation in full	

We write in support of the objection submitted on behalf of our member in relation to the land specified above, which belongs to the owners of Three Gates Farm, PO30 4NA.

The report and maps are not fully clear on the exact alignment of the path, however Part 7.3 (Proposals Table) identifies S100-S104 as “not an existing walked route”. Map 7e is misleading as it appears to show S100-104 located on Coleman Lane, however the route is actually within the fields to the south of the lane. There is no further supporting information within the report about the land use within these fields, which we regard as a major shortcoming, giving an incomplete assessment of this section.

Our member has indicated that the route is mapped in very close proximity to a dense hedgerow. This may for the purposes of the Hedgerows Regulations (1997) be an Important hedgerow, however the nature conservation value of this feature has not been considered in the assessment. Our member also reports regular sightings of barn owls along this section, a species listed under Schedule 1 of the Wildlife & Countryside Act. This means that the proposal could entail a degree of bird disturbance and licensable habitat disturbance, which has not been taken into consideration in the assessment.

The excepted land directly to the south of S100 and S101 is an integral part of our members farming enterprise. They use these fields to graze a beef suckler herd within an arable and temporary grass rotation. The herd in question is being slowly bred from dairy (Friesian/ Holstein) to Herefordshire beef cattle. This transition is taking place over several years, where at the present time the herd consists of many cross bred animals with both Herefordshire beef and dairy genetics. These cross bred animals are kept in the fields in question as bullocks/ steers up to approximately three years of age. The beef bull is also frequently run with the herd in these fields. These animals can be large in size, inquisitive and erratic in behaviour and are not therefore compatible with frequent public access.

As detailed in Chapter 8 of the Approved Scheme (NE446) there are both health and safety concerns and animal disease considerations that need to be addressed in situations where the public come into contact with cattle.

The most straightforward means of dealing with these risks would be to install a fence to maintain separation between the public and the cattle in these fields. It is our understanding that this matter was discussed with Natural England during a site meeting with the landowner. Our member is of the opinion that Natural England agreed to install a fence during this meeting. However the proposals appear not to include any details to suggest that a fence will be installed in this location.

The lack of consistency shown here undermines our faith in the process. There is a genuine management issue that needs to be resolved to prevent the public straying on to excepted land with potentially dangerous risks attached. In this circumstance we think it would be reasonable for a fence to be installed and maintained as part of the proposed scheme.

At the present time there are no boundaries on the landward side of this section, except at S104 where a fence line is noted in Part 7.3 of the Report. We're concerned there is risk that the public may use the fields without realising they are outside of the designated right of way and spreading room. We're also concerned that the public may mistakenly consider the land as spreading room and may therefore come into unplanned contact with boisterous and potentially dangerous cattle. In this context we're concerned that

- A. The farm may not always be able to fully mitigate risks if members of the public mistakenly stray on to their land; and
- B. The landowners wouldn't benefit from any reduced liability due to the fact that the land is outside of the proposed ECP designation.

Taken together it seems there is a foreseeable risk of public contact with relatively boisterous farm animals, but very little in the way of mitigation giving the landowners any security around these risks.

Given that these risks do not seem to have been taken into account, this potentially calls into question whether an appropriate balance has been met with reference to Paragraph 3(3) of the 1949 Act. In particular:

- 3(3)(a) “the position of any part of the proposed route” where there are significant risks posed to public health and safety as a result of the proposed alignment; and by implication severe continuity risks to our member’s farm business as they rely heavily on the use of this land for cattle breeding. The proposed route doesn’t take account of these risks and as such we believe that a fair balance may not have been struck.
- 3(3)(b) “the inclusion of, or failure to include, proposals for an alternative route under section 55C (2). It would have been entirely possible for Natural England to specify an alternative route for periods of time when bulls and other dangerous animals are using these fields. No such alternative route option has been offered and in this context we’re concerned that a fair balance may not have been struck in relation to the legitimate business needs of our member.

In relation to this latter point regarding alternative routes, we note that in Section 7.3.3, Natural England considered aligning the trail along the verge on the north side of the road. The reasons stated for not proposing this option related a) to uneven terrain; b) the risk of trampling and bird disturbance; and c) better site lines for oncoming traffic. However in our opinion the report is relatively silent on the risks and impacts posed by the proposed route. In relation to these three points:

- a. Uneven terrain – the proposed route passes through similar terrain to the alternative option within woodland to the south of Porchfield Road, so we question the relevance of this distinction.
- b. Trampling and Bird Disturbance – The proposed route passes through largely similar habitat to the alternative route and is likely to present similar risks to wildlife. As noted above, we have not seen any balanced assessment concerning the nature conservation value on the southern side of the road.
- c. Road safety – Our member reports that sections of this road are extremely dangerous. In particular they highlight the crossing place proposed at Coleman’s Lane (s106) where one of their dogs was killed by fast traffic. This calls into question the balance of risks assumed in the report, as the proposed route seems to be just as dangerous in terms of road safety compared to the alternative route.

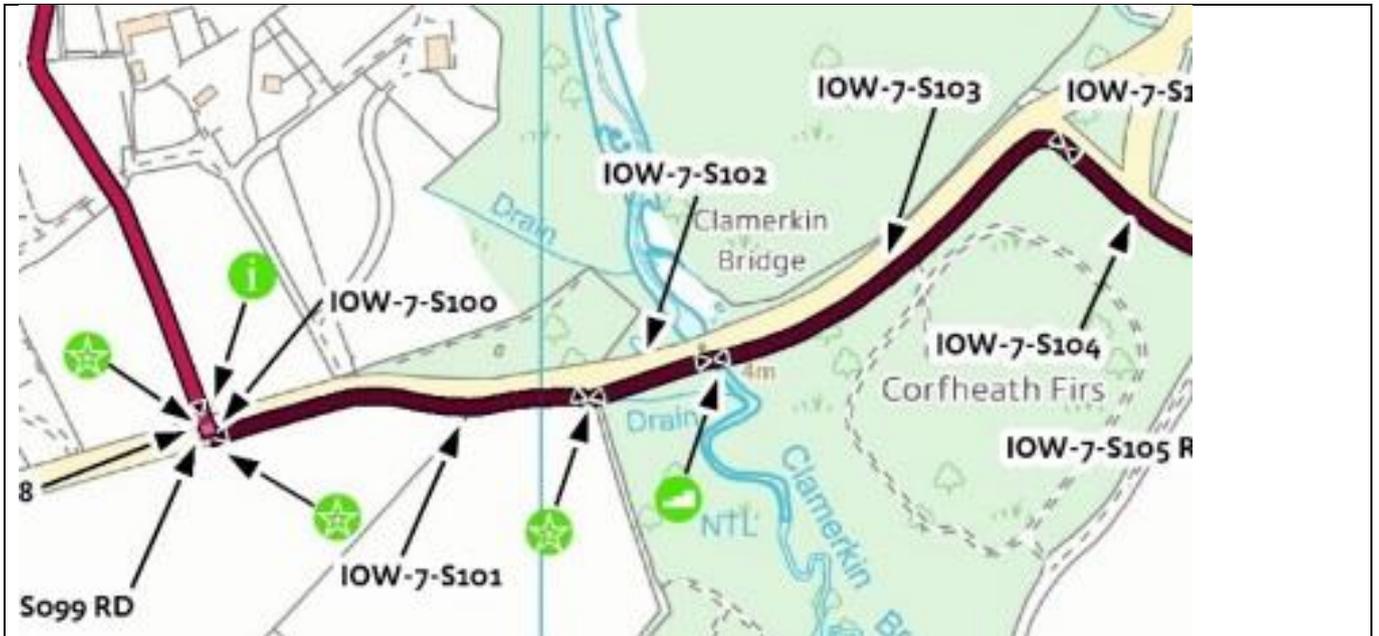
Finally in the context where none of the risks and impacts seem to have been fully taken into account on the proposed sections, we’re very concerned that the appropriate balance may not have been struck in this instance. We therefore believe that this section of the path needs to be reviewed by the inspector, with a view to specifying either an alternative route or fence to maintain public health and safety.

Natural England’s comments

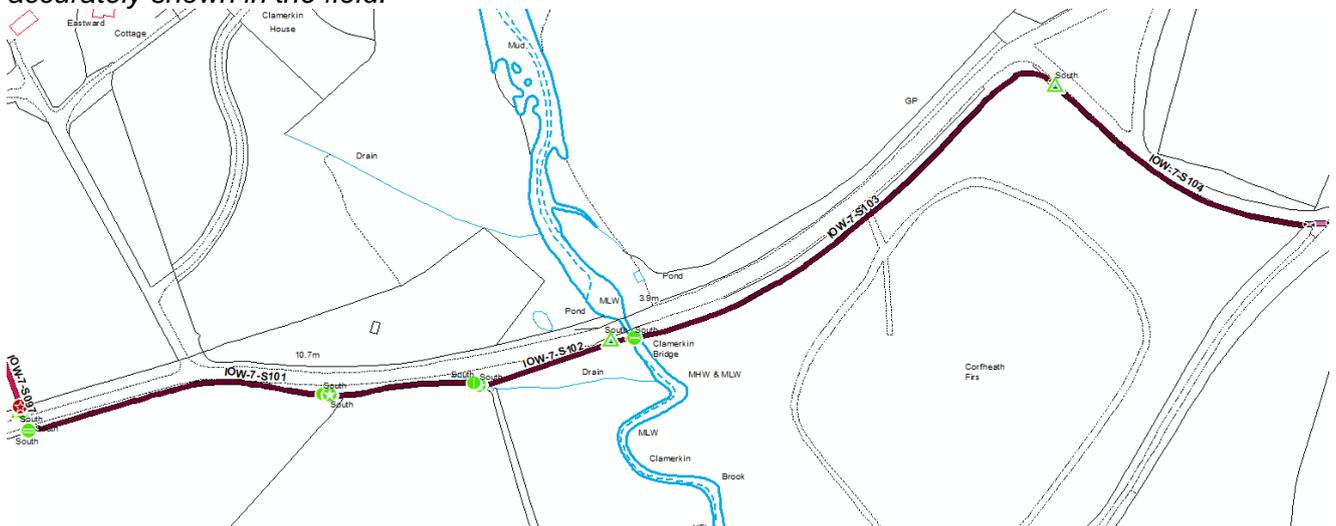
The report and maps are not clear on the alignment of the path

[redacted] says that map 7e is misleading as it appears to show IOW-7-S100-S104 located on the road, however, we can confirm that the proposed route is actually within the fields to the south of Porchfield Road. The alignment was discussed with the legal interests in the land prior to publication of the proposals, so they will have been clear about our intended alignment. In addition, the ‘Other Options Considered’ table in the report discounts road walking along these sections for safety reasons.

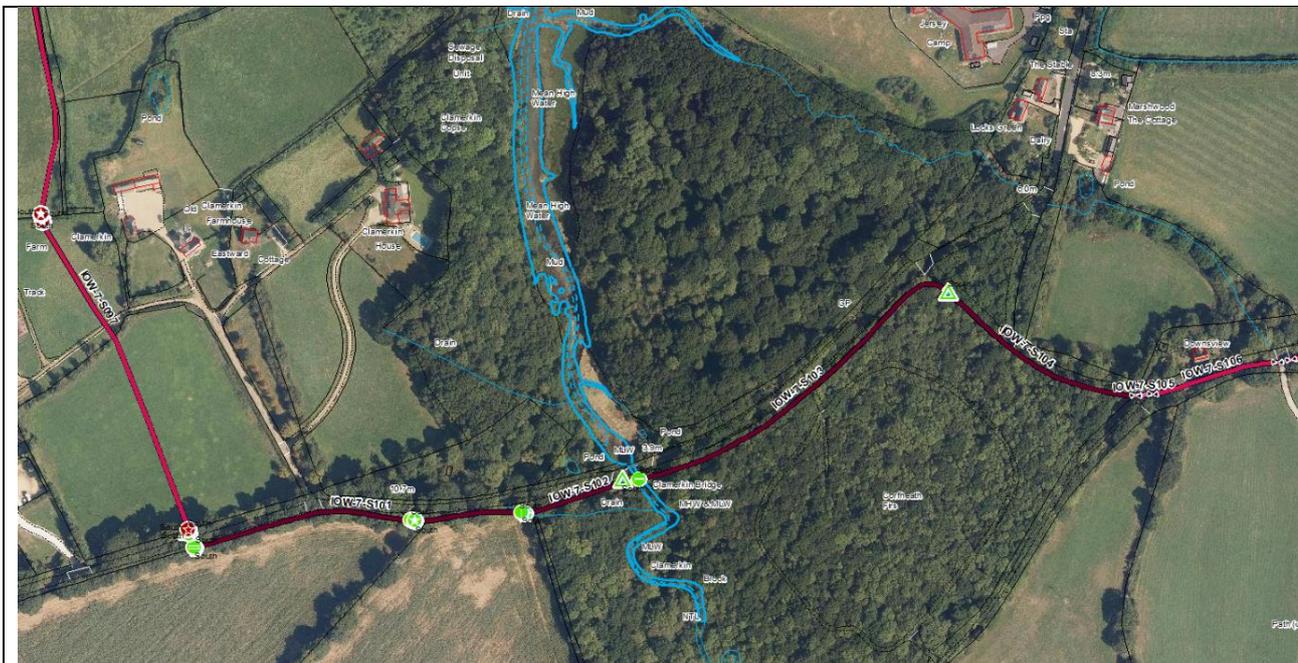
An extract from Map 7e – mapping at this scale can sometimes be unclear.



An extract from our official ArcMap dataset, the formal record of the KCIIECP – the alignment is accurately shown in the field.



An extract from our official ArcMap dataset with aerial photography.



Land use within the field

[redacted] states that there is no supporting information about the land use within the fields in our report. We cannot include information about all of the parcels of land that the trail passes through; this would be an overwhelming level of detail and our reports would be extremely lengthy and difficult to read.

With reference to sections IOW-7-S100 to S101, [we cannot locate the records of Natural England agreeing to the fence line in the field](#). However, we agree that the most straightforward means of dealing with these risks would be to install a fence alongside the trail in these sections to separate the public from the cattle in these fields. [If the field is still being used for cattle grazing at the time of establishment, then the access authority will contact the landowner to discuss the installation of the fence.](#)

The features on the land are not included in the nature conservation assessment

The land to the north of the road is covered by the Newtown Harbour SSSI, South Wight Maritime SAC and the Solent and Southampton Water SPA. The land to the south of the road is not designated and therefore it does not form part of the HRA assessment. As noted on p.111 of the updated HRA (June 2022), aligning to the south of the road is necessary to avoid impacts on the SSSI, SAC and SPA.

[redacted] notes that the trail is aligned close to a hedgerow covered by the Hedgerow Regulations (1997) and that barn owls (on Schedule 1 of the Wildlife and Countryside Act, 1981, which protects them from disturbance whilst nesting) are present. During establishment works, all relevant legislation will be complied with. Specifically, vegetation removal will be minimised, and any necessary works will be undertaken outside the bird breeding season, to ensure that there is no disturbance to Sch.1 birds, and that no wild bird nests are affected.

Road safety

[redacted] says that sections of this road are dangerous - in particular, a crossing place at Coleman's Lane (IOW-7-S106). He says that the proposed route seems to be just as dangerous in terms of road safety compared to a route using the northern side of the road. As we explained in our response to the objection and in relation to other representations elsewhere in this document, we have not proposed alignment on the northern side of the road, due to environmental sensitivities, the MOD byelaw preventing access, and difficulty in constructing a bridge across the creek.

Our proposals reduce the number of necessary road crossings, from 4-6 (depending on the route selected) to 2, compared with a route on the northern side of the road. [redacted] talks about a crossing point at IOW-7-S106 but there is no crossing point proposed at this point so we believe he must be talking about the road crossing at IOW-7-S109. We chose the crossing point at IOW-7-S109 that is the place that the proposed line of the trail must cross the road to meet up with the PROW. We identified

this crossing point having consulted with Island Roads (Highways Assessment) and believe that there are good sight lines.

The other road crossing is at IOW-7-S099. This is the correct place to cross because of the good sight lines for both pedestrians and drivers.

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

Representations containing similar or identical points	
Representation ID	Organisation/ person making representation:
MCA/IOW7/R/8/IOW3876	[redacted]
MCA/IOW7/R/28/IOW4145	[redacted], Solent Protection Society
Name of site:	Porchfield side of Jersey Camp: Newtown Ranges
Report map reference:	IOW 7f
Route sections on or adjacent to the land:	IOW-7-S117 to IOW-7-S122
Other reports within stretch to which this representation also relates	N/A

Summary of point:

The respondents are not happy with this proposed section of trail. While the revision from Porchfield to Thorness cuts out a section of road which is welcome it does nothing to improve access to the shoreline. The approximately 1.5mile section of coast from Newtown to Thorness is the second largest gap in the coastal path fronting the Solent after East Cowes to Fishbourne. The Solent on this stretch has beautiful views across to the New Forest and is an area of water with lots of recreational activity to observe.

[redacted] says that the land to the west of the proposed route is mainly in the possession of the MOD and is excepted land. However, there are arrangements that can be made under the Coastal Access Scheme. He quotes several passages of the Scheme including Section 8.22.2: “Nevertheless, managed public access is compatible with some types of defence activity. Access opportunities may be provided with permission of the defence authorities.

[redacted] notes that this land appears to be used for agricultural purposes and could contain a coastal path comfortably without interfering with MOD activities, which are relatively infrequent especially in relation to this land. He says that here are many examples of appropriate public access to MOD land with management issues being overcome.

[redacted] supports two of the other options noted in the report that were discounted by Natural England:

- To align the trail to Brickfields Farm via Shepherds Hill or north of it to return to Burnt Wood. He asks that this is revisited with the MOD to seek a permissive path which can be closed by the MOD where it leaves the PRoW.
- To align the trail through Burnt Wood, preferably in conjunction with the MOD land so that it is available when the permissive path is closed.

He also says that there needs to be a link across the southern end of Burnt Wood from the PRoW to the proposed route at S121 on the east side of Burnt Wood. If footpath CB10a were to be used for the trail, this would mean that the ECP would not have to be aligned through Elmsworth farmyard.

Natural England's comment:

Please see our response to [redacted], Isle of Wight Council (MCA/IOW7/R/16/IOW0145) in the 'Full Representations' section above. Our comments in response to that representation discuss:

- The extent of the byelaw
- What the byelaw means for the creation of coastal access rights?
- The ability of Natural England and the MOD to come to an agreement.
- The potential use of footpath CB10a, Burnt Wood and adjacent fields.

