
Report to the Secretary of State for Environment, Food and Rural Affairs

by [redacted] BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Date 11 February 2025

Marine and Coastal Access Act 2009

Objection by [redacted], Easton Bavents Ltd

**Regarding Coastal Access Proposals by Natural England
Relating to Aldeburgh to Hopton-on-Sea**

Site visit held 26 March 2024

Objection File Reference: MCA/AHS4/0/1/AHS1063

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- On Wednesday 29 January 2020, Natural England submitted a report to the Secretary of State setting out the proposals for improved access to the coast between Aldeburgh to Hopton-on-Sea under section 51 of the National Parks and Access to the Countryside Act 1949 (the 1949 Act) pursuant to its duty under section 296(1) of the Marine and Coastal Access Act 2009.
 - Objections by [redacted] concern Natural England's Coastal Access Report Aldeburgh to Hopton-on-Sea, AHS4, Chapter 4: Southwold to Pakefield. The land in the Report to which the objections relate is section S005 to S009 as shown on Map AHS4a and AHS4b.
 - The objections are made variously under paragraphs 3(3)(a), 3(3)(c), 3(3)(d), 3(3)(e) and 3(3)(f) of Schedule 1A to the 1949 Act on the grounds that the proposal fails to strike a fair balance in such respects as set out in the objections.

Summary of Recommendation: I recommend that the Secretary of State makes a determination that the proposals set out in Report AHS4 as proposed to be modified by Natural England and Modification Maps AHS-M1 and AHS-M2 in respect to sections S005-S010 inclusive, do not fail to strike a fair balance in respect to the objections considered herein.

Preliminary Matters

1. On Wednesday 29 January 2020, Natural England (NE) submitted Coastal Access Reports to the Secretary of State setting out proposals for improved access to the coast between Aldeburgh and Hopton-on-Sea. The period for making formal representations and objections to the reports closed on 11 March 2020. I have been appointed to report to the Secretary of State on the objections.
2. This report concerns objections to proposals for Trail section S005-S009 between Southwold and Covehithe. Although the Objector does not list Route section S010 at section 2 of the objection form, they note that the land has fallen into the sea at this point, NE responded to this, and I have addressed route section S010 in this report.
3. There are other admissible objections concerning Report AHS4 and improved access to the coast between Southwold and Pakefield. They concern different sections of the Trail and, as such, I have considered it expedient to address them separately in other reports to the Secretary of State.
4. There have been considerable changes on the ground since the proposal for the Trail was written. In addressing the Objector's submissions NE also reconsidered alignment options to see if there was an option that better balanced public and private interests.
5. Consequently, NE put forward two alterations to Map AHS4a: Southwold Pier to Easton Lane in the form of Alternative Modification Map AHS-M1, see Appendix 1, to replace the southern end of route section S007 at Southend Warren, and

Alternative Modification Map AHS-M2, see Appendix 2, to replace route section S009 and S010 at East End Cottages.

6. I conducted a site inspection on 26 March 2024 accompanied by [redacted], the Objector and landowner, [redacted], landowner, and [redacted] East Coastal Access Officer for NE. Also present were [redacted] Suffolk County Council Public Rights of Way, [redacted] National Access Adviser Country Landowner's Association (CLA) and [redacted] Regional Surveyor CLA.
7. After the site visit, NE confirmed that the proposed alignment of section AHS-M-S001, Alternative Modification Map AHS-M1, would be outside of the curtilage of holiday cottages at Southend Warren, as shown on East Suffolk Council planning application DC/21/3909/FUL.
8. I have assessed the objections on the basis that the access proposals are modified as set out in Map AHS-M1 Southend Warren, Map AHS-M2 East End Cottages, and the AHS Modified Proposals Table, see Appendix 3. They are described in NE's document responding to the Objection.

Main Issues

9. The coastal access duty arises under section 296 of the Marine and Coastal Access Act 2009 (2009 Act) and requires NE and the Secretary of State to exercise their relevant functions to secure two objectives.
10. The first objective is to secure a route for the whole of the English coast which:
 - (a) consists of one or more long-distance routes along which the public are enabled to make recreational journeys on foot or by ferry, and
 - (b) (except for the extent that it is completed by ferry) passes over land which is accessible to the public.
11. This is referred to in the 2009 Act as the English Coastal Route, but for ease of reference is referred to as 'the Trail' in this report.
12. The second objective is that, in association with the England Coast Path, a margin of land along the length of the English coast is accessible to the public for the purposes of its enjoyment by them in conjunction with the coastal route or otherwise. This is referred to as the coastal margin.
13. Section 297 of the 2009 Act provides that in discharging the coastal access duty NE and the Secretary of State must have regard to:
 - (a) The safety and convenience of those using the Trail,
 - (b) The desirability of that route adhering to the periphery of the coast and providing views of the sea, and
 - (c) The desirability of ensuring that as far as reasonably practicable interruptions to that route are kept to a minimum.
14. They must also aim to strike a fair balance between the interests of the public in having rights of access over land and the interests of any person with a relevant interest in the land.

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15. Section 301 of the 2009 Act applies to river estuaries and states that NE may exercise its functions as if the references to the sea included the relevant upstream waters of a river.
 16. My role is to consider whether a fair balance has been struck and make a recommendation to the Secretary of State accordingly.

The Coastal Route

17. Forming part of the England Coast Path between Aldeburgh to Hopton-on-Sea, the length of path under consideration is contained within Report AHS4 Chapter 4 AHS4: Southwold to Pakefield, as shown on Map AHS4a and AHS4b. The objections relate to route sections S005, S006, S007, S008 and S009, henceforth referred to as 'S005', 'S006' and so on.
18. Route section S005 to S008 would run south to north, leaving an existing unmade track at S006 to cross land forming a new right of way along the cliff top until it reaches Easton Lane. At Easton Lane, the Trail is proposed to run on the eastern, seaward, side of East End Cottages. Since the proposals were drawn up coastal erosion has taken more land here and some of the cottages have been demolished. Part of the proposed route section S009 - S010 is no longer possible.

The Objections

19. The Objector is the owner of land affected by S005 to S010. They farm and run holiday cottages. The Objector states that the business has lost nearly 200 acres of land to the sea over the years and is now faced with a situation where farming is no longer viable on the acreage that is left. The Objector adds that they have agreed a business adaption plan with Coastal Partnership East for movable holiday accommodation.
20. The Objector is of the opinion that the proposed route of the Trail and roll back provisions for Sections S005 to S009 will create public rights through existing and planned spaces and gardens around current and planned holiday let properties; remove their ability to manage their land as they see fit and destroy their plan to make a livelihood from what is left of their land. They also state that the proposals lack an understanding of the rate of coastal change and would be dangerous to public health and safety.
21. The Objector states that the proposals would: -
 - pass through the curtilage of three planned holiday cottages at Southend Warren (referred to as 'The Sea Dragons' on the site visit),
 - pass through the garden of 'The Warren' a dwelling under renovation for use as a holiday let, which is excepted land,
 - pass very close to full size bedroom windows to two 'holiday lets' known as 'The Listening Station' and 'The Watch Room', crossing land which the Objector also asserts to be excepted land,
 - change the character of the properties, encourage trespass, and create a gross invasion of privacy, and

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- be unachievable at East End Cottages (S009) where land required for the route has already been lost to the sea.
22. Overall, they say, the proposals would be severely detrimental to their holiday let business, contrary to guidance in DEFRA document England Coast Path: manage your land in the coastal margin, 2 October 2014, and would not strike a fair balance between public rights to use their land and the Objector's rights as landowner.
 23. The Objector is of the opinion that the modification to remedy the harms would be to align the path along the beach. This would be where people prefer to walk and would give the best proximity to and views of the sea.
 24. The Objector further proposes that when the beach is not accessible an alternative route would be the farm track landward of the holiday cottages as it offers easy and safe walking with views of the sea for walkers and less harm to their business. The Objector also points out that a new route needs to be found at East End Cottages.