Representations containing similar or identical points

Representation ID	Organisation/ person making representation:
MCA/IOW7/R/3/IOW4200	[redacted]
MCA/IOW7/R/4/IOW4201	[redacted]
MCA/IOW7/R/9/IOW4205	[redacted]
MCA/IOW7/R/13/IOW4207	[redacted]
MCA/IOW7/R/14/IOW4208	[redacted]
MCA/IOW7/R/30/IOW4219	[redacted]
MCA/IOW7/R/26/IOW4220	[redacted]
Name of site:	Newtown Ranges/land owned by the MOD
Report map reference:	IOW 7f
Route sections on or adjacent to the land:	IOW-7-S117 to IOW-7-S120
Other reports within stretch to which this representation also relates	N/A

Summary of point:

Natural England is proposing to follow an inland route running 1-2 km from the coastline. This will bypass a beautiful stretch of coastal countryside which offers one of the best opportunities to significantly improve the IOW Coastal Path. There are several options to establish a truly coastal route over pasture fields that are infrequently used for MOD training activities and along cliff tops overlooking the Solent and a National Nature Reserve.

At many locations around the UK, the MOD successfully use 'Red Flag Procedures' to provide public access across training areas. Surely two public bodies can agree suitable arrangements to share the use of this stretch of under-utilised land.

Natural England's comment:

The land to which these respondents refer is subject to a military lands byelaw. The fact that the land is not under active use does not mean that it is available to align the KCIIIIECP over.

Natural England is not able to propose that the trail is aligned through the land because:

- It is excepted land under the terms of Schedule 1 to the CROW Act because it is subject to a military land's byelaw.
- It is not land that is 'accessible to the public' by virtue of section 296(5)(c) of the Marine and Coastal Access Act 2009.

In addition, even if there was appetite from the MOD to allow access across the land using a flag system, the terms of the military lands byelaw won't currently allow it.

This will remain the situation until such time that the byelaw is amended or removed from the land in question by the MOD.

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

Representation number:	MCA/IOW7/R/31/IOW3940
Organisation/ person making representation:	[redacted], National Trust
Route section(s) specific to this representation:	IOW-7-S025 to IOW-7-S039 and IOW-7-S098 to IOW-7-S103
Other reports within stretch to which this representation also relates:	N/A

Summary of representation

The National Trust is landowner of substantial parts of Newtown Harbour SSSI and Newtown National Nature Reserve.

The National Trust has worked closely with Natural England in planning the route where it crosses National Trust land and [redacted] is pleased that adjustments have been made to the route and infrastructure to both gain better views of the coast and to avoid some estuary margins and spits that are important for sensitive habitat features including saltmarsh, vegetated shingle, wetland breeding birds sites and wintering wetland and wildfowl bird populations.

[redacted] says that they were not fully consulted on the parts of the path that are adjacent to National Trust land. Now, having had the opportunity to read the whole report, he has reservations on the appropriateness of the parts of the route (other than on existing public rights of way around Newtown Quay), that are close to the estuary and parts of the route where the mapped spreading room would compromise the SPA and SSSI features of interest.

He has particular concerns over the route from Hamstead down the west shore of Western Haven, and the land at Fleetlands Farm. The exclusion from 1st March to 1st August does not cater for potential disturbance to breeding birds in and around the saltmarsh zone and to otters which are known to be present.

The control measures proposed are not adequate to prevent disturbance to these habitat features, which Natural England has a duty to ensure.

The perception of access at all times created by the mapping of spreading room on O.S. maps is unacceptable for land adjacent to such sensitive habitats and the restrictions are unenforceable. This presumption of access is likely to extend to kayakers and paddle boarders approaching this land from the water and already causing unacceptable wildlife disturbance at times. This situation will only be exacerbated.

The evidence and data used to assess the level of disturbance to birds as a result of the ECP route and spreading room is significantly lacking in detail and specifics. It does not adequately take into account

the highly significant bird populations both breeding birds and particularly wintering birds which are already significantly disturbed by the current levels of public access on land and water around the estuary.

The section through Clamerkin was drawn up in consultation with Natural England, but he says that now having fully considered the importance of the Clamerkin River for its saltmarsh habitats, roosting waders, wintering wildfowl and an already struggling population of nightingale, he is having second thoughts.

Clamerkin is currently a National Trust defined “No Dog Zone” and only has permissive paths, specifically with the above wildlife considerations in mind. We have a permitted path to a bird hide so that people can enjoy bird watching without disturbing the birds. Having the ECP going through these fields would, in retrospect, put these features at significant risk of damage and disturbance. Despite signage, it would be impossible to enforce all the time and with the increase in numbers of people would cause greatly increased levels of uncontrolled access. The Trust would effectively lose the No Dogs zone and from experience uncontrolled dogs already cause wildlife disturbance on the Clamerkin saltmarsh from other paths in Walters Copse.

Particularly in light of the fact that he understands the owner of “Windgates” is objecting to the ECP crossing their land from Walters Copse to Clamerkin, he feels it would be more appropriate for the path to be routed adjacent to the road but just inside the adjacent field on a fenced route with Section 26 applied to remove the threat from spreading room.

Natural England’s comments

Concerns about lack of consultation on adjacent land

Since our proposal report was published, we’ve looked again at the Habitats Regulation Assessment (HRA) and produced a revised version. This was in response to additional information gathered after the reports for IOW2 to IOW10 were published, and in response to objections and representations received during the consultation process on the published proposals. In doing this we have had additional conversations with the National Trust which are detailed in Appendix 1 of the HRA.

The proposed route from Hamstead along Western Haven

[redacted] has concerns over the route from Hamstead down the west shore of Western Haven, and the land at Fleetlands Farm. In particular that the seasonal route does not avoid disturbance to breeding saltmarsh birds or otters.

Please see D3.2E of the HRA for detailed consideration of potential impacts. The environmental baseline, including potential for breeding saltmarsh birds, is described on p.86. Natural England met with the National Trust and their bird surveyor volunteers on 15/9/20; they gave us a map of where  [breeding birds](#) are located. The width of the saltmarsh and shape of the channel means it’s unlikely any breeding waders nest in Western Haven. Nevertheless, the trail is aligned within the woodland, and the topography, plus existing and proposed new fencing, will minimise the risk that people will access the saltmarsh (which is subject to a S25A restriction) or disturb any birds or mammals present.

The detailed design of the new/replacement bridges will ensure any otter holts are avoided.

Please also see D3.2F of the HRA for detailed consideration of potential impacts at Fleetlands Farm.

Waterbourne access

[redacted] says that there is a presumption of access over coastal margin and that this is likely to extend to kayakers and paddle boarders approaching land from the water. The HRA addresses this point at pages 90, 98, 103 and 104. See also the National Trust’s webpage about canoeing and paddleboarding at Newtown National Nature Reserve [Canoeing on Newtown Harbour | National Trust](#).

Lack of evidence and data

As mentioned above, since our proposal report was published, we've looked again at the HRA and produced a revised version. This was in response to additional information gathered after the reports for IOW2 to IOW10 were published, and in response to objections and representations, including this one, received during the consultation process on the published proposals. [NT and their volunteers provided us with significant amounts of bird data and information on how people currently access the site, which was used to refine our proposals and which is reflected in the HRA.](#)

Sections D3.2D-H of the HRA covers Newtown Harbour in detail and takes into account both the breeding and wintering birds.

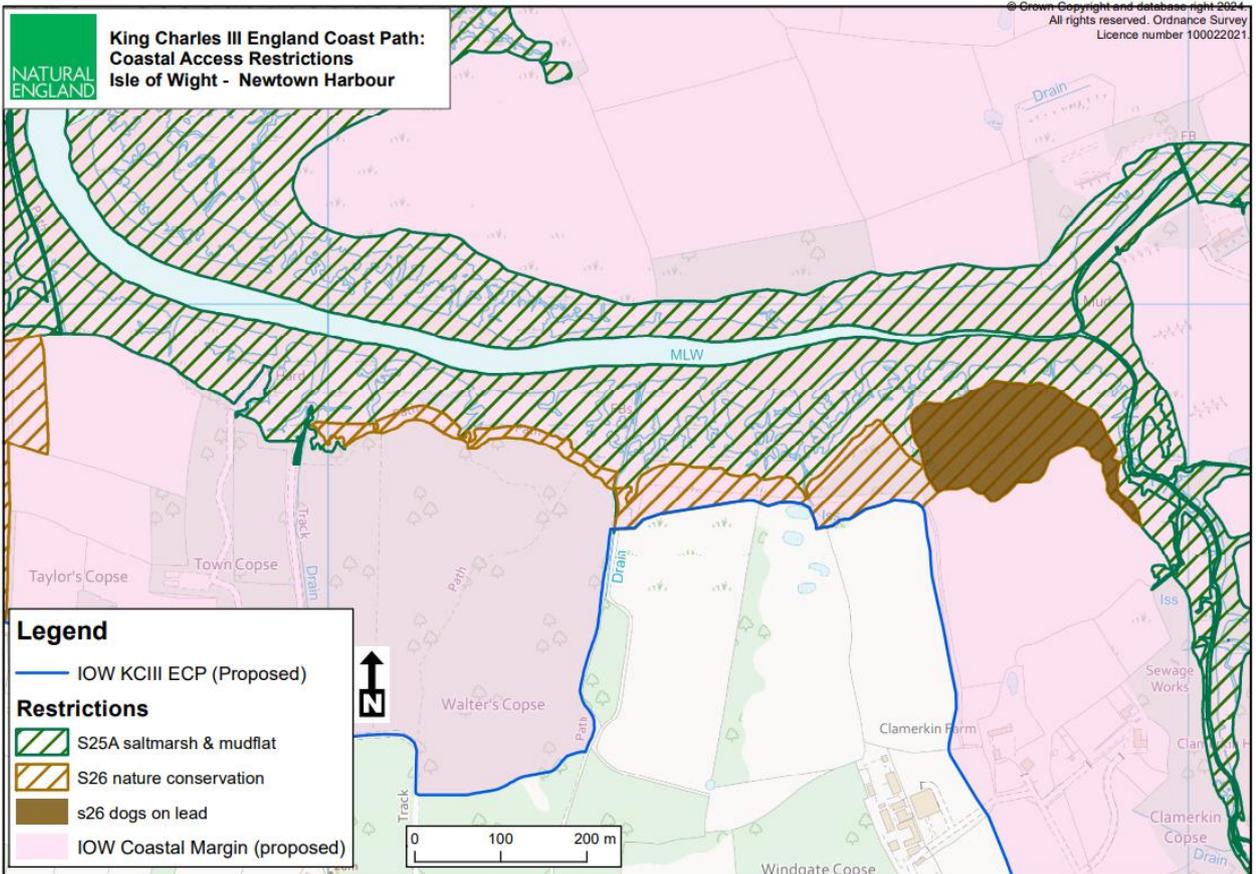
Clamerkin

Section D3.2H of the HRA considers Walters Copse to Clamerkin Fields, including the alternative route options suggested by the National Trust in their response, in detail (see p.113). At page 112 it states that "Given the need to mitigate the additional disturbance from the predicted increase in use of the margin at Clamerkin Fields, the following additional measures will be implemented as a result of the review of this HRA:

- Add a S26 exclusion between the S25A exclusion and the edge of the woodland in Walter's Copse, and to the SAC boundary at Clamerkin (i.e. including the area of transitional woodland);
- Additional willow, or similar, screening should also be installed either side of the bird hide at Clamerkin, as it is currently possible to easily walk out onto the saltmarsh adjacent to the hide.
- Whilst the National Trust fields are fenced, this will be upgraded to stock fencing along the seaward edge of IOW-7-S097, to prevent dogs getting through onto the saltmarsh and disturbing birds.
- Add a S26 dogs to lead restriction in the woodland around the bird hide at Clamerkin (see figure 31 above)."

We are confident that with the above suite of mitigation measures, which were developed on-site in discussion with the National Trust, the proposed route remains the best available option. We believe that that additional significant disturbance from use of the trail and associated margin will be avoided, and so a conclusion of no adverse effect on the integrity of the SPA/Ramsar has been reached.

We ask that the Secretary of State approves the new proposals for directions as set out above (see also the attached new directions maps below). The detailed rationale for these directions is included in the HRA.



Representation ID:	MCA/IOW7/R/17/IOW0213
Organisation/ person making representation:	[redacted], South East Reserve Forces & Cadets Association (SERFCA)
Name of site:	Newtown Ranges and Burnt Wood
Report map reference:	7e – 7g
Route sections on or adjacent to the land:	IOW-7-S103 and IOW-7-S120 to IOW-7-S122
Other reports within stretch to which this representation also relates	N/A
Summary of representation:	
<p>IOW-7-S103 SERFCA is happy with the Natural England proposal and believes that amicable solution for all has been found. The proposed route allows ramblers to walk along the footpath instead of along a busy country road and also allows for minimal crossings. Any other proposed route to the north could be dangerous and is also precluded further by the close proximity of the byelaw area and numerous nature conservation designations the land holds including: Solent Maritime Special Area of Conservation (SAC) and Solent and Southampton Water Special Protection Area (SPA), the Solent and Southampton Water Ramsar and the Newtown Harbour Site of Special Scientific Interest (SSSI).</p> <p>The land to the north of IOW-7-S103 is owned by the South East Reserve Forces & Cadets Association and as such has tri service personnel as well as cadets and youths conducting training. There is also military accommodation that can accommodate up to 120. Any encroachment onto the estate will cause numerous management and dangerous safety concerns due to the close proximity of both the accommodation and training area and could cause a significant concern regarding the safety and well-being of cadets and youths.</p> <p>IOW-7-S120 to 122 The proposed route again is very much agreeable. This route is on the eastern boundary of the estate outside of the danger area, initially following the existing footpath.</p> <p>Burnt Wood and the adjacent meadows is owned by the South East Reserve Forces & Cadets Association but is on a long term lease to Forestry England.</p> <p>The agreed proposal to insert a new coastal path along the southern edge of Burnt Wood and then out into Thorness bay, allowing ramblers to walk along a footpath instead of a busy country road.</p> <p>The agreement of enhanced stock fencing within Burnt Wood and signage would deter any incursions into the woods and adjacent meadows. The proposed route also skirts an ongoing environmental project that many agencies are involved in and as such Burnt Wood and the meadows have exclusions stopping any incursions and will not form part of the spreading room.</p> <p>The existing footpath CB10a will remain for access to the beach where it terminates.</p> <p>The proposal is best placed to ensure the effective use of the training estate and range. It also ensures the security of the training troop and the public. This will also have least potential impact on sensitive ecological designations across the site.</p>	
Natural England's comment:	
Noted.	

Name of site:	Newtown Ranges and Burnt Wood
Report map reference:	7e – 7g
Route sections on or adjacent to the land:	IOW-7-S103 and IOW-7-S120 to IOW-7-S122
Other reports within stretch to which this representation also relates	N/A

Summary of representation:

IOW-7-S103

SERFCA is happy with the Natural England proposal and believes that amicable solution for all has been found. The proposed route allows ramblers to walk along the footpath instead of along a busy country road and also allows for minimal crossings. Any other proposed route to the north could be dangerous and is also precluded further by the close proximity of the byelaw area and numerous nature conservation designations the land holds including: Solent Maritime Special Area of Conservation (SAC) and Solent and Southampton Water Special Protection Area (SPA), the Solent and Southampton Water Ramsar and the Newtown Harbour Site of Special Scientific Interest (SSSI).

The land to the north of IOW-7-S103 is owned by the South East Reserve Forces & Cadets Association and as such has tri service personnel as well as cadets and youths conducting training. There is also military accommodation that can accommodate up to 120. Any encroachment onto the estate will cause numerous management and dangerous safety concerns due to the close proximity of both the accommodation and training area and could cause a significant concern regarding the safety and well-being of cadets and youths.

IOW-7-S120 to 122

The proposed route again is very much agreeable. This route is on the eastern boundary of the estate outside of the danger area, initially following the existing footpath.

Burnt Wood and the adjacent meadows is owned by the South East Reserve Forces & Cadets Association but is on a long term lease to Forestry England.

The agreed proposal to insert a new coastal path along the southern edge of Burnt Wood and then out into Thorness bay, allowing ramblers to walk along a footpath instead of a busy country road.

The agreement of enhanced stock fencing within Burnt Wood and signage would deter any incursions into the woods and adjacent meadows. The proposed route also skirts an ongoing environmental project that many agencies are involved in and as such Burnt Wood and the meadows have exclusions stopping any incursions and will not form part of the spreading room.

The existing footpath CB10a will remain for access to the beach where it terminates.

The proposal is best placed to ensure the effective use of the training estate and range. It also ensures the security of the training troop and the public. This will also have least potential impact on sensitive ecological designations across the site.

Natural England's comment:

Noted.

Representation ID:	MCA/IOW7/R/24/IOW1620
Organisation/ person making representation:	[redacted]

Name of site:	Road adjacent to Harts Farm
Report map reference:	Map 7D
Route sections on or adjacent to the land:	IOW-7-S088 to IOW-7-S091
Other reports within stretch to which this representation also relates	N/A
Summary of representation:	
<p>[redacted] supports the route of the England Coastal Path along the road adjacent to Harts Farm, through its most western field, known as Gold St. Section IOW-7-S089 FP, and also along the road adjacent to Harts Farm (IOW-7-S090). He says the proposed route will help to protect the fields under his management, and help to maintain and enhance the levels of Environmental Stewardship which he has undertaken through a HLS scheme in partnership with Natural England. Newtown being a National Nature Reserve has become a busy place, and taking the route along the existing footpath in Gold St will preserve the Flora and Fauna, rare species, butterflies, and nesting birds he has been trying to encourage over the past 7 years over the adjacent fields on the farm. In addition, he manages the field to the north of Marsh Farmhouse, (east of section IOW-7-S086 to IOW-7-S088) which is a SSSI for which he is grateful that the proposed coastal path does not pass through. He says this simplifies greatly his day-to-day management of livestock, and in addition will help considerably in achieving success for his HLS prescriptions.</p>	
Natural England's comment:	
<p>Noted.</p> <p>N.B [redacted] also submitted an objection which relates to the coastal margin.</p>	

Representation ID:	MCA/IOW7/R/27/IOW2943
Organisation/ person making representation:	[redacted]
Name of site:	Western Haven Creek, Hamstead
Report map reference:	IOW 7a & 7b
Route sections on or adjacent to the land:	IOW-7-S005 to IOW-7-S037 IOW-7-A001
Other reports within stretch to which this representation also relates	N/A
Summary of representation:	
<p>[redacted] supports the proposed ordinary route of the trail with its proposed conditions, which she says respects the guidance under Chapter (8) of the Natural England Coastal Access Guidance notes and respects the discussions with Natural England in relation to business impact linked to game shooting activity at Hamstead.</p> <p>She also supports the proposed alternative route, which she says also respects the guidance under Chapter (8) of the Natural England document. She also supports the proposed restrictions on the coastal margin.</p>	

[redacted] notes that the route and temporary route with their respective conditions have been extensively discussed with Natural England in relation to farm management, woodland management, game shoot management and ecological impact.

Natural England's comment:

Noted.

For details of the proposed directions to exclude or restrict access, please see:

Direction to exclude access to the saltmarsh and mudflat at Newtown Harbour and Thorness Bay, report paragraphs 7.2.19 & 7.2.20.

Seasonal direction to exclude access to the trail, due to the shoot, at Western Haven Creek report paragraphs 7.2.27 & 7.2.28.

Seasonal direction to exclude access, to protect sensitive wildlife, at Western Haven Creek, report paragraphs 7.2.29 & 7.2.30

N.B We believe that the proposed direction to keep dogs on leads, to protect sensitive wildlife, at Western Haven Creek, report paragraph 7.2.3, is no longer necessary. [In the HRA, on the advice of \[redacted\] we stated that this dogs to lead direction was unnecessary as we're using seasonal closure and fencing to keep dogs off the intertidal and away from sensitive wildlife. We ask that the Secretary of State notes our intention not to arrange a direction as originally proposed in our report.](#)

The HRA also recommended that a further s26(3)(a) direction excluding access should be included at Western Haven Creek. See our response to the National Trust's representation - MCA/IOW7/R/31/IOW3940 – above.

Supporting documents:

[redacted] attached the following documents which have not been appended but can be forwarded to the Secretary of State on request.

Documents previously submitted to Natural England attached to Eletter dated 12 March 2020:

- Eletter to Natural England dated 8 August 2019.
- Email to Natural England from [redacted] dated 19 August 2019.
- Email enclosing eletter from Natural England to [redacted] dated 4 November 2019
- Marked up plans of coastal area at Hamstead from meeting with Natural England dated 19 August 2019.
- Code of Good Shooting Practice.
- Hamstead Budget (V2 dated 23 August 2009). 6.2.7. Supporting information reference Hamstead Planning Application 2009.
- Email from Natural England to [redacted] and [redacted] dated 16 September 2019.
- Extracts from assessment of agricultural need reference property at Hamstead Estate – April 2009.
- Natural England Chapter 8. Coastal land use issues.

Representation ID:	MCA/IOW7/R/22/IOW1717
Organisation/ person making representation:	[redacted]
Name of site:	Land adjacent to Eastern edge of Walters Copse

Report map reference:	IOW 7d and IOW 7e
Route sections on or adjacent to the land:	IOW-7-S095 and IOW-7-S097
Other reports within stretch to which this representation also relates	N/A

Summary of representation:

The respondent is not convinced that Natural England has properly undertaken a HRA to assess the likely impact of the proposals on wildlife. She says that the Habitat Regulation Assessment has not demonstrated that the likely impacts will be addressed by mitigation and that the proposed mitigation falls well below the standard expected in these sites. She includes the Jonathon Cox Associates Document 1.

There has been no mention of rising sea levels and the Shoreline Management Plan for Newtown is to let the sea advance. Storm surges have been recorded at 1.3m above High Spring Tides within Newtown and Yarmouth. Therefore the evidence provided in Documents 2 & 3 WEBs count, would suggest a precautionary principle is taken by redirecting the path. The landowners of Windgate Copse the meadow adjacent to Walters Copse and the Clamerkin foreshore have expressed willingness to consider an alternative footpath to run alongside the Porchfield Road inside Windgate Copse which would take walkers off the road.

Currently the NT permissive path, IOW-7-S097, and adjacent areas at Clamerkin are no dogs allowed. What happens where the ECP, which is dogs on leads, meets the permissive path where no dogs are allowed? If this issue is not addressed it once again undermines the protection that is already in place.

Signs - Natural England along with the RSPB, NT and Wildlife Trusts has well documented evidence that signage and fencing as part of mitigation measures are ineffective.

Natural England's comment:

Concerns over HRA

We have addressed this concern in the updated HRA. In particular, table 2 (page 5) summarises the risks and consequent mitigation built into our proposals. The table highlights additional measures that we agreed as part of the work to revise the HRA. With these additional measures we can confidently conclude no adverse effects on the integrity of the European sites. The respondent also references the Jonathon Cox report. Please refer to our comments about that in our response to [redacted]'s representation.

No mention of sea level rise

We acknowledge that as sea levels rise, the width of available saltmarsh at high tide will be reduced, potentially pushing birds closer to the trail and increasing the risk of disturbance. Whilst not explicitly set out in the HRA, our view is that our current proposals, including additional measures at Clamerkin (see p.112 of the HRA), are sufficient to mitigate against future risk. In addition, the legal framework that underpins coastal access allows for adaptation in the light of future change (e.g. roll back). The restrictions that we have proposed will be periodically reviewed to ensure they are still necessary and effective in preventing significant disturbance to sensitive features.

Clamerkin Fields

Please refer to section D3.2H of the HRA for our detailed appraisal of Walters Copse to Clamerkin Fields. If the proposals are approved and coastal access rights commence in the area, access along IOW-7-S097 will no longer be permissive as the public will have a right to be on that land using access rights provided by the Countryside and Rights of Way Act 2000. Walkers will be entitled to use IOW-7-S097 with their dogs, but additional mitigation measures have now been proposed to address concerns over disturbance. These are set out on page 112 of the HRA.

Ineffectiveness of signage

We are working with Bird Aware Solent on signage across the area. We have taken the advice of [redacted] – a consultant with expertise in how to best manage recreational access for people, and particularly those with dogs, to ensure mitigation measures will be effective – see D3.2H of the HRA. We are not relying on signage alone, but using a combination of signage, fencing, screening, landscape topography, and vegetation, to encourage compliance and ensure that disturbance to sensitive areas is avoided (our approach is described on p. 14 of the HRA).

Windgate Copse

Please see our response to Celia Lewis, the owner of Windgate Copse (MCA/IOW7/R/25/IOW2289).

Relevant documents:

Document 1 - Jonathan Cox Associates report:



IOW1097 -
Supporting Informa

Representation ID:	MCA/IOW7/R/23/IOW1717
Organisation/ person making representation:	[redacted]
Name of site:	North side of Western Haven
Report map reference:	IOW 7b
Route sections on or adjacent to the land:	IOW-7-S025 and IOW-7-S038
Other reports within stretch to which this representation also relates	N/A

Summary of representation:

Western Haven is within the Natura 2000 and Ramsar site, both of which have the highest level of protection under international law. The Habitat Regulation Assessment has not demonstrated that the likely impacts will be addressed by mitigation. The proposed mitigation falls well below the standard expected in these sites. This anonymous document appears to be a desktop study only, with no evidential field work documentation available, particularly for non-breeding summer waterbirds, especially waders. It is customary to always attribute an author when a HRA is undertaken on protected sites especially those protected by SPA, Natura 2000 and RAMSAR designations.

There has been no mention of rising sea levels and the Shoreline Management Plan for Newtown is to let the sea advance. Late Spring and Summer storm surges have been recorded at 1.3m above High Spring Tides within Newtown and Yarmouth. Under-recording of Western Haven has been admitted by BTO recorders and all local recorders. Valerie Gwynn refers to report by Jonathon Cox Associates (attached in the representation above) and to BTO WeBs Transect.

In Western Haven the National Trust Breeding Bird Survey is carried out. These documents prove that much of the Western Haven is not surveyed including important inlets near Pigeon Coo Farm and Ningwood Lake. Even so there are records of Osprey, Kingfisher, Wood Sandpiper, Green Sandpiper, and Lapwing using Western Haven. Nightjar have been heard in Lower Hamstead Plantation.

The inlets have been identified by the UK Water Vole researcher as potential water vole habitats. Previous owners of Hamstead and Shalfleet Estates always reported Woodcock, Snipe and Jack Snipe

along both sides of Western Haven. Natural England have a statutory duty of care and it is therefore important that a full base line data set is developed which includes all the features that are enshrined in this SPA part of the RAMSAR and Natura 2000 site.

NE have little baseline data available to them and have been unable to undertake the necessary fieldwork that would have led to an improved Habitat Regulation Assessment. Therefore due to the sensitivity of this Natura 2000 and Ramsar site and the legal implications should the proposed seasonal path be progressed, the respondent recommends that NE officers undertake a detailed survey which includes the shoreline buffer zone protected in law as a feature of the Solent and Southampton SPA. By doing so NE would be in a better position to amend or improve the Habitats Regulation Assessment.

It was never in the spirit of the Act to develop a national trail around a goosefoot estuary when there was an excellent trail already existing – in this case the long established Hamstead Trail. NE has misinterpreted the Act. It is in their gift to put this right and reinstate the Hamstead trail as the ECP and in so doing will prevent damaging the Western Haven stretch of this part of Natura 2000 and Ramsar site. It is in their gift also to introduce a directive to exclude spreading room along the Hamstead Trail through what is a working forest estate.

Natural England's comment:

Concerns over HRA

We have addressed this concern in the updated HRA. We collected additional data and undertook site visits to inform our updated HRA. Please refer to Appendix 1 of the HRA for further details.

Both the original and updated HRA are signed by the author and approving manager at the end of the document.

No mention of sea level rise

We acknowledge that as sea levels rise, the width of available saltmarsh at high tide will be reduced, potentially pushing birds closer to the trail and increasing the risk of disturbance. Whilst not explicitly set out in the HRA, our view is that our current proposals, including those set out for Western Haven at D3.2E of the HRA, are sufficient to mitigate against future risk. In addition, the legal framework that underpins coastal access allows for adaptation in the light of future change (e.g. roll back). The restrictions that we have proposed will be periodically reviewed to ensure they are still necessary and effective in preventing significant disturbance to sensitive features.

Concerns over lack of data for Western Haven

The environmental baseline, including additional information gathered, is described on p.86 of the updated HRA. As there is a lack of data, we have taken a precautionary approach and assumed birds will be using intertidal habitats at Western Haven (including osprey, kingfisher, etc) at all times, and included measures to avoid or mitigate potential disturbance, described in D3.2E and summarised in table 2.

Nightjar are not an SPA feature so are not mentioned in the HRA. However, Lower Hamstead Plantation (and other clear-fell areas that might support nightjar) are landward of the trail and so not subject to new access rights.

Water voles are also not SPA designated features. However we followed up with the water vole researcher mentioned in the representation, although we never did receive a final version of his report. In any case, the only likely potential interaction between the trail and water voles is the crossings over Pigeon Coo Creek and Aunt Emmy's Creek, which require a replacement and new bridge respectively. As required by the Wildlife and Countryside Act, at the detailed infrastructure design stage, we will check for the presence of water voles and include any necessary measures to avoid impacts.

The trail alignment considers the need to avoid damage to the shoreline buffer zone referred to in the representation and has been informed by site visits. The Solent Maritime SAC is designated for its important habitats including saltmarsh and transitions from woodland to intertidal habitat, which are well represented at Western Haven. Potential impacts on these habitats and necessary mitigation measures are discussed on p. 90-92 of the HRA.

Interpretation of the Act

We completely disagree with the respondent's point that it is outwith the spirit of the Act to develop a national trail around a goosefoot estuary when there is an existing trail in place. It was because the existing access provision to England's coast was not good enough that the Marine and Coastal Access Act 2009 was passed by Parliament. The alignment criteria described by s297 of the 2009 Act and the statutory Approved Scheme, suggest that NE should have regard to the desirability of the route adhering to the periphery of the coast and providing views of the sea. In situations such as this one, where the existing Hamstead Trail is some way in land, it is reasonable to look for an improvement to the current access situation. The respondent should also note that if the ordinary route of the trail was aligned along the Hamstead Trail, a much larger area of land would be brought into the coastal margin by default. Because NE is required by the statutory Scheme to follow the principle of the Least Restrictive Option (6.3 Scheme), much of that land would not be covered by directions to restrict or exclude access.

It should be noted that in seeking this improved access in the areas, we have also taken account of the nature conservation sensitivities by making this a seasonal route, so that in winter the Hamstead Trail will be used.

Representation ID:	MCA/IOW7/R/5/IOW4202
Organisation/ person making representation:	[redacted]
Name of site:	Walters Copse and Clamerkin Farm
Report map reference:	IOW 7D and 7E
Route sections on or adjacent to the land:	IOW-7-S093 to IOW-7-S098
Other reports within stretch to which this representation also relates	N/A
Summary of representation:	
[redacted] is the WeBs Count organiser and recorder for the Newtown Estuary. The proposed route between IOW-7-S093 to IOW-7-S098 takes the trail too close to the Clamerkin River with the inevitable outcome of both visual and noise disturbance, even with screening, to waterfowl. [redacted] feels that a direct route east from IOW-7-S093 to IOW-7-S097 would alleviate the problem.	
Natural England's comment:	
Please refer to the HRA document at section D3.2H. The Environmental Baseline section describes the additional bird data gathered. Additional mitigation measures to address concerns over disturbance are set out on p.112.	
Our proposed route strikes the best balance in terms of the alignment criteria described in Chapter 4 of the Scheme, particularly as it maintains close proximity with the coast. Moving the path further inland as [redacted] suggests would increase the size of the accessible coastal margin in the area, including areas of agricultural land. P.112 of the HRA also describes the alternative routes that were investigated and the reasons these could not be taken forward.	

Representation ID:	MCA/IOW7/R/6/IOW4202
Organisation/ person making representation:	[redacted]
Name of site:	Western Haven

Report map reference:	IOW 7b
Route sections on or adjacent to the land:	IOW-7-S025 and IOW-7-S038FP
Other reports within stretch to which this representation also relates	N/A

Summary of representation:

[redacted] is the WeBs Count organiser and recorder for the Newtown Estuary.

The proposed route between IOW-7-S025 and IOW-7-S038 covers an area of mixed habitat that [redacted] feels is an invaluable asset to the Newtown Estuary, in that it is relatively undisturbed and for that reason needs to be preserved as such. It includes a stretch of habitat between IOW-7-S034 and IOW-7-S038 where he is hoping the Little Egret will make their first breeding attempt at Newtown.

He says that although he has no records to substantiate any other reservations (except for casual records that include both Wood and Green Sandpiper feeding in the Western Haven, churring Nightjar in the Hampstead plantations and many passerine species that find the undisturbed habitat ideal and of course to cap it all the visiting Ospreys enjoy fishing in the Western Haven). He believes that to create a footpath through this valuable asset would be criminal.

Natural England's comment:

Concerns over HRA

When we updated the HRA we collected additional data and undertook site visits (including to check for evidence of current nesting by little egrets) to inform our updated HRA. Please refer to Appendix 1 of the HRA for further details. [We met with \[redacted\] and he provided us with annotated maps showing locations of feeding, roosting and breeding birds, which were valuable in informing our updated HRA.](#)

Western Haven Creek is discussed at D3.2E of the HRA with the environmental baseline, including additional information gathered, described on p.86. As there is a lack of data, we have taken a precautionary approach and assumed non-breeding birds will be using intertidal habitats at Western Haven (including osprey, kingfisher, etc) and included measures to avoid or mitigate potential disturbance, described in D3.2E and summarised in table 2.

Nightjar are not an SPA feature so are not mentioned in the HRA. However, Lower Hamstead Plantation (and other clear-fell areas that might support nightjar) are landward of the trail and so not subject to new access rights.

It should be noted that in seeking this improved access in the areas, we have also taken account of the nature conservation sensitivities by making this a seasonal route, so that in winter the Hamstead Trail will be used.

Representation ID:	MCA/IOW7/R/18/IOW4211
Organisation/ person making representation:	[redacted]
Name of site:	Western Haven
Report map reference:	IOW 7b
Route sections on or adjacent to the land:	IOW-7-S025 to IOW-7-S037

Other reports within stretch to which this representation also relates	N/A
<p>Summary of representation:</p> <p>[redacted] is states that it does not appear that a habitat or environmental assessment has been made relating to the proposed path at the Western Haven.</p> <p>He says that at present the land has no public access and to his knowledge it is not subject to any existing regular surveys being undertaken to identify the flora and fauna. He would like Natural England to undertake on-site surveys to establish exactly what, if any, species are using it. As an example, he says that the land adjacent to the Western Haven appears to be well suited for breeding birds such as the Little Egret to nest in the trees as they prefer sites distant from the general public. If it was found that breeding birds are present then he says that they would be impacted by this path being in use from 2nd March to 31st July inclusive. He suggests that until there is data available, that the trail is re-routed between 2nd March and 31st July back to the line of the proposed alternative route i.e. the Hamstead Trail.</p>	
<p>Natural England's comment:</p> <p>Please see the updated HRA at D3.2E for a detailed consideration of the potential impacts and mitigation measures at Western Haven Creek. The proposed route uses existing informal paths through the woodland and avoids the edge of the woodland (the transition between woodland and intertidal being the SAC feature that we have taken care to avoid.) When we establish the trail, we will walk the course with the Council and make sure that we minimise the need for vegetation clearance. Any clearance that is needed will be done outside the bird breeding season.</p> <p>As [redacted] and other respondents mentioned little egret, we checked for nests as part of updating the HRA. See p.88-89 of the HRA which states:</p> <p>“Breeding waders are not likely to nest in Western Haven given the shape of the channel and lack of suitable habitat. Therefore, there is no risk to the wintering bird SPA/Ramsar interest from disturbance in the breeding season. Whilst there are no breeding records, the woodland adjacent to the trail, in sections IOW-7-S029 to IOW-7-S031, is suitable nesting habitat for little egret, a main component of the waterbird assemblage. Therefore, as part of the evidence gathering for this updated HRA, a walkover survey was undertaken using the guidance set out for the BTO Heronries Census. The visit was carried out on 3 March 2022 by the HRA author (NE Senior Ornithologist). Whilst little egrets do not start to nest until April, an early visit meant that a check could be made for nests whilst there were no leaves on the deciduous trees. A combination of vantage point scans, and coverage of the proposed trail route and other woodland rides, was used to confirm that no little egret (or grey heron) nests were apparent on this section of the trail. Therefore, there does not appear to be an established heronry in the woodland at Western Haven.”</p>	

Representation ID:	MCA/IOW7/R/20/IOW4212
Organisation/ person making representation:	[redacted]
Name of site:	Clamerkin Creek saltmarsh and land adjacent to Eastern edge of Walters Copse
Report map reference:	IOW 7d and IOW 7e
Route sections on or adjacent to the land:	IOW-7-S095 and IOW-7-S096

Other reports within stretch to which this representation also relates

N/A

Summary of representation:

The proposed footpath will be within a Natura 2000 site and wetlands of international importance under the Ramsar convention. These sites have the highest level of international legal protection. The Habitat Regulation Assessment has not demonstrated that the likely impacts will be addressed by mitigation. The route and mitigation measures are based on unsound office based assessments. Natural England should undertake on site surveys to prove mitigation adequacy. [redacted] attaches the report prepared by Jonathon Cox Associates (document 1).

Typical examples of saltmarsh trampling and destructive disturbance regularly occurring in the NNR at present can be seen on the attached photographs (document 2). This type of behaviour will only increase if the proposed route is built.

The maps are of insufficient detail in that they don't clearly illustrate coastal margin or excluded land.

The proposed route between IOW-7-S093 and IOW-7-S098 takes the trail back to the Clamerkin River. To be consistent and apply the same protection criteria, as proposed on section IOW-7-S092 to IOW-7-S093, the trail should continue to be set back to avoid visual, noise and boardwalk ground vibration disturbance by people and dogs to overwintering birds feeding/resting/roosting in the Clamerkin area. Disturbance forces birds to fly off, using up vital energy reserves and denying them feeding time.

Consideration should also be given to breeding red listed Nightingale that nest near the ground in thickets on the coastal margin of Clamerkin. Disturbance by roaming dogs would destroy nests and eggs. Typical examples of saltmarsh trampling and destructive disturbance regularly occurring in the NNR at present can be seen on the attached photographs. This type of behaviour will only increase if the proposed route is built.

An alternative to route IOW-7-S095 and IOW-7-S096 on map IOW 7e has been suggested by the owners of Windgates Copse who suggest routing the trail off-road through the copse adjacent to the road (document 3). This will also benefit locals who walk this way regularly.

Natural England's comment:

Concerns about the HRA

We have addressed this concern in the updated HRA. In particular, table 2 (page 5) summarises the risks and consequent mitigation built into our proposals. The table highlights additional measures that we agreed as part of the work to revise the HRA. With these additional measures we can confidently conclude no adverse effects on the integrity of the European sites. The respondent also references the Jonathan Cox report. Please refer to our comments about that in our response to [redacted]'s representation - MCA/IOW7/R/19/IOW1097.

Clamerkin

An NE Senior Ornithologist met with [redacted] on site, where they discussed NE proposals and the need to avoid disturbance to birds in the area. In D3.2H of the updated HRA we describe how, due to these concerns, we investigated alternative route options, but were not able to resolve the problems associated with them. We have therefore added some additional mitigation measures to support our existing proposals. These are described on p.112 of the HRA.

Our proposed route strikes the best balance in terms of the alignment criteria described in Chapter 4 of the Scheme, particularly as it is able to maintain close proximity with the coast. Moving the path further inland as [redacted] suggests would increase the size of the accessible coastal margin in the area, including areas of agricultural land, and would provide an inferior recreational experience. For details of other options considered in this area, see our report table: Other options considered: Maps IOW 7a to IOW 7g – Hamstead Point to Thorness Bay.

See page 111 of the HRA which describes how thick scrub between the trail and intertidal for most of IOW-7-S095 to IOW-7-S096 provides an effective visual screen for most of the length, and how this is important for breeding nightingales. Scrub management will be undertaken by the IOW Council, as access authority, and then by the Trail Partnership, once this has been established. The management will ensure the habitat is maintained suitably for nightingales and the existing fencing at IOW-7-S097 will be upgraded to stock fencing to ensure dogs cannot access the habitat.

We have considered the impact of trampling on saltmarsh in our proposals, including measures to avoid additional trampling in areas where new access is proposed and taking opportunities to reduce the existing pressure where possible. These measures are summarised in table 2 of the HRA (p.8).

The maps are of insufficient detail in that they don't illustrate coastal margin or excluded land.

The maps included in the report form part of our formal proposals. Neither excepted land or the seaward coastal margin form part of the proposals as both of those things occur by default. In the case of the seaward coastal margin, it is created by default as a consequence of the position of the route. Excepted land occurs automatically where the use of the land falls within one of the categories set out in Schedule 1 to the Countryside and Rights of Way Act 2000. Natural England cannot give definitive advice on where excepted land occurs, only the courts can do that if called upon. But the categories are meant to be easily understood and readily identifiable on the ground – and landowners can place signs identifying the extent of excepted land if they wish.

For further information about the Ordnance Survey's approach to mapping coastal margin, please refer to Natural England's note on the subject included in annex 4.

Relevant documents:

Document 1 - Jonathon Cox Associates Report



IOW1097 -
Supporting Informa

Document 2 – Photographs



Representation
Eileen Hughes IOW

Document 3 – Map of alternative route via Windgates Copse



Representation
Eileen Hughes IOW

Representation ID:	MCA/IOW7/R/29/IOW4217
Organisation/ person making representation:	[redacted]
Name of site:	Newtown Harbour/Western Haven
Report map reference:	7b and 7e
Route sections on or adjacent to the land:	IOW-7-S025 to IOW-7-S039 IOW-7-S098 to IOW-7-S103
Other reports within stretch to which this representation also relates	N/A

Summary of representation:

The existing footpath IOW-7-A001FP already links Lower Hamstead to Hamstead Bridge satisfactorily. The proposed new waterside path is an unnecessary duplication. Only the first section IOW-7-S027 will give improved views over the water. This section overlooks a high tide roost and an inlet where otter has been seen. If screening is sufficient to protect birds on the saltmarsh and water, it will obscure estuary views from the rest of the trail. No consideration has been given to audible disturbance to birds by users of the path. Dogs will add to the disturbance.

The respondent makes the following points about the original version of NE's conservation assessments.

Habitats Regulation Assessment. Access Baseline. p63

There is a car park on Hamstead Drive approaching Hamstead Bridge IOW-7-S038 which has not been included in the assessment. It has approximately 20 spaces. On the recent Spring Bank Holiday this car park was full to capacity, with cars blocked in. This indicates a high level of potential disturbance.

Habitats Regulation Assessment. Risk Analysis. p64

How high are the proposed kissing gates which would close off the trail August-March? Will they be high enough to prevent people climbing over and lifting bikes over? The existing private road and public footpath is used by cyclists in spite of no bikes signs. A four metre wide path would invite exploration by cyclists.

How will the request to keep dogs on leads be enforced or supervised? She has little faith in this being observed, from her experience on the NNR, where dogs are frequently exercised loose on the saltmarsh in spite of signage.

Western Haven is under-recorded for breeding birds. It is the only remaining branch of the estuary that has no access by foot and is only accessible by small craft from the water. This makes it an important quiet area for high water roosts and visiting migrants on passage.

Nature Conservation Assessment for Coastal Proposals p58-60 Annex 1 Index to designated sites and features

Many bird species commonly occurring at Newtown have been omitted, eg Mediterranean Gull, Curlew, Shelduck, Breeding Redshank, Little Grebe, Lapwing, Ringed Plover Bar-tailed Godwit, Dunlin, Grey Plover Teal, Turnstone, Wigeon.

There is no assessment of the impact on the wildlife of Western Haven. A full environmental assessment must be carried out. The water-based NT Breeding Bird Survey concentrates on the area from Shalfleet Quay to the West and East Spits, inshore and offshore, and up Clamerkin Lake. The survey is limited to this route due to access, time and tide restrictions. Western Haven is not routinely recorded.

The respondent has also noted the following:

11.09.2016 Osprey by Pigeon Coo Creek roosting in tree. Osprey arrive here in August
17.07.2017 Lapwing 17 roosting at high tide on saltmarsh near S029
18.04.2018 Kingfisher in area of Emmy's Creek. Many other kingfisher sightings as far as Hamstead bridge during the breeding season.
20.04.2019 Wood sandpiper opposite S035
20.08.2019 Green sandpiper at S037
Little Egret roosting at IOW-7-S037 a potential breeding site
Nightjar heard by Hamstead Bridge
Barn owl hunting at mid-day across field at S027, likely to be breeding
Red squirrel are present in the plantation.

The current Isle of Wight Coast Path

The reference to an A road is an error. The current Coast Path is not along an A road and should not be used as an argument for directing the path through Walters Copse and Clamerkin. The Newtown to Porchfield road west of S098 and continuing to S116 is not an A road or a B road. It is a minor road

which is part of the Round the Island Cycle Route. It is used by Duke of Edinburgh Award groups and Army cadets on foot.

The respondent does not recognise this “local desire” for a round harbour walk which NE mentions in the Overview document.

Natural England’s comment:

Since our proposal report was published, we’ve looked again at the Habitats Regulation Assessment (HRA) and produced a revised version. This was in response to additional information gathered after the reports for IOW2 to IOW10 were published, and in response to objections and representations received during the consultation process on the published proposals. Please see HRA D3.2E for detailed consideration of potential impacts and mitigation measures at Western Haven including an access baseline and risk analysis

We are grateful to [redacted] and others that gave us additional information and data on birds commonly occurring in Newtown (see Appendix 1 of the HRA for a list of sources) that contributed a great deal to the updated HRA. See updated HRA sections D3.2D-H. [redacted] has provided records of birds seen using Western Haven at times when the main route will be open. Please also see page 88-90 of the updated HRA for consideration of potential disturbance to birds at all times of year.

Gates with locks and infilled rails, to make them hard to climb, will be installed at the entry points to ensure that walkers do not access the main route when it is closed. Fencing will also be installed to make the gates difficult to circumvent. The Isle of Wight Council, as access authority, will open and close the gates at either end of the season. Interpretation panels will be installed by each gate, informing people about the timings of the closure, environmental sensitivities, and the alternative route.

Natural England’s published proposals included a dogs to lead restriction on the main route at Western Haven. We sought advice on the proposals for this section of coast from an independent expert on managing access for walkers with dogs. Taking account of this advice, Natural England now proposes to remove the dogs to lead restriction. **We ask that the Secretary of State notes this and takes it into account in the decision making process.** This is because the dogs to lead restriction was aimed at minimising disturbance to wintering birds but the seasonal closure of the trail means there is only a small overlap with SPA birds (in March and beginning April). For all of the main route, the topography, existing vegetation/fencing, or our proposed infrastructure, mean that trail users will be away from the intertidal area. Therefore, having dogs off lead on the trail is not likely to cause significant disturbance to birds using the intertidal. In addition, this will ensure that dog walkers will not seek to use the coastal margin in order to exercise their dogs off lead. Instead, simple and clear messaging will be used to ask people to keep their dogs with them on the path and out of vegetation. Please see page 89 of the updated HRA for further details

[redacted] asks if screening is sufficient to protect birds on the saltmarsh and water. She asks if the trail will be worthwhile as views of the estuary will be obscured. It is our view that creating a path will be of significant recreational value for the following reasons.

- It will be closer to the water with an improved coastal feel, compared to the current route of the coast path.
- There will be good views of the water in places – birds are more concerned about the presence of dogs and therefore the screening will not always be necessarily at human head-height. There will also be views through screening where it consists of scrub (see paragraph immediately below).
- A 4.5km circular walk will be created with the new trail and existing IOWCP.

In most places we will be using existing vegetation as screening (because we agree that blocking off a view seems counterintuitive when creating a coast path) and using trail alignment to keep people away from sensitive areas. We are proposing new screening either side of the two hides at Newtown (the Mercia Seabroke hide, and the hide at Clamerkin), therefore we will not be blocking any views from the

ECP, but we will be ensuring that people/dogs just access the hides, not the saltmarsh. The only other place we will be using screening is where gap-filling in the existing scrub is required at Clamerkin, which will be above head height to match the existing scrub. In this location, people will get the benefit of being able to continue the countryside feel of the walk and will be able to use the hide to view the estuary (the hide is in the coastal margin, and we've proposed a dogs to lead restriction in this bit of the margin).

Habitats Regulation Assessment – car park

[redacted] says that there is a car park on Hamstead Drive approaching Hamstead Bridge IOW-7-S038 which has not been included in the assessment. Nunney's Wood Car Park is included on page 85 of the HRA. Although our estimate of capacity is lower, we have not based our mitigation measures on a lower estimate of people using this part of the trail. Our proposals take account of the risk of disturbance from any number of people using the trail and are designed accordingly. Our main mitigation measure is the seasonal closure which prevents any access at the most sensitive time of year.

Reference to the 'A' road and link between Newtown and Thorness Bay

Although it is the route of the existing IOWCP, the road to the south of Wingate Copse and Clamerkin Copse is busy with cars (national speed limit applies) and has no verge. A highways assessment concluded a route along the road was not acceptable from a safety perspective. We investigated installing the trail off the road within adjacent copses, and although this would have been possible for Windgate Copse, extending this along the full length required was not possible due to difficult terrain and existing land uses.

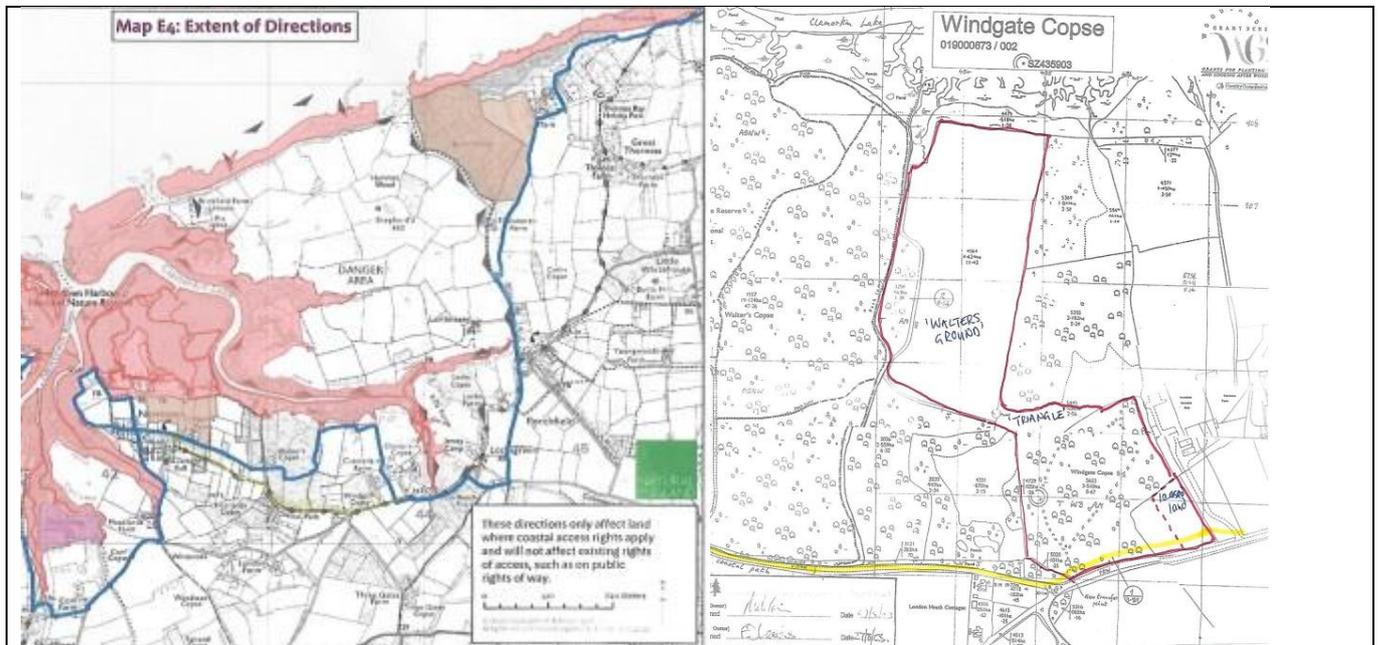
Representation ID:	MCA/IOW7/R/25/IOW2289
Organisation/ person making representation:	[redacted]
Name of site:	Windgate Copse
Report map reference:	IOW 7e
Route sections on or adjacent to the land:	IOW-7-S094 IOW-7-S095
Other reports within stretch to which this representation also relates	N/A

Summary of representation:

The report states "that where possible existing pathways will be used". In the case of this part of the KCPIIIIECP it has disregarded the existing Isle of Wight Coastal Path and has chosen to forge a new path in land that has never been a footpath or any other kind of route.

[redacted] is keen to work with Natural England to strike a balance and make the beauty of the island accessible to the public but feels that in this case the balance is off kilter. She says that she understands the need to keep walkers off the road and for this reason she is prepared to allow a footpath through her wood on the southern edge of her land that runs alongside Corfe Road.

Maps provided by [redacted] with her proposed route in yellow



The ECP proposes a circuitous route that offers no views of the sea and would offer little benefit to walkers. It would take walkers closer to the sea, but they would not be able to access the sea or even see it. Even less so as the ECP proposal is to include screening to protect the wildlife.

She accepts that Corfe Road would be hazardous for walkers and that “there is some sort of highways legislation which prohibits this option” (we assume that she is referring to the road safety assessment).

Natural England mention in their report another route option considered which was to align the trail across ‘three fields’ including the south end of Walters Ground. This route would be wholly unacceptable to [redacted] on a number of grounds:

1. It would cut right across her land and lead the public into the very heart of her business where she has equipment and personal items that would be vulnerable to theft and threaten her privacy.
2. She uses this area to provide camping activities and woodland skills for young people (some of them vulnerable) and she has a responsibility to know at all times who is on site.
3. Livestock grazes in this field.
4. Her late father is buried at the south end of the field.

It would strike a better balance if the existing coastal path is used and made safe. [redacted] offers to facilitate a footpath through the south edge of her land to create a safe passage alongside Corfe Road.

If this is not possible for some reason, then she will accept the proposed route.

[N.B. [redacted] died in 2020. We think that ownership has transferred to her sister, [redacted] and her daughters.]

Natural England’s comment:

[redacted] proposal, whilst very generous, would leave the public with much road walking. Although it is the route of the existing IOW Coast Path, the adjacent road to the woodland is busy with cars (national speed limit applies) and has no verge. A highways assessment concluded a route along the road was not acceptable from a safety perspective.

Our proposed route is off-road, and because of this and the fact that it is closer to the coast it provides a better coastal experience.

Although our route is less direct than the one proposed by [redacted], it is an interesting walk with a high recreational value, which through appropriate management techniques will not impact upon the wildlife using the adjacent intertidal areas (please see the HRA).

Aligning the trail close to the water also reduces the area of coastal margin which would likely otherwise be open to public access as 'spreading room'.

We did investigate installing the trail off the road within the adjacent copses and although this would have been possible for Windgate Copse, aligning the trail through the full length of woodland was not possible due to difficult terrain and existing land uses.

Representation ID:	MCA/IOW7/R/7/IOW3876
Organisation/ person making representation:	[redacted]
Name of site:	Corfe Farm
Report map reference:	IOW 7c
Route sections on or adjacent to the land:	IOW-7-S055 to IOW-7-S063
Other reports within stretch to which this representation also relates	IOW 2, IOW 6 (Cover letter)

Summary of representation:

The route proposed by Natural England is along a short section of track followed by a section of busy highway. This highway provides a shortcut for traffic from West Wight to the Cowes area. There are no coastal views. The alternative is a route turning north soon after leaving Shalfleet Mill and accessing grass fields. These fields lie to the west and north of Corfe Farm, sufficiently far from the farm as to not cause disturbance to the occupiers. The route could exit at a point adjacent to the Corfe Camp access track onto the highway. It is a convenient, pleasant route across fields and although not improving coastal views, does avoid a busy road and use of a highway verge. This is a far more appropriate route for a designated path and also removes the danger incipient in walking along a busy highway.

In addition to [redacted]'s representation, he attached a cover letter with general comments on the report (attached at Annex 5).

Natural England's comment:

Please see our response to [redacted], Ramblers Association's representation - MCA/IOW7/R/11/IOW3854 in the Full Representations section above. The Ramblers propose a similar route to [redacted].

[redacted] has not included a map with his representation, so we are unsure of the precise route he has in mind, but we should note that it is essential to avoid Corf Scout Centre. Corf Scout Camp is a campsite that offers outdoor activities to scouts and other groups. It is a business that relies on providing a secure environment for its users, and its facilities are for the sole use of paying clients. A direction to exclude access is necessary for safe-guarding reasons and so that public access does not affect its commercial operation. See Directions Map 7A.

General comments on the report

[redacted] cover letter is attached to the bottom of this representation form (Annex 5).

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

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

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

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

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

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

Relevant appended documents (see Section 6):

Annex 5: Cover Letter

Representation ID:	MCA/IOW7/R/28/IOW4145
Organisation/ person making representation:	[redacted], Solent Protection Society
Name of site:	Hampstead to Porchfield.
Report map reference:	IOW 7b to 7e
Route sections on or adjacent to the land:	IOW-7-S025 to IOW-7-S112
Other reports within stretch to which this representation also relates	N/A

Summary of representation:

It is clear that Natural England have tried hard to improve the Coastal Path around the highly sensitive waterside at Newtown and this is welcomed. The section at Western Haven will cut out a long and uninteresting inland section of track on the Hampstead trail and the proposed 7-month exclusion is appropriate for wildlife.

As this is new path SPS are not familiar with it but say that more fencing may be required both here and through the nature reserve to ensure there is no access, particularly for dogs, between the path and the water's edge.

Similarly, the section through Walters Copse, past Clamerkin and through to Porchfield removes a long section of road walking.

Natural England's comment:

Please see the updated HRA at D3.2E for a detailed consideration of the potential impacts and mitigation measures at Western Haven Creek.

Representation ID:	MCA/IOW7/R/1/IOW4194
Organisation/ person making representation:	[redacted]
Name of site:	Newtown Creek
Report map reference:	IOW 7a to 7g
Route sections on or adjacent to the land:	All sections
Other reports within stretch to which this representation also relates	N/A

Summary of representation:

The particular joy of Newtown Creek is that it is so unspoilt. The route of the path, where not the existing Coastal Path, has been well chosen. He just hopes that most of the 'suburbanisation/Disneyfication' set out in 7.2.39 including excess signage and display panels will be abandoned on grounds of unsightliness, upfront cost and maintenance requirements. You only have to look at the state of the current signage to know why this should be avoided.

Natural England's comment:

It is important for a national trail to be clearly waymarked, as one of the attractions of such a route is that it is well maintained and easy to follow. However, these waymarks are small and are normally placed in sensible locations, often on existing infrastructure. Care will be taken to ensure that any other new signs required will be designed and located to be sympathetic to the beautiful surroundings.

Representation ID:	MCA/IOW7/R/21/IOW4213
Organisation/ person making representation:	Woodland Trust
Name of site:	Woodslade Coppice and Burnt Wood
Report map reference:	IOW 7b & 7f
Route sections on or adjacent to the land:	IOW-7-S044 and IOW-7-S121
Other reports within stretch to which this representation also relates	N/A

Summary of representation:

The Trust would like to highlight that upgrades to the route at IOW-7-S044 and IOW-7-S121 include the creation of a new kissing gate and barrier as well as new paths within close proximity to two areas of ancient woodland. Therefore, the Trust asks that the paths are laid using root-friendly methods to ensure there is no damage to the roots of the trees forming the ancient woodland boundary. In addition, any new infrastructure should adhere to the Standing Advice of 15m buffer zones where digging of the soil is required.

Natural England's comment:

Noted.

NE does not intend to lay/surface new paths in these areas.

Representation ID:	MCA/IOW7/R/19/IOW1097
Organisation/ person making representation:	[redacted]
Name of site:	Land between Hamstead Point and Clamerkin Bridge including all areas of Coastal Margin created by the route of the proposed trail
Report map reference:	IOW 7a to IOW 7g
Route sections on or adjacent to the land:	All sections
Other reports within stretch to which this representation also relates	N/A

Summary of representation:

[redacted]'s representation is set out in detail in his supporting document which considers the potential impact of the proposed England Coast Path (ECP) around Newtown Harbour on sites of international nature conservation importance. This report is included in the appended documents below.

It is [redacted]'s view that the Habitat Regulations Assessment's conclusion of no adverse effect is flawed due to the following reasons:

1. The baseline data upon which the assessment has been based is incomplete and fails to identify the features of the Newtown Harbour estuary that are particularly at risk.
2. Natural England have failed to acknowledge the significance of recent judgments of the European Court of Justice and in particular the 'Holohan Case'. This clarifies both the level of information required to make a Habitats Regulations Assessment and the level of certainty needed to rely upon mitigation measures.
3. Natural England proposes to control access to small parts of Coastal Margin around Newtown Harbour through the use of a direction under Section 26(3)(a) of the CROW Act. The areas chosen for the use of S26 Directions are inconsistent and do not protect the most important areas of the Harbour.
4. The Ordnance Survey intend to depict the entire Coastal Margin, between the ECP and the low water mark, as Access Land. This will be shown on the OS maps with a magenta wash but will not show the extensive areas of the Coastal Margin to which there is not access, for example, due to directions under S25A or S26 or land within private gardens, houses and buildings or

cultivated land. The depiction of the entire Coastal Margin as Access Land undermines the potential effectiveness of Natural England's mitigation measures to manage the impacts of public access.

5. The Solent Recreation Mitigation Partnership has been formed to assess and manage the impact of proposed housing development around the Solent on the internationally designated wildlife sites. It is [redacted]'s view that the predicted impacts from increased recreation pressure arising from housing development should be assessed in combination with those of the ECP as the combined effect of increased accessibility provided by the ECP and growing recreational use resulting from housing development will place even greater pressure on coastal habitats and wildlife.

[redacted] would like to see more mitigation (such as directions under s26(3)(a) of CROW) or preventive measures as he believes this will enable an appropriate assessment to conclude the ECP will not have adverse effects on these sites. He says that these measures need to be backed with a commitment to long-term wardening to ensure these restrictions are enforced. In addition, the route of the ECP along the Western Haven and around Clamerkin Creek needs to be amended to avoid disturbance to these sensitive and undisturbed areas of the harbour.

Natural England's comment:

We'd like to thank [redacted] for his detailed representation, which was very helpful in the context of the update of the Habitats Regulations Assessment (HRA), details of which follow.

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

As a result of this work, Natural England's view is that the revised HRA is more robust in its conclusions than the original, particularly in relation to the impact of the introduction of the coastal margin. As noted above, there have been no alignment changes, but the revised HRA has recommended additional directions to exclude or restrict access to the coastal margin. Some additional infrastructure has also been added, to support the trail alignment and directions. A summary of the mitigation measures, with changes highlighted, is set out at table 2 of the HRA. The conclusion of the HRA is that there will be no adverse effect on the European sites from the trail and associated margin.

We took on board many of [redacted]'s points, for example we have made the maps in the HRA document clearer. We also looked at his specific species-related points which are addressed in the HRA document.

[redacted]'s representation also make several other points that we would like to address in our comments:

Baseline data

We have addressed the concern around the quality of the baseline data in the updated HRA. We are grateful for the additional data provided to us, a list of which can be found at Appendix 1 of the HRA. This includes Solent Wader and Brent Goose Strategy (SWBGS) data, which was used to assess the potential impact of the introduction of the coastal margin on these important foraging or roosting areas, see below for further detail.

We recognise that parts of Newtown Harbour, in particular Western Haven, are not well covered by bird surveys. Therefore, we have taken a precautionary approach and assumed that SPA birds will be using suitable habitat and mitigated accordingly. This has led to measures such as the seasonal closure of the trail at Western Haven during winter months.

Breeding waders are considered in the updated HRA, and we are grateful to the National Trust and their volunteer bird recorders for the information they have supplied on existing and potential nesting

locations. As set out in section D2.3E of the HRA, it is not likely that breeding waders will nest in Western Haven but nevertheless, the trail is set within the woodland and some new fencing and other infrastructure is proposed to ensure people stay on the trail and do not access the saltmarsh (from which new access rights would be excluded under a S25A direction). Similarly, the risk of disturbance to waders potentially nesting at Clamerkin is minimised by the measures set out at section D3.2H, p.112 of the HRA.

Natural England acknowledges that Newtown Harbour is important for its transitions from terrestrial to intertidal habitats, and we have paid particular attention to avoiding impacts on this feature of the Solent Maritime Special Area of Conservation (SAC). Whilst these habitats are not specifically mapped, we have used site visits to understand the extent of the features and to ensure that the trail is aligned so as to avoid damage. We have also included infrastructure such as fencing to minimise the risk of trampling where necessary (see summary in table 2 of the HRA).

European Court Judgements

Please see our [Technical Memorandum](#) to the Coastal Access Scheme for details of Natural England's revised approach following the recent European Court rulings.

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

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

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

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

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

Otters and water voles are not identified in the SACO for Solent Maritime SAC as key structural, influential or distinctive species that could have implications for the Conservation Objectives of the site. However, disturbance will be minimised by the measures included to keep people on the trail and away from transitional habitats at Western Haven and Clamerkin. A new bridge is needed over Aunt Emmy's Creek at Western Haven, as discussed at p.91-92 of the HRA, which will be sited to minimise habitat impacts and to also ensure that the mouth of the creek remains secluded. During the detailed design works for the new infrastructure, surveys will be conducted to ensure that any water vole burrows or otter holts are avoided.

The Holohan Case also confirms the stance taken in earlier European Court of Justice and UK court judgements, that assessments must not contain any gaps but be based on complete findings and conclusions capable of dispelling all reasonable scientific doubt. When dealing with uncertainty, Natural England, therefore, bases its decisions on the principles that in cases of credible risk, likely impacts

should be assumed to occur unless it can be demonstrated that they will not; and the 'precautionary principle' should be used reasonably and with ecological justification, and should be proportionate to the level of risk to the integrity of the site concerned.

The HRA of the proposals follows these principles, for example in Western Haven by assuming SPA birds will be present in suitable habitat and avoiding potential impacts through seasonal closure of the route. See section C2 and D3 of the HRA for further detail on Natural England's approach to risks.

Extent of directions at Newtown Harbour

As a result of the additional information collected as part of the updated HRA, additional S26(3)(a) directions are proposed to cover the SWBGS fields at Hamstead (see p.77 of the HRA) and upper saltmarsh and estuary edge woodlands at Clamerkin Creek (see p. 106 of the HRA). The other proposals for directions set out in [redacted]'s representation have not been taken forward for the following reasons:

Newtown Spits – As described in section D3.2D of the HRA, the S26(3)(a) direction to exclude part of Hamstead Spit from the margin reflects the current management of the area by the National Trust. Therefore, the S26(3)(a) direction will reinforce the National Trust management of the roped off area, which is designed to minimise trampling of habitats and disturbance to birds.

SWBGS sites at The Warren, between Causeway Lake and Shalfleet Lake - Our view is that it is not necessary to exclude new access rights from this area of the margin as existing barriers (woodland, walls, fencing and Fleetlands Farm) mean that it is unlikely that people will access this part of the margin (see p. 97 of the HRA). Sites identified in the SWBGS have not automatically had a S26(3)(a) direction applied because the Coastal Access Scheme requires us to base decisions on risk and take the least restrictive option.

Estuary edge woodlands along the northern side of the Western Haven – As set out in section D3.2E of the HRA, our proposal is to use seasonal closure, trail alignment, fencing and bridge infrastructure to limit trampling of habitats and disturbance to birds. We consider this to be sufficient without additional restrictions.

Fields along the southern side of Western Haven – As set out in section D3.2F of the HRA, the trail in this location follows the permissive path currently provided by the National Trust. The route is within existing fencing, which ensures that people will stay on the trail, and so we have concluded that no additional restrictions in this location are necessary.

OS magenta wash

See Annex 4 – our note on Ordnance Survey Mapping.

Incompatibility of objectives with SRMP/Bird Aware Solent

Natural England has assessed any residual risk of effects arising from the coast path proposals in combination with other plans or projects – see section D3.3 and D4 of the HRA.

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.

We maintain that our programme to establish the England Coast Path is complementary to the Bird Aware Solent strategy as it seeks to enable responsible access to the Solent coast and inform visitors about the ecological sensitivities. 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 by the installation of interpretation boards that will inform walkers about the sensitive areas, even when rangers are not present. In addition, the S25A and S26(3)(a) exclusions from the margin will give rangers a statutory

backing for the advice they currently give to people in asking them to avoid accessing high tide roost areas.

We have taken care not to introduce proposals that would change the current risk assessment used by Bird Aware Solent rangers to prioritise the areas that they visit. In particular, where new access is proposed, we have used mitigation and avoidance measures to ensure that the risk of disturbance to birds is not increased, without having to rely on Bird Aware Solent rangers.

Alignment at Clamerkin Creek and Western Haven

As set out at sections D3.2E and H, Natural England has re-examined the trail alignment at Clamerkin and Western Haven, whilst updating the HRA. Alternative alignments further away from the intertidal habitats at Clamerkin have been assessed and discounted for safety, terrain, and land management reasons, as set out on p.113 of the HRA. We have taken the advice of an independent expert on managing walkers and dog walkers, including examining trail alignment in detail on site, to ensure our measures to avoid impacts on designated sites are robust. This has resulted in some additional mitigation measures (summarised in table 2 of the HRA) being deemed necessary to enable us to conclude that the alignment will not have an adverse effect on the integrity of any European sites.

Relevant appended documents (see Section 6):

Jonathan Cox Associates report:



IOW1097 -
Supporting Informa

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

Summary of representation:

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

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

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

Expressions of disappointment and satisfaction were discussed regarding the details of the route. It was felt that opportunities had been missed for better access to the coast notably at Norton Spit and the woodland around Quarr. It was felt that photography would have both improved the interpretation and illustrated the issues that were highlighted in the report. Recommend a fixed-point photography scheme is established as an aid for subsequent monitoring of the effects of the proposed mitigation on the coastal environment and landscape.

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

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

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

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

Natural England's comment:

[N.B. Areas of Outstanding Natural Beauty have recently been renamed as National Landscapes.]

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

Conflicting legal duties

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

Natural England disagrees with the implication that implementing coastal access and initiatives like Bird Aware Solent are necessarily at odds with one another. The coastal access legislation recognises there

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

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

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

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

Efficacy of access management techniques

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

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

Evaluation

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

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

Signage

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

Representation ID:	MCA/IOW Stretch/R/5/IOW4210
Organisation/ person making representation:	The Disabled Ramblers
Name of site:	IOW 2 - 10
Report map reference:	all
Route sections on or adjacent to the land:	all
Other reports within stretch to which this representation also relates	all

Summary of representation:

Modern mobility vehicles can be very large, and many man-made barriers that will allow a manual wheelchair through are not large enough for all-terrain mobility vehicles, or for 'pavement' scooters, and prevent legitimate access even though users of mobility vehicles have the same rights of access that walkers do. Man-made structures along the England Coast Path on the Isle of Wight should not be a barrier to access for users of mobility vehicles.

Disabled Ramblers notes that Natural England proposes to help fulfil the Isle of Wight ROWIP ambitions with regard to replacing all stiles with gates. This is a positive step.

Natural England states, in the *Overview* document to this stretch that they *have considered interrelationships between their proposals and the Isle of Wight Rights of Way Improvement Plan (IOW ROWIP)*. The Isle of Wight ROWIP was published in 2006, then reassessed and reviewed in 2016 and the findings published in 2018. *Policy C: Creating New Access* of this review states an objective is to make improvements to the network which benefit as wide a range of users as possible, and which address issues of accessibility for people with mobility difficulties.

Disabled Ramblers requests that Natural England goes further than just replacing stiles with gates and considers all types of structure along the England Coast Path on the Isle of Wight. All new structures should allow convenient access to mobility vehicle riders as standard and should comply with British Standard BS5709: 2018 Gaps Gates and Stiles which places the emphasis on Least Restrictive Access. (NB this new standard postdates the ROWIP review, so would not have been available at the time to inform the review.)

Disabled Ramblers also request that, as part of the preparation of the England Coast Path, all existing structures are removed and replaced if they prevent access to users of mobility vehicles.

Suitability of all structures should always be considered on the assumption that a person with reduced mobility will be going out without more-mobile helpers, so will need to operate the structure on their own, seated on their mobility vehicle.

Disabled Ramblers requests:

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

Natural England's comment:

Natural England acknowledges its duties under the Equality Act 2010 and the Countryside and Rights of Way Act 2000, and the extra responsibilities conferred by the Public Sector Equality Duty, under the former. An important element of equality law is that the needs of those with constrained or restricted mobility are taken into account throughout the planning, design and implementation processes, and that they are not simply treated as an 'add on'. We have endeavoured to achieve this as we have developed our proposals for the Isle of Wight, and, if our proposals are approved, will continue to do so through the implementation phase, working alongside Isle of Wight County Council, which shares the same responsibilities and duties.

We also recognise the importance of satisfying the relevant British Standards, and the desirability of complying with the advice contained in the *Disabled Ramblers Notes on Manmade Barriers* and will also be focusing on these documents as we work with the access authorities. We have not proposed any stiles on this route and where they do exist we are removing them. We have also limited the use of kissing gates.

We also note the Disabled Ramblers' pertinent advice regarding the larger/ all-terrain mobility vehicles and believe that many parts of the Isle of Wight, including much of the alignment covered by Report IOW 5, lend themselves to use by such vehicles.

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

"4.3.8 We follow the principles set out in our publication "By All Reasonable Means" to make the trail as easy to use as we reasonably can for disabled people and others with reduced mobility, whilst accepting that such opportunities will often be constrained by practical limitations, such as the rugged nature of the terrain or the availability of visitor transport and facilities (see section below). Where there is a choice of routes (after taking into account all the key principles in chapters 4 and 5 of the Scheme), we favour the one that is accessible to the widest range of people or most easily adapted for that purpose.

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

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

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

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

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

Finally, the English coastline is often a rugged and challenging environment. Unfortunately, our proposals for IOW7 include locations where the new or retained infrastructure may restrict access to those with reduced mobility, or where natural features are likely to limit accessibility. For example

- The path through Walter’s Copse is narrow in places, and there are tree roots present on the path. There is no scope for the widening of this path or surfacing over the tree routes.
- There are several stiles being replaced with kissing gates and we are also installing new kissing gates. These are needed due to the presence of livestock.

Relevant appended documents (see Section 6):

Annex 6: Disabled Ramblers Document: *Man-made Barriers and Least Restrictive Access*

Representation ID:	MCA/IOW Stretch/R/2/IOW0259
Organisation/ person making representation:	[redacted], Southern Gas
Name of site:	Stretch wide
Report map reference:	All
Route sections on or adjacent to the land:	Specified within the supporting documentation
Other reports within stretch to which this representation also relates	All
Summary of representation:	

NE should be aware that ground works that take place in the vicinity of gas infrastructure could result in personal injury or damage to the gas infrastructure. As such NE will be expected to consult with Southern Gas in relation to said points of interaction and any ground works that might be required.

Southern Gas has provided a bundle of plans that show the locations of the relevant infrastructure on the IOW which is situated either on the route or in close proximity (50m).

Natural England’s comment:

Natural England and the Isle of Wight Council (who will undertake the establishment works) will consult with Southern Gas as necessary during the establishment phase.

Relevant appended documents (see Section 6):

There are a significant number of documents that were provided to help NE locate gas infrastructure. These have not been attached but can be provided if necessary.

Representation ID:	MCA/IOW Stretch/R/7/IOW4218
Organisation/ person making representation:	[redacted]
Name of site:	Stretch Wide
Report map reference:	All
Route sections on or adjacent to the land:	All
Other reports within stretch to which this representation also relates	IOW 2, 6, 7, 8, 9 & 10 (This representation also relates to the report titled Habitats Regulations Assessment of England Coastal Path proposals between Wotton Bridge and East Cowes ferry terminal)

Summary of representation:

[redacted]’ representation is set out in detail in his letter of 5th June 2020 as sent to the England Coast Path Delivery Team in Eastleigh (attached at Annex 7).

In summary, the representation is an objection to the alignment of the path and the identification and management of spreading room, as [redacted] believes, in general, it does not properly consider the nature conservation issues and, specifically, it is incompatible with statutory obligations under the Habitats Regulations. The representation includes a formal complaint as to the adequacy of the Habitats Regulation Assessment and the process by which it was drafted.

Natural England’s comment:

[redacted] supporting representation letter is attached to the bottom of this representation form (Annex 7). For ease of reference each point is included in Natural England’s comments, alongside an extract from [redacted] document.

HRA

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

- *The lack of analysis as to whether the data available to the authors was adequate, which in turn results in a failure to identify and address any significant deficiencies in data. Through my professional background I am all too familiar with the inadequacy of data relating to high water wader roosts within*

and outside the boundary of statutory sites around the Solent together with the inadequacy of data on the character and condition of intertidal habitats that will be included in the 'spreading room', particularly higher upper-saltmarsh transitions into freshwater grasslands and estuarine woods. This is material as we know from more accessible coasts that these internationally important habitats are vulnerable to abrasion from even modest levels of recreational use.

Our response

In order to address the comments made in response to the consultation on the proposals for the ECP from Wootton Bridge to East Cowes, Natural England has revised and updated the Habitats Regulations Assessment (HRA). As part of the revised HRA, additional data has been sought, including from the Solent Wader and Brent Goose Strategy, British Trust for Ornithology, Bird Aware Solent and the National Trust (a full list of additional sources and references can be found in the HRA). These data give a good picture of the use of the area by wintering waterbirds, including foraging and roosting areas within and outside the Solent and Southampton Water Special Protection Area (the SPA).

In addition to the bird data, Natural England sought the advice of an independent expert on managing walkers and their dogs. [redacted] provided informal advice on the proposals for Western Haven and Shalfleet, and a formal report on the proposals for Western Haven and Clamerkin (parts of Newtown Harbour). This advice aided our understanding of how dog walkers are likely to use the ECP and the mitigation measures that are necessary to minimise impacts on designated nature conservation sites.

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

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

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

Our response

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

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

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

- Hamstead, Newtown Harbour (IOW-7-S004): route runs through the SPA but follows the existing Isle of Wight Coast Path (IOWCP). Therefore, the trail is not likely to change any management decisions regarding grazing. (See HRA D3.2D)
- Hamstead, Newtown Harbour (IOW-7-S005): route runs through SPA, following existing IOWCP. The field seaward of the trail is used by wintering brent geese and waders so will be excluded from the margin. The landowner and manager did not consider that fencing was necessary to support the exclusion. (See HRA D3.2D)
- Western Haven, Newtown Harbour (IOW-7-S029): trail follows landward edge of the field, which is part of Newtown Estuary SSSI (but outside of the SPA). This route is closed between 1 August and 1 March to avoid significant disturbance to wintering birds. The landowner has not raised any concerns with the alignment or impacts on grazing management. (See HRA D3.2E)
- Western Haven, Newtown Harbour (IOW-7-S032): the trail (closed in winter) runs along the edge of two fields within the Newtown Estuary SSSI (but outside the SPA). These fields are not used by notified bird features and the landowner has not raised any concerns over the alignment or impacts on grazing management. (See HRA D3.2E)
- Shalfleet, Newtown Harbour (IOW-7-S048 to S051): the trail runs through grazed fields, some currently with no access, and some with permissive access. The fields are outside the designated sites and not used by SPA/SSSI birds. The trail will be fenced on the seaward side. The landowner does not consider that the proposals will lead to a change in management, and in any case would not affect designated site features. (See HRA3.2E & F)
- Newtown (IOW-7-S071, S080, S085): the trail runs through grazed fields within the SPA, following existing well-walked routes, including the current IOWCP. Therefore, the landowner has not raised any concerns and the trail is not likely to change any management decisions regarding grazing. (See HRA D3.2G)
- Clamerkin, Newtown Harbour (IOW-7-S095 to S097). Trail runs through grazed fields outside the designated sites, and not used by SPA/SSSI birds. Part of the route is new access and part currently has permissive access. The implications of this route have been discussed extensively with the landowners. Therefore, changes in management are unlikely, and in any case would not affect designated site features. (See HRA D3.2H)
- Thorness Bay (IOW-8-S003): the trail runs through a pasture field that is outside the SPA but is used on occasion by waders. The route follows an existing PRoW, and therefore, the presence of the ECP is unlikely to prompt any change in grazing management that might affect the field's use by waders. (See HRA D2.3I)

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

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

Our response

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

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

Natural England's approach to identifying the typical species supported by Special Area of Conservation (SAC) habitats is summarised in the Supplementary Advice for each SAC Conservation Objective ('the

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

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

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

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

Our response

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

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

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

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

Our response

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

Whilst baseline visitor survey data is not available for all sites, Natural England does not agree this is necessary to be able to design and assess mitigation measures. We consider it is quite possible using

available information, site visits and input from local access managers to form a sufficiently comprehensive understanding of the current distribution, intensity and types of recreational activity currently taking place around the Isle of Wight.

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

When developing our proposals, Natural England carried out access assessments to determine how the distribution and frequency of people's use is likely to be affected by the ECP, considering factors such as existing use, terrain, physical barriers, access points, car parks, proximity to settlements and size of population, alternative sites, legal limitations, and other factors. We also have a good understanding of the relative use of different sections of the coastline from modelling work undertaken for Bird Aware Solent. We then compare this with the specific interventions proposed, such as the position of the path, any improvements to the path, other physical interventions, legal status of the path, and creation of coastal access rights, to assess the changes that might occur. These assessments at each sensitive location are described in the Appropriate Assessment section of the HRA (see section D3.2A-J). In addition, as noted above, we commissioned advice from an independent expert on the behaviour of walkers with dogs, to help us understand how people might use the proposed new access opportunities at Western Haven and Clamerkin, which was used to refine the mitigation proposals (see section D3.2E, F & H).

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

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

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

Details of any specific measures proposed are considered in the relevant section of the HRA. These are tried and tested methods of managing access on nature reserves, in Open Access areas, and in the wider countryside².

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

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

Complaint

[redacted]' complaint correspondence is attached to the bottom of this representation form (Annex 8).

In summary the HRA;

² For example: Liley et al. 2012. Identifying best practice in management of activities in Marine Protected Areas. Report to Natural England. [NECR108_edition_1.pdf](#). Or Barker & Park. 2020. [Using Behavioural Insights to Reduce Recreation Impacts on Wildlife: Guidance & Case Studies from Thames Basin Heaths and the Solent - NECR329 \(naturalengland.org.uk\)](#)

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

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

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

Our response

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

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

Relevant appended documents (see Section 6):

Annex 7: Supporting representation letter
Annex 8: Complaint correspondence

6. Supporting documents

Supporting Document	Description and reference number
Annex 1	MCA/IOW7/R/10/IOW3854 Ramblers Supporting Document, IOW 7
Annex 2	MCA/IOW7/R/11/IOW3854 Ramblers Key Issue Paper 7C – Corfe Fields
Annex 3	MCA/IOW7/R/12/IOW3854 Ramblers Key Issue Paper 7F – Newtown Ranges
Annex 4	MCA/IOW Stretch/R/1/IOW3910 Ordnance Survey Mapping
Annex 5	MCA/IOW7/R/7/IOW3876 Cover letter

Annex 6	MCA/IOW Stretch/R/5/IOW4210 Disabled Ramblers Document: <i>Man-made Barriers and Least Restrictive Access</i>
Annex 7	MCA/IOW Stretch/R/7/IOW4218 Supporting representation letter
Annex 8	MCA/IOW Stretch/R/7/IOW4218 Complaint correspondence

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



Representations on IOW10: The Medina and Natural England's comments

April 2023

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1. Introduction

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

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

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

2. Background

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

In relation to the report for The Medina, Natural England received eighteen (18) representations, of which eleven (11) were made by organisations or individuals whose representations must be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These 'full' representations are reproduced in Section 3 of this document together with Natural England's comments where relevant.

As required by the legislation this document also summarises and, where relevant, comments on the seven (7) representations submitted by other individuals or organisations, referred to here as 'other' representations.

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

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

Representation number:	MCA/IOW10/R/3/IOW3889
Organisation/ person making representation:	The Ramblers, [redacted]
Route section(s) specific to this representation:	IOW10
Other reports within stretch to which this representation also relates:	N/A
Representation in full	
<p>We are very pleased to see The Medina estuary included in the ECP. This mainly uses existing PROW but also connects East Cowes with Newport.</p> <p>We do think that the route can be improved, and have submitted a further 6 representations</p>	
Natural England's comments	
<p>[redacted] submitted a supporting document which makes some points which are not made in his further 6 representations as mentioned above. We have chosen to address those points here.</p> <p><u>Support for the inclusion of The Medina</u> We welcome the positive engagement from [redacted] during the development of our proposals and the supportive comments made by the Ramblers.</p> <p><u>Spreading room</u> <i>Point 10.4 of support document</i> Chawton Fields Nature Reserve is owned by Hampshire and Isle of Wight Wildlife Trust (HIWWT) and the fenced field is managed as a nature reserve and is a coastal grazing marsh. A small section of it (less than 50%) is also a Solent Wader and Brent Goose site (secondary support site as shown in further detail in objection MCA/IOW10/O/1/IOW3911). Although Chawton Field will be in coastal margin and is not excepted land, access in the field doesn't lead anywhere and doesn't provide much recreational benefit to the public. It would be difficult for the public to access the field as it's fenced and there is a thick hedge present, despite the Ramblers saying it is possible to access the field. It is important to note that HIWWT do not show this reserve on their website, which implies there is no public access.</p> <p>The proposed route follows the cycle path to Newport which provides continuity, is easier to walk on and it still offers views of the Medina. Natural England doesn't signpost areas where coastal margin is</p>	

accessible e.g., spreading room, and we are confident that the vast majority of people will focus on the onward route rather than seeking to access the coastal margin in this location. We have not proposed that this area is subject to a restriction or exclusion as the risk of access and disturbance to birds is low due to fencing and hedges.

Regeneration scheme

Point 10.10 of support document

In accordance with paras 5.5.4 - 5.5.7 of the Coastal Access Scheme, coastal access rights do not prevent any land from being developed or redeveloped in the future. We recognise that the Isle of Wight Council has allocated the quayside area at the southern extent of the Medina estuary for redevelopment (IOW 10 report para 10.2.24 and the overview). As part of the Newport Harbour Regeneration Scheme redevelopment, there is an opportunity to consider realigning the Coast Path closer to the Medina. Natural England will work constructively with planners and developers with the aim of ensuring that planning proposals take account of our coastal access objectives in this area – and encourage planning authorities to include provision for the trail on the seaward side, wherever practicable. No timescales have been set for redevelopment yet.

Infrastructure

Point 10.11 of support document

Natural England and the Isle of Wight Council have discussed the installation of ramps at both ends of the lock. We both agree that this would benefit the route by improving access for those with reduced mobility. We would like to take this forward at the time of establishment, as Island Harbour is currently in the process of being bought by new owners and this decision will heavily depend on their agreement. In addition, this decision will also depend on the outcome of what surface improvements are needed on the next section of this route (IOW-10-S060 to IOW-10-S061). Without surface improvement on that section of the path, then this would negate the need to install ramps on the lock as wheelchairs would not be able to access this section of the path.

Tidal inundation

Point 10.12 of support document

Currently the route between IOW-10-S059 and IOW-10-S067 is well used by walkers between Island Harbour and East Cowes. The Isle of Wight Council have made us aware that some parts of the route between IOW-10-S060 to IOW-10-S061 occasionally floods on a spring tide and have suggested and support surface improvements. We will look at possible surface improvements, to overcome the periodic wet conditions, at the time of infrastructure establishment works.

We have provided separate comments addressing each site-specific route improvement suggested in the six additional representations submitted by the Ramblers.

Relevant appended documents (see section 5):

Annex 1: Ramblers supporting document, IOW 10

Representation number:	MCA/IOW10/R/4/IOW3889
Organisation/ person making representation:	The Ramblers, [redacted]
Route section(s) specific to this representation:	IOW-10-S014
Other reports within stretch to which this representation also relates:	N/A
Representation in full	

Item 10.3 in our representation table describes a riverside route through a well-used piece of land which has PROW CS31 dissecting. It is an opportunity to leave the cycle track for a time. The cycle track is a busy tarmac route connecting West Cowes and Newport. Cyclists are inclined to travel at speed. There are many joggers also and pedestrian travel is compromised.

Natural England's comments

Route alignment

Point 10.3 in support document

In determining the proposed route, we considered aligning the trail along the riverside, as preferred by the Ramblers. This is presented in Table 10.3.2 Other Options Considered of the report (Annex 2). This option would have brought public benefits, as it is close to the coast and has continuous sea views, however new access was discounted here for the following reasons:

Environmental considerations

The land in this area is a candidate site (sites that have records of high numbers of birds) and is also in close proximity to the Pinkmead estate and has been identified as an important wintering bird site in the Medina. It also forms a crucial part of the network of high tide roost sites ([Solent Waders and Brent Goose Strategy](#)).

The Medina is well used by a variety of wading bird species and wildfowl. A formal coastal path route along the edge of this land would increase disturbance to these features. The majority of these features are protected under national and international environmental designations including SPA and SSSI. In order to strike an appropriate balance between coastal access rights and nature conservation (section 4.9 of the Coastal Access Scheme) we have chosen an alignment that utilises an existing long-standing public access path. Walkers will still benefit from a range of sea views at the northern and southern extents of the land in question and can access areas of the field via spreading room.

Cost and implementation complexities

To add access along the outlined route would require extensive infrastructure and mitigation, which would be costly to implement. As occasional views of the river are available along the proposed route and via spreading room, these costs were not considered to be justified.

Excepted land

The wooded area south of Pinkmead (map IOW 10b) forms part of a garden and orchard. It is therefore considered to be excepted land and not accessible to the public.

Tidal inundation

In accordance with para 4.4.2 of the scheme, England Coast Path users should usually be able to expect a continuous trail during all tidal states. A large proportion of the lands on the seaward side of the proposed route are subject to tidal inundation at high tide.

As the proposed route is aligned along a well-used public footpath/cycleway with occasional river views, the benefits of creating a riverside route did not appear to significantly outweigh the costs and environmental implications that would be involved to create new access here.

Relevant appended documents (see section 5):

Annex 1: Ramblers Supporting document, IOW 10 (Point 10.3)

Annex 2: Extract from report table 10.3.2 'Other options considered'

Representation number:

MCA/IOW10/R/5/IOW3889

Organisation/ person making representation:	The Ramblers, [redacted]
Route section(s) specific to this representation:	IOW-10-S014
Other reports within stretch to which this representation also relates:	N/A

Representation in full

Item 10.6 in our representation table suggests that a large field to the north of the turbine factory could be used to provide riverside access for pedestrians, and to provide a break from walking along the cycle track

Natural England's comments

Natural England investigated aligning the route along the periphery of the field mentioned in point 10.6 of the Ramblers Supporting Document (Map IOW 10c). We chose the proposed alignment for the following reasons:

Environmental Considerations

The shoreline is regularly used as a feeding site for dark-bellied brent geese and wading bird species, which are features of the SPA. In the northeast corner of the field there is an area of saltmarsh where species within the SAC designation that are vulnerable to trampling are located. In order to strike an appropriate balance between coastal access rights and nature conservation (section 4.9 of the Coastal Access Scheme), it is necessary to route the main path further from the coast along existing well-used access in this instance.

Convenience and cost considerations

The Coastal Access Scheme states that Natural England should aim to provide a reasonably direct, clear route that is pleasant for walkers (para 4.3.2). The proposed route is aligned along an existing well-used public footpath/cycleway and meets the criteria outlined in the Scheme. In order to make the field boundary National Trail compliant, extensive infrastructure would be required which we do not deem to be necessary given the suitability of the proposed route.

Views of the Medina

Aligning the route along the field boundary edge as recommended by the Ramblers would provide consistent coastal views. However, good views of the Medina are still available here via the cycle path.

As the proposed route is aligned along a well-used public footpath/cycleway with sea views, the benefits of creating a more coastal route did not appear to significantly outweigh the costs and environmental implications that would be involved to create new access here.

Relevant appended documents (see section 5):

Annex 1: Ramblers Supporting Document, IOW 10 (Point 10.6)

Representation number:	MCA/IOW10/R/6/IOW3889
Organisation/ person making representation:	The Ramblers, [redacted]
Route section(s) specific to this representation:	IOW-10-S068 to IOW-10-S069

Other reports within stretch to which this representation also relates:	N/A
Representation in full	
Item 10.13 in our representation table indicates that riverside access might be possible at the redundant Folly Works. There is also a planning application submitted to improve this area.	
Natural England's comments	
<p>Currently the site in question is unsuitable for a National Trail due to significant health and safety issues. The site is a disused industrial warehouse which has considerable hazards such as: drops, dangerous runoff, asbestos, and risk of falling objects e.g., roof panels, walls.</p> <p>As per the supporting information presented by [redacted], the land in question has achieved planning permission in 2016 to create a hotel, 14 business units, a new jetty, 82 houses and 17 flats. An application for condition compliance was made in 2021 and approved in May 2022 but to date, no substantive development has occurred.</p> <p><i>Redevelopment</i></p> <p>In accordance with paras 5.5.4 - 5.5.7 of the Coastal Access Scheme, coastal access rights do not prevent any land from being developed or redeveloped in the future. We recognise that the Isle of Wight Council has allocated the quayside area at the southern extent of the Medina estuary for redevelopment (IOW 10 para 10.2.24 and the overview). As part of that redevelopment, there is an opportunity to consider realigning the Coast Path closer to the Medina. Natural England will work constructively with planners and developers with the aim of ensuring that planning proposals take account of our coastal access objectives in this area – and encourage planning authorities to include provision for the trail on the seaward side, wherever practicable.</p>	
Relevant appended documents (see section 5):	
Annex 1: Ramblers supporting document, IOW 10 (Point 10.13)	

Representation number:	MCA/IOW10/R/7/IOW3889
Organisation/ person making representation:	The Ramblers, [redacted]
Route section(s) specific to this representation:	IOW-10-S070 to IOW-10-S071
Other reports within stretch to which this representation also relates:	N/A
Representation in full	
Item 10.14 in our representation table describes a riverside route along field edges and avoiding road walking.	
Natural England's comments	
Natural England investigated several route options in this area, including the route outlined in point 10.14 of the Ramblers supporting document. We chose the proposed alignment because of nature conservation concerns in the area as outlined below:	

Bird Disturbance

The shoreline and arable fields here are regularly used and important high tide roost sites for dark-bellied brent geese and wading bird species, which are features of the SPA. Aligning the route here would create a significant level of human disturbance, which would be difficult to mitigate against. In order to strike an appropriate balance between coastal access rights and nature conservation (section 4.9 of the Coastal Access Scheme), it is necessary to route the path further from the coast in this instance.

Whilst the proposed route is further away from the coast, good views of the Medina are still available, particularly at the junction between Saunders Way and Beatrice Avenue.

Relevant appended documents (see section 5):

Annex 1: Ramblers Supporting Document, IOW 10 (Point 10.14)

Representation number:	MCA/IOW10/R/8/IOW3889
Organisation/ person making representation:	The Ramblers, [redacted]
Route section(s) specific to this representation:	IOW-10-S074 to IOW-10-S080
Other reports within stretch to which this representation also relates:	N/A

Representation in full

Item 10.16 in our representation table describes a possible riverside route to the west of the proposed route. This is south of the power station and is development land which may be exempt in the future.

Natural England’s comments

Natural England investigated several route options in this area, including the route outlined in point 10.16 of the Ramblers supporting document. We chose the proposed alignment for the following reasons:

Environmental considerations

The shoreline is regularly used as a feeding and high tide roost site for dark-bellied brent geese and wading bird species, which are features of the SPA. There are also areas of SAC saltmarsh species along the shoreline that are vulnerable to trampling. The fields on the landward side of the Ramblers proposed route are occasionally used by dark-bellied brent geese and wading bird species as a high tide roost site. In order to strike an appropriate balance between coastal access rights and nature conservation (section 4.9 of the Coastal Access Scheme), it is necessary to route the main path further from the coast in this instance. The fields will still be accessible via spreading room.

Convenience

We believe our proposal strikes a better balance in terms of convenience as it provides a more direct route, in alignment with para 4.3.1 of the Coastal Access Scheme. The proposed route outlined by the Ramblers only offers a short section of coastal walking before re-joining the road. Sea views are available along the proposed route and the pavement offers a flat, more convenient surface to walk along. It is also easier to access for those with reduced mobility.

Marine business park development

In accordance with paras 5.5.4 - 5.5.7 of the Coastal Access Scheme, coastal access rights do not prevent any land from being developed or redeveloped in the future. We recognise that a planning application for a marine business park has been approved by the Isle of Wight Council (IOW 10 para 10.2.24 and the Overview). Natural England will work constructively with planners and developers with the aim of ensuring that planning proposals take account of our coastal access objectives in this area – and encourage planning authorities to include provision for

the trail on the seaward side, wherever practicable. At present, no further progress has been made as there have been issues with the application.

Relevant appended documents (see section 5):

Annex 1: Ramblers supporting document, IOW 10 (Point 10.16)

Representation number:	MCA/IOW10/R/9/IOW3889
Organisation/ person making representation:	The Ramblers, [redacted]
Route section(s) specific to this representation:	IOW-10-S081 to IOW-10-S095
Other reports within stretch to which this representation also relates:	N/A

Representation in full

Item 10.17 in our representation table describes a riverside route to the west of the proposed route. This is north of the power station. There is a promenade at Britannia Way and at by the river by the Life Boat public house

Natural England's comments

Natural England investigated the route option outlined by the Ramblers in point 10.17 of the support document (Annex 1). We opted for the chosen route for the following reasons:

Site security

Aligning the route here was determined to result in a negative impact on operational management of the marina and RNLi compound.

Privacy

In order to align the route along the promenade, new access would need to be created through the curtilage of a residential area that is sectioned off from the public by a locked gate. The greenspace here would also be considered as excepted land (as it's a private communal garden space) and therefore not accessible to the public. In order to protect the privacy of the residents here in line with section 5.4 of the Coastal Access Scheme, the proposed route has been aligned away from this area.

Convenience

Whilst the proposed route is further away from the coast, we believe our proposal strikes a better balance in terms of convenience as it provides a more direct route, in alignment with para 4.3.1 of the Coastal Access Scheme. The proposed route outlined by the Ramblers would only offer a short section of riverside walking before re-joining the road.

Relevant appended documents (see section 5):

Annex 1: Ramblers Supporting Document, IOW 10 (Point 10.17)

Representation number:	MCA/IOW10/R/10/IOW0145
Organisation/ person making representation:	Isle of Wight Council, [redacted]

Route section(s) specific to this representation:	IOW10
Other reports within stretch to which this representation also relates:	N/A

Representation in full

Context/Introduction: The purpose of the following representations is for the Isle of Wight Council (Council) to seek clarity from Natural England on certain aspects of the Report, to highlight any existing problems with the proposed trail, propose areas of inland coastal margin on its own land and to confirm Council support for particular sections:

10.1 General Support for the inclusion of the Medina estuary:

There was overwhelming and unprecedented local support for the inclusion of the Medina estuary in the scheme and the Council therefore fully supports its inclusion which will add significant value not only for the England Coast Path itself but for the Isle of Wight as a whole.

The River Medina is a significant body of water being wide and approximately 4 miles in length between Cowes/East Cowes and Newport and will therefore provide the public with an additional 8 miles of coast to enjoy. Walking along the east and west banks provides a diverse range of environments and experiences from wonderful coastal scenery in rural areas to the industrial/marine uses (both past and present) in Cowes and East Cowes along with the historic interest of Newport Harbour. A number of attractions, facilities, businesses and organisations also exist along the route. The route would also take in Newport, being the capital town of the Island with all its facilities, and most importantly, transport links. The recreational benefit and enjoyment for the public is therefore very great.

The chain ferry connecting the towns of Cowes and East Cowes at the mouth of the river does provide a pedestrian link but this is not a free service and is not available 24 hours a day, seven days a week. The river at this point would constitute the one and only physical interruption in the trail on the Island, which would be disappointing. The Council therefore fully supports Natural England's discretion to extend the trail as far as the first bridge, which in this case is at Newport Quay.

Not including the Medina estuary in the scheme would be a huge loss of public enjoyment and recreation. The Medina is not only a significant feature of the Island but also an important part of its history being once the main route for deliveries and exports to/from Newport. It is these historic and maritime interests along with the beautiful scenery and rural experiences which makes its inclusion a necessity and in full compliance with the aims of the Marine and Coastal Access Act 2009.

10.2 Map IOW 10C and 10D: IOW-10-S019 to S035 (Vestas to Dodnor Park):

Natural England requested assistance from the Council in assessing the likely implementation cost of the England Coast path. The Council surveyed and provided a full assessment. This stretch was assessed as requiring surfacing, boardwalks and bridges in order to be National Trail standard compliant. The surfacing part of this required work has been assessed by Natural England as not being necessary. However, the state and condition of the surface and the way it is affected in wet weather and throughout the winter is such that it would not be National Trail standard compliant during such times. If these works will not be funded, the Council recommends that an inland route along the main Cowes to Newport shared used path is used instead. The Council requests confirmation that the full specification of surfacing, boardwalk and bridges be included and funded as necessary infrastructure works in the event of the trail remaining where currently proposed by Natural England.

10.3 Map IOW 10D: Dodnor Cottages to Sewage Works: land to the west of IOW-10-S033 and S034 (Dodnor Picnic Park):

The Council proposes designation of Dodnor picnic park as inland coastal margin (see map 10.3 attached).

10.4 Map IOW 10F: Medina Park to Cowes Power Station: Junction of IOW-10-S069 and S070 (Footbridge north east of Folly Works):

Natural England requested assistance from the Council in assessing the likely implementation cost of the England Coast path. The Council surveyed and provided a full assessment. This section was assessed as requiring surfacing of slippery banks on both sides of a stream in order to be National Trail standard compliant. The surfacing has been assessed by Natural England as not being necessary. However, the state and condition of this section is affected in wet weather and throughout the winter to such an extent that it would not be National Trail standard compliant during such times. The Council requests confirmation that the surfacing be included and funded as necessary infrastructure works in order to make this section National Trail standard compliant.

Natural England's comments

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

Establishment works

Since publication, the Isle of Wight Council have withdrawn this part of their representation after receiving confirmation from Natural England that all reasonable works to bring the path up to standard will be funded at time of implementation (annex 3), regarding the establishment works at IOW-10-S019 to S035 (Vestas to Dodnor Park) and the junction of IOW-10-S069 and S070 (Footbridge northeast of Folly Works).

Funding for establishment works

The agreed establishment works will be funded by the England Coast Path project in order to make the trail National Trail standard compliant in accordance with para 6.3.2 of the Coastal Access Scheme. After the trail has been established, it will be classed as a National Trail and any further management works will be undertaken by the relevant access authority and funded through according to the New Deal National Trail arrangement.

Inland Coastal margin

Since publication, Natural England has liaised further with the Isle of Wight Council about extending the landward coastal margin (LCM) over Dodnor Picnic Park at IOW-10-S033 and S034, which is owned by the Council, as represented on their map 10.3 contained in their representation (annex 4). Land used as a park is considered excepted from coastal access rights (see Figure 1, page 11 in the Coastal Access Scheme), therefore extending the landward coastal margin in this location would not have the effect of extending coastal access rights nor benefit from the reduced occupiers' liability that comes with it. The Council would need to dedicate the land, under section 16 of the Countryside Rights of Way Act, as access land in perpetuity so Dodnor Picnic Park could benefit for coastal access rights (assuming the LCM was also extended). The council is unwilling to dedicate this park as access land in perpetuity, in which case there is no benefit in extending coastal access rights as part of our proposals. The Council understands our decision not to extend the landward coastal margin in this location.

Relevant appended documents (see section 5):

- Annex 3: Correspondence with the Isle of Wight Council regarding withdrawal of representation
- Annex 4: Map depicting area of proposed inland coastal margin (IOW Council ref: Map 10.3)

Representation number:	MCA/IOW Stretch/R/1/IOW3910
Organisation/ person making representation:	[redacted] on behalf of Bird Aware Solent The Solent Recreation Mitigation Partnership, a partnership comprising of the fifteen Solent local

	authorities (some of whom are themselves in the “full” category as Access Authorities), Natural England, the Royal Society for the Protection of Birds, the Hampshire & Isle of Wight Wildlife Trust, and Chichester Harbour Conservancy. The Partnership for South Hampshire provide political governance for the Solent Recreation Mitigation Partnership. This response is submitted with their support and backing, as such we are treating it as a “full” representation.
Route section(s) specific to this representation:	Whole Stretch
Other reports within stretch to which this representation also relates:	All reports
Representation in full.	
<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> <p>There are two specific areas of concern that have been expressed by partners that could potentially create conflict between the objectives of the two initiatives, outlined below.</p> <p>Increased Visitor Numbers</p> <p>Partners have expressed concerns that the ECP will lead to a rise in the number of visitors to sensitive parts of the coast. This will cause increased disturbance to the overwintering birds that journey to our SPAs, many of which are red and amber listed.</p> <p>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.</p> <p>Mapping of Spreading Zone</p> <p>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.</p> <p>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</p>	

large, support fragile habitats and be a huge food resource for birds and other species. Increased footfall through these areas would cause great damage to these fragile habitats and enormous disturbance to vulnerable wintering bird populations.

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

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

Natural England's comments

Increased visitor numbers

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

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

Our programme to establish the England Coast Path is complementary to the Partnership's strategy; it seeks to enable responsible access to the Solent coast and inform visitors about the ecological sensitivities. Through meetings and a series of workshops we have developed our proposals in close liaison with Bird Aware Solent and have fully considered the Bird Aware Solent evidence base and both the interim and definitive mitigation strategy. A key feature of the Bird Aware Solent strategy is the provision of coastal rangers to educate and inform coastal visitors about the wintering bird sensitivities and how to enjoy the site, whilst avoiding disturbing the feeding and roosting birds. Our proposals for the alignment and detailed design of the Coast Path complement the work of the rangers. The definitive strategy aims to widen the range of mitigation from the interim strategy through providing on-the-ground access management projects specific to each site, including measures such as interpretation panels. Although a definitive list of these projects has yet to be finalised, Bird Aware Solent and Natural England colleagues have liaised to identify the likely projects that would be effective to reduce recreational disturbance in the Solent based on evidence.

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

Mapping of Spreading Zone

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

The decision as to how to depict on OS 1:25,000 maps the England Coast Path and the 'coastal margin' created on approved stretches by the Access to the Countryside (Coastal Margin) (England) Order 2010 resulted from detailed discussions with the Coastal Access National Stakeholder Group. This group, representing a balance of interests including user, conservation and land manager representative organisations, considered it imperative that the route of the England Coast Path and the coastal margin should both be depicted. This decision reflected the importance afforded by the

stakeholder group to acknowledge the statutory duty to establish both a 'long distance walking route' around the coast of England and to identify a margin of land within which the public will also have access, subject to what follows.

Coastal margin will generally have, as a large component, land which is subject to coastal access rights but in some areas contains much land which is not subject to these rights. This may be because either it is excepted land, as set out in Schedule 1 of CROW, or because it is subject to statutory restriction.

It follows that, in contrast to the position with CROW 'open access land', the depiction of coastal margin on OS maps is not a depiction of 'access land' per se, but a depiction of the status of the land, rather as national park boundaries are depicted on the maps. This distinction was central to the decision to depict coastal margin uniquely on OS maps.

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

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

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

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

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

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

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

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

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

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

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

Representation number:	MCA/IOW Stretch/R/8/IOW3902
Organisation/ person making representation:	[redacted] on behalf of the Isle of Wight Local Access Forum
Route section(s) specific to this representation:	Whole stretch – Reports 2 to 10
Other reports within stretch to which this representation also relates:	As above

Representation in full

The Isle of Wight Local Access Forum

Dear Colleagues,

Due to the Corvid 19 pandemic the I.W Local Access Forum were unable to hold its last Forum meeting to formulate an agreed response to the consultation process. In addition a number of key persons are currently in the shielding group (until end of June 2020) and as a consequence no site visits or consultations could take place in person.

As a National advisory body and constituted organisation the Chairman was therefore unable to agree or steer the Forum towards "a clear and agreed line" (para 5.2.4 LAF's in England).

However we have consistently been able to put our point across during the pre-consultation phase and have encouraged both individuals and organisations to comment at all stages.

sincerely, [redacted] - I.W LAF Chair.

Natural England's comments

Natural England thanks the Isle of Wight LAF for its constructive engagement with the Programme during the development of these proposals

Representation ID:	MCA/IOW Stretch/R/6/IOW0016
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Organisation/ person making representation:	Open Spaces Society
Name of site:	IOW 2 - 10
Report map reference:	all
Route sections on or adjacent to the land:	all
Other reports within stretch to which this representation also relates	all
Representation in full:	
<p>The Open Spaces Society has considered the representations being submitted by The Ramblers' Association. They wish fully to support all those representations as follows:</p> <p>Isle of Wight Report 2 –Overall Key Issue paper 2a Quarr Abbey Key Issue 2b Ryde House Key Issue 2c Bembridge Lagoons Key Issue 2d Bembridge Coast Isle of Wight Report 3 Overall, with mention of Haddons Pit Isle of Wight Report 4 Overall Isle of Wight Report 5 Overall Item 5.2 Freshwater Bay Item 5.5 Needles Viewpoint Item 5.7 Needles Park Isle of Wight Report 6 Overall Key Issue Paper 6A - Colwell to Linstone Chine Key Issue Paper 6F – Hamstead Gully Copse Isle of Wight Report 7 Overall Key Issue Paper 7C - Corfe Fields Key Issue Paper 7F – Newtown Ranges Isle of Wight Report 8 Overall Isle of Wight Report 9 Overall Report 10 Overall Item 10.3 Linking Northwood to the river Item 10.6 Riverside Field Item 10.13 Folly Works Item 10.14 Whippingham riverside Item 10.16 North of power station Item 10.17 Britannia way riverside development</p>	
Natural England's comment:	
<p>The Open Spaces Society representation concerns the whole stretch. Natural England has responded to the above parts of the representation that are relevant to the IOW 10 report (Ramblers' Items - Report 10 overall, Item 10.3, Item 10.6, Item 10.13, Item 10.14, Item 10.16 & Item 10.17).</p> <p>For our comments, please see our response above to representations: MCA/IOW10/R/3/IOW3889 for Report 10 Overall, MCA/IOW10/R/4/IOW3889 for item 10.3, MCA/IOW10/R/5/IOW3889 for item 10.6, MCA/IOW10/R/6/IOW3889 for item 10.13,</p>	

MCA/IOW10/R/7/IOW3889 for item 10.14,
MCA/IOW10/R/8/IOW3889 for item 10.16 and
MCA/IOW10/R/9/IOW3889 for item 10.17 of the Ramblers' representations.

Relevant appended documents (see Section 5):

Annex 1: Ramblers Supporting Document, IOW 10
Annex 2: Extract from report table 10.3.2 'Other options considered'

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

Representation ID:	MCA/IOW Stretch/R/5/IOW4210
Organisation/ person making representation:	The Disabled Ramblers
Name of site:	IOW 2 - 10
Report map reference:	all
Route sections on or adjacent to the land:	all
Other reports within stretch to which this representation also relates	all
Summary of representation:	
<p>Modern mobility vehicles can be very large, and many man-made barriers that will allow a manual wheelchair through are not large enough for all-terrain mobility vehicles, or for 'pavement' scooters and prevent legitimate access even though users of mobility vehicles have the same rights of access that walkers do. Man-made structures along the England Coast Path on the Isle of Wight should not be a barrier to access for users of mobility vehicles.</p> <p>Disabled Ramblers notes that Natural England proposes to help fulfil the Isle of Wight ROWIP ambitions with regard to replacing all stiles with gates. This is a positive step.</p> <p>Natural England states, in the <i>Overview</i> document to this stretch that they <i>have considered interrelationships between their proposals and the Isle of Wight Rights of Way Improvement Plan (IOW ROWIP)</i>. The Isle of Wight ROWIP was published in 2006, then reassessed and reviewed in 2016 and the findings published in 2018. <i>Policy C: Creating New Access</i> of this review states an objective is to make improvements to the network which benefit as wide a range of users as possible, and which address issues of accessibility for people with mobility difficulties.</p> <p>Disabled Ramblers requests that Natural England goes further than just replacing stiles with gates and considers all types of structure along the England Coast Path on the Isle of Wight. All new structures should allow convenient access to mobility vehicle riders as standard and should comply with British Standard BS5709: 2018 Gaps Gates and Stiles which places the emphasis on Least Restrictive Access. (NB this new standard postdates the ROWIP review, so would not have been available at the time to inform the review.)</p> <p>Disabled Ramblers also request that, as part of the preparation of the England Coast Path, all existing structures are removed and replaced if they prevent access to users of mobility vehicles.</p>	

Suitability of all structures should always be considered on the assumption that a person with reduced mobility will be going out without more-mobile helpers, so will need to operate the structure on their own, seated on their mobility vehicle.

Disabled Ramblers requests:

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

Natural England's comment:

Natural England acknowledges its duties under the Equality Act 2010 and the Countryside and Rights of Way Act 2000, and the extra responsibilities conferred by the Public Sector Equality Duty, under the former. An important element of equality law is that the needs of those with constrained or restricted mobility are taken into account throughout the planning, design and implementation processes, and that they are not simply treated as an 'add on'. We have endeavoured to achieve this as we have developed our proposals for the Isle of Wight, and, if our proposals are approved, will continue to do so through the implementation phase, working alongside Isle of Wight County Council, which shares the same responsibilities and duties.

We also recognise the importance of satisfying the relevant British Standards, and the desirability of complying with the advice contained in the *Disabled Ramblers Notes on Manmade Barriers* and will also be focusing on these documents as we work with the access authorities. We have limited the use of kissing gates or stiles and where possible removed barriers to access. We also note the Disabled Ramblers' pertinent advice regarding the larger/ all-terrain mobility vehicles and believe that many parts of the Isle of Wight, including much of the alignment covered by Report IOW 10, lend themselves to use by such vehicles.

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

"4.3.8 We follow the principles set out in our publication "By All Reasonable Means" to make the trail as easy to use as we reasonably can for disabled people and others with reduced mobility, whilst accepting that such opportunities will often be constrained by practical limitations, such as the rugged nature of the terrain or the availability of visitor transport and facilities (see section below). Where there is a choice of routes (after taking into account all the key principles in chapters 4 and 5 of the Scheme), we favour the one that is accessible to the widest range of people or most easily adapted for that purpose.

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

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

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

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

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

Relevant appended documents (see Section 5):

Annex 5: Disabled Ramblers Document: *Man-made Barriers and Least Restrictive Access*

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

Summary of representation:

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

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

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

Expressions of disappointment and satisfaction were discussed regarding the details of the route. It was felt that opportunities had been missed for better access to the coast notably at Norton Spit and the woodland around Quarr. It was felt that photography would have both improved the interpretation and illustrated the issues that were highlighted in the report. Recommend a fixed-point photography scheme is established as an aid for subsequent monitoring of the effects of the proposed mitigation on the coastal environment and landscape.

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

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

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

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

Natural England's comment:

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

Conflicting legal duties

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

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

The Committee cite the Sandford Principle in their representation. The Sandford Principle can be summarised as where a National Park Authority (or AONB Conservation Board) is not able to reconcile

its two statutory purposes concerning public enjoyment and conservation by skilful management, conservation should come first. This principle is given effect in s11A(2) of the Environment Act 1995, and we don't believe this specific provision is directly relevant to implementation of coastal access on the Isle of Wight. So far as the general principle is concerned, as explained above, we suggest that the 2009 Act includes adequate provisions to enable reconciliation of any conflicts with nature conservation that might arise from the coastal access duty.

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

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

Efficacy of access management techniques

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

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

Evaluation

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

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

Signage:

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

Representation ID:	MCA/IOW Stretch/R/2/IOW0259
Organisation/ person making representation:	Southern Gas
Name of site:	Stretch wide
Report map reference:	All
Route sections on or adjacent to the land:	Specified within the supporting documentation
Other reports within stretch to which this representation also relates	All
Summary of representation:	
<p>NE should be aware that ground works that take place in the vicinity of gas infrastructure could result in personal injury or damage to the gas infrastructure. As such NE will be expected to consult with Southern Gas in relation to said points of interaction and any ground works that might be required.</p> <p>Southern Gas has provided a bundle of plans that show the locations of the relevant infrastructure on the IOW which is situated either on the route or in close proximity (50m).</p>	
Natural England's comment:	
<p>Natural England and the Isle of Wight Council (who will undertake the establishment works) will consult with Southern Gas as necessary during the establishment phase.</p>	
Relevant appended documents (see Section 5):	
<p>There are a significant number of documents that were provided to help NE locate gas infrastructure. These have not been attached but can be provided if necessary.</p>	

Representation ID:	MCA/IOW10/R/1/IOW4192
Organisation/ person making representation:	Cowes Town Council, [redacted]
Name of site:	IOW 10 (whole report)

Report map reference:	IOW 10 (whole report)
Route sections on or adjacent to the land:	IOW 10 (whole report)
Other reports within stretch to which this representation also relates	N/A
Summary of representation:	
[redacted] expresses his awareness of the issues surrounding the inclusion of the Medina and gives his full support for the route	
Natural England's comment:	
We welcome the positive engagement from Cowes Town Council during the development of our proposals and the supportive comments made by [redacted].	

Representation ID:	MCA/IOW10/R/2/IOW4197
Organisation/ person making representation:	[redacted]
Name of site:	Medina Park to Cowes Power Station
Report map reference:	Map IOW 10f
Route sections on or adjacent to the land:	IOW-10-S070 to IOW-10-S074
Other reports within stretch to which this representation also relates	N/A
Summary of representation:	
Full support for England Coast Path objectives and expresses support for and necessity of a 'Medina greenway'.	
Proposes that the route between IOW-10-S070 to IOW-10-S074 is aligned along existing field boundaries and is made more accessible for cyclists. This will also prevent the need to align the path through the field at IOW-10-S070, whilst also avoiding disturbance to protected bird species.	
Natural England's comment:	
We welcome the supportive comments made by [redacted] regarding the objectives of the England Coast Path. <i>Medina Greenway</i> Although Natural England are keen to promote access for all groups where possible, the primary purpose of the England Coast Path is to provide continuous coastal access rights on foot (para 1.2.1 of the coastal access scheme). Natural England appreciate that IOW Council in recent years has invested in a multiuse walking and cycling route between Newport and Island Harbour along the east side of the Medina. Natural England have engaged with the Isle of Wight Council regarding the aspiration to extend	

this project further between Island Harbour and East Cowes. However, we were not able to achieve joint outcomes within the scope of this project.

Route alignment

Natural England considered aligning the route along the field boundary edge as outlined in the supporting evidence submitted by [redacted] (Annex 6). The proposed route was considered more suitable as it is aligned along an existing well-used public right of way that extends through fields of a local landowner. The landowner is supportive of the route here but has submitted an objection regarding the spreading room (MCA/IOW10/O/2/IOW3037). Due to this, is it unlikely that negotiations with the landowner would be successful in proposing a new path enabling access to additional areas within their land, and particularly one that includes higher rights i.e., cycling.

Relevant appended documents (see section 5):

Annex 6: Email from [redacted] describing the location of a preferred route aligned along field boundaries

Representation ID:	MCA/IOW10/R/11/IOW4145
Organisation/ person making representation:	[redacted] on behalf of The Solent Protection Society
Name of site:	Whippingham
Report map reference:	Maps 10a to 10f
Route sections on or adjacent to the land:	IOW-10-S070 to S074
Other reports within stretch to which this representation also relates	N/A

Summary of representation:

The Solent Protection Society support the inclusion of the Medina within the proposals and the restriction of access to intertidal areas under the Section 25A direction.

They also propose a new route aligned along field boundaries north of the boardwalk and kissing gate to join Saunders Way at IOW-10-S074 to create a route that is closer to the Medina and avoids using Beatrice Avenue

Natural England's comment:

We welcome the supportive comments made by The Solent Protection Society regarding the inclusion of the Medina estuary within our proposals.

We investigated several route options here including aligning the route along the field boundaries to the west of IOW-10-S070 in order to reach the shoreline; the western boundaries of the fields on the seaward side of IOW-10-S072 to reach Saunders Way and the northern field edge on the seaward side of IOW-10-S074. We chose to align the route along Beatrice Avenue for the following reasons:

Bird Disturbance

The shoreline and arable fields here are supporting habitat for a variety of waterbirds associated with the Solent & Southampton Water Special Protection Area (SPA) including dark-bellied brent geese, lapwings and curlew. Aligning the route here would create a significant level of disturbance in the

wintering season to feeding or roosting birds on fields, and those feeding on intertidal habitat close to the shoreline, which would be difficult to mitigate against. To strike an appropriate balance between coastal access rights and nature conservation (section 4.9 of the Coastal Access Scheme), it is necessary to align the path further from the coast in this instance.

Land Management issues

The fields are intensely farmed arable land. When investigating route options, the landowner expressed concerns regarding land management implications resulting from increased access.

Convenience

The proposed route follows the Public Right of Way to St Mildreds Church. The pavement where the route is aligned at IOW-10-S074 has recently been resurfaced and provides a flat, more convenient surface to walk along. It is also easier to access for those with reduced mobility. Additionally, the junction between Saunders Way and Beatrice Avenue provides good views across the Medina.

Representation ID:	MCA/IOW Stretch/R/7/IOW4218
Organisation/ person making representation:	[redacted]
Name of site:	Stretch Wide
Report map reference:	All
Route sections on or adjacent to the land:	All
Other reports within stretch to which this representation also relates	IOW 2, 6, 7, 8, 9 & 10 (This representation also relates to the report titled Habitats Regulations Assessment of England Coastal Path proposals between Wotton Bridge and East Cowes ferry terminal)
Summary of representation:	
<p>[redacted]' representation is set out in detail in his letter of 5th June 2020 as sent to the England Coast Path Delivery Team in Eastleigh (attached at annex 7).</p> <p>In summary the representation is an objection to the alignment of the path and the identification and management of spreading room as [redacted] believes, in general, it does not properly consider the nature conservation issues and, specifically, it is incompatible with statutory obligations under the Habitats Regulations. The representation includes a formal complaint as to the adequacy of the Habitats Regulation Assessment and the process by which it was drafted.</p>	
Natural England's comment:	
<p>[redacted] supporting representation letter is attached to the bottom of this representation form (Annex 7). For ease of reference each point is included in Natural England's comments, alongside an extract from [redacted] document.</p> <p><u>HRA</u></p> <p><i>Habitats Regulations Assessment is faulty in a number of regards; including</i></p> <ul style="list-style-type: none"> • <i>The lack of analysis as to whether the data available to the authors was adequate, which in turn results in a failure to identify and address any significant deficiencies in data. Through my professional background I am all too familiar with the inadequacy of data relating to high water wader roosts within and outside the boundary</i> 	

of statutory sites around the Solent together with the inadequacy of data on the character and condition of intertidal habitats that will be included in the 'spreading room', particularly higher upper-saltmarsh transitions into freshwater grasslands and estuarine woods. This is material as we know from more accessible coasts that these internationally important habitats are vulnerable to abrasion from even modest levels of recreational use.

Our response

In order to address the comments made in response to the consultation on the proposals for the ECP from Wootton Bridge to East Cowes, Natural England has revised and updated the Habitats Regulations Assessment (HRA). As part of the revised HRA, additional data has been sought, including from the Solent Wader and Brent Goose Strategy, British Trust for Ornithology, Bird Aware Solent and the National Trust (a full list of additional sources and references can be found in the HRA). These data give a good picture of the use of the area by wintering waterbirds, including foraging and roosting areas within and outside the Solent and Southampton Water Special Protection Area (the SPA).

In addition to the bird data, Natural England sought the advice of an independent expert on managing walkers and their dogs. Steve Jenkinson provided informal advice on the proposals for Western Haven and Shalfleet, and a formal report on the proposals for Western Haven and Clamerkin (parts of Newtown Harbour). This advice aided our understanding of how dog walkers are likely to use the ECP and the mitigation measures that are necessary to minimise impacts on designated nature conservation sites.

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

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

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

Our response

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

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

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

- Hamstead, Newtown Harbour (IOW-7-S004): route runs through the SPA but follows the existing Isle of Wight Coast Path (IOWCP). Therefore, the trail is not likely to change any management decisions regarding grazing. (See HRA D3.2D)
- Hamstead, Newtown Harbour (IOW-7-S005): route runs through SPA, following existing IOWCP. The field seaward of the trail is used by wintering brent geese and waders so will be excluded from the margin. The landowner and manager did not consider that fencing was necessary to support the exclusion. (See HRA D3.2D)
- Western Haven, Newtown Harbour (IOW-7-S029): trail follows landward edge of the field, which is part of Newtown Estuary SSSI (but outside of the SPA). This route is closed between 1 August and 1 March to avoid significant disturbance to wintering birds. The landowner has not raised any concerns with the alignment or impacts on grazing management. (See HRA D3.2E)
- Western Haven, Newtown Harbour (IOW-7-S032): the trail (closed in winter) runs along the edge of two fields within the Newtown Estuary SSSI (but outside the SPA). These fields are not used by notified bird features and the landowner has not raised any concerns over the alignment or impacts on grazing management. (See HRA D3.2E)
- Shalfleet, Newtown Harbour (IOW-7-S048 to S051): the trail runs through grazed fields, some currently with no access, and some with permissive access. The fields are outside the designated sites and not used by SPA/SSSI birds. The trail will be fenced on the seaward side. The landowner does not consider that the proposals will lead to a change in management, and in any case would not affect designated site features. (See HRA3.2E & F)
- Newtown (IOW-7-S071, S080, S085): the trail runs through grazed fields within the SPA, following existing well-walked routes, including the current IOWCP. Therefore, the landowner has not raised any concerns and the trail is not likely to change any management decisions regarding grazing. (See HRA D3.2G)
- Clamerkin, Newtown Harbour (IOW-7-S095 to S097). Trail runs through grazed fields outside the designated sites, and not used by SPA/SSSI birds. Part of the route is new access and part currently has permissive access. The implications of this route have been discussed extensively with the landowners. Therefore, changes in management are unlikely, and in any case would not affect designated site features. (See HRA D3.2H)
- Thorness Bay (IOW-8-S003): the trail runs through a pasture field that is outside the SPA but is used on occasion by waders. The route follows an existing PRoW, and therefore, the presence of the ECP is unlikely to prompt any change in grazing management that might affect the field's use by waders. (See HRA D2.3I)

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

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

Our response

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

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

Natural England's approach to identifying the typical species supported by Special Area of Conservation (SAC) habitats is summarised in the Supplementary Advice for each SAC Conservation Objective ('the

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

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

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

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

Our response

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

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

In drawing up the proposals for the ECP many different alignment options are often considered, particularly where new access is being proposed. These are discussed in detail with the landowners involved. Some of the options considered are included in the published stretch reports: [England Coast Path on the Isle of Wight: comment on proposals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614442/England-Coast-Path-on-the-Isle-of-Wight-comment-on-proposals-2020-05-14.pdf).

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

Our response

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

Whilst baseline visitor survey data is not available for all sites, Natural England does not agree this is necessary to be able to design and assess mitigation measures. We consider it is quite possible using

available information, site visits and input from local access managers to form a sufficiently comprehensive understanding of the current distribution, intensity and types of recreational activity currently taking place around the Isle of Wight.

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

When developing our proposals, Natural England carried out access assessments to determine how the distribution and frequency of people's use is likely to be affected by the ECP, considering factors such as existing use, terrain, physical barriers, access points, car parks, proximity to settlements and size of population, alternative sites, legal limitations, and other factors. We also have a good understanding of the relative use of different sections of the coastline from modelling work undertaken for Bird Aware Solent. We then compare this with the specific interventions proposed, such as the position of the path, any improvements to the path, other physical interventions, legal status of the path, and creation of coastal access rights, to assess the changes that might occur. These assessments at each sensitive location are described in the Appropriate Assessment section of the HRA (see section D3.2A-J). In addition, as noted above, we commissioned advice from an independent expert on walkers with dogs to help us understand how people might use the new access at Western Haven and Clamerkin, which was used to refine the mitigation proposals (see section D3.2E, F & H).

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

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

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

Details of any specific measures proposed are considered in the relevant section of the HRA. These are tried and tested methods of managing access on nature reserves, in Open Access areas, and in the wider countryside³.

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

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

Complaint

[redacted] complaint correspondence is attached to the bottom of this representation form (annex 8).

In summary the HRA;

³ For example: Liley et al. 2012. Identifying best practice in management of activities in Marine Protected Areas. Report to Natural England. [NECR108 edition 1.pdf](#). Or Barker & Park. 2020. [Using Behavioural Insights to Reduce Recreation Impacts on Wildlife: Guidance & Case Studies from Thames Basin Heaths and the Solent - NECR329 \(naturalengland.org.uk\)](#)

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

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

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

Our response

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

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

Relevant appended documents (see Section 5):

Annex 7: Supporting representation letter
Annex 8: Complaint correspondence

5. Supporting documents

Supporting Document	Description and Ref number
Annex 1	MCA/IOW10/R/3/IOW3889 Ramblers Supporting Document, IOW10
Annex 2	MCA/IOW10/R/4/IOW3889 Extract from report table ‘10.3.2 Other options considered’
Annex 3	MCA/IOW10/R/10/IOW0145 Correspondence with the Isle of Wight Council regarding withdrawal of representation
Annex 4	MCA/IOW10/R/10/IOW0145 Map depicting area of proposed inland coastal margin (IOW Council ref: Map 10.3)

Annex 5	MCA/IOW Stretch/R/5/IOW4210 Disabled Ramblers Document: <i>Man-made Barriers and Least Restrictive Access</i>
Annex 6	MCA/IOW10/R/2/IOW4197 Email from [redacted] describing the location of a preferred route aligned along field boundaries
Annex 7	MCA/IOW Stretch/R/7/IOW4218 Supporting representation letter
Annex 8	MCA/IOW Stretch/R/7/IOW4218 Complaint correspondence