Natural England's Response to the Objections

25. There have been considerable changes on the ground since the proposal for the Trail was written. Alignment options were reconsidered to see if there is an option that better balances public and private interests.
26. As a result, NE proposes modifications affecting route sections S007 and S009. These are set out in NE's document responding to the Objection and shown on the Modification Maps at Appendix 1 and 2 of this report. I have considered the Objections in the light of them.
27. NE asserts that the amended proposals consider residents' privacy and enable the landowner to manage their land both in terms of agricultural operations and holiday let business now, and in the future, and are in line with provisions within the Marine and Coastal Access Act 2009 (the Act).
28. Certain land categories are excepted from coastal access rights in full under Schedule 1 of the Countryside and Rights of Way Act (Schedule 1). These include buildings and the area surrounding buildings known as curtilage, and land used as a garden or park. Coastal access rights do not prevent land being lawfully developed or redeveloped in the future.
29. Section 5.5.2 of the Approved Coastal Access Scheme (the Scheme) explains that there are powers to amend the access arrangements on a section of coast after the report is confirmed if this is necessary because of changes in the affected land. Section 5.5.4 states that developed land is likely to become excepted land under Schedule 1 and therefore coastal access rights will not apply to it.
30. Section 4.10 of the Scheme explains the rollback provision. An approved Trail can be moved in response to significant coastal erosion or significant encroachment by the sea. Section 4.10.9 clarifies that this includes repositioning a Trail landward of the excepted land categories in consultation with owners and occupiers of the affected land.

The Objector's proposed route along the beach

31. Section 4.3.1 of the Scheme states that the route should include adjustments for disabled people and others with reduced mobility. Section 7.11.3 advises that a Trail will not normally be aligned on sandy beaches because they can be difficult to walk on for long distances and can become covered by high tides.
32. Section 4.4.2 of the Scheme states that the Trail normally avoids any route prone to tidal encroachment to provide continuity for users. The Objector's proposed route would not be accessible at all states of the tide from the Southwold end. Due to the cliffs, there are no entry and exit points from the beach for a section of roughly 2KM between Southwold and Easton Broad.
33. NE note the Objector's offer to give access over their land past the sea defences north of Southwold Pier to access the beach below. However, NE consider this would require significant works, which would also be vulnerable to coastal erosion.
34. NE advise they only align routes on sandy beaches when there are no other viable options. In this case NE conclude that a cliff top route provides the safest and most convenient route in accordance with the Scheme criteria.

The cliff top route

35. The alternative route proposed by the Objector for when the beach is inaccessible would be along a farm track on the cliff top. The farm track runs South to North from the junction of S004 and S005 at Southwold around, and on the landward side of, a number of properties until it meets Easton Lane.
36. NE advises that a route along this track would be closer to holiday let properties than the proposed route and points out that land seaward of the path would be coastal margin, and that unless it fell within one of the excepted categories then the public would have a right of coastal access to it creating a situation where walkers could be present on both sides of the holiday cottages.
37. NE believes that the cliff top views offered along S005-S009 would be such a draw as to make it unlikely that walkers would adhere to a Trail aligned along the farm track for its duration.
38. Therefore, NE does not propose modifying the route to follow the entire length of the farm track.

Southend Warren – the Sea Dragons

39. Since the proposed Trail was published planning permission has been granted for three moveable holiday lets on land known as Southend Warren. Natural England agree that the southern end of S007 would cross the site on the seaward side, between the cliff edge and close to the three units which will have glass frontages facing the sea.
40. For these reasons NE propose that the original route be modified to run southeast to northwest on the landward side behind the three holiday lets, as shown on NE Modification Map AHS-M1 at Appendix 1.

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41. NE do not propose that the route be modified to follow the farm track from S005 around the southern side of two houses known as The Ravine and Seaford House because they consider that there is a natural draw to a viewpoint.

The Warren

42. NE note that since the route was published land around the house has been fenced to the cliff edge and used as garden. In which case NE would agree it is excepted from coastal access rights under Schedule 1 of the Act. NE propose that the proposed route be modified to follow the farm track on the landward side of The Warren. This is shown on NE Modification Map AHS-M1 at Appendix 1.

The Watch House and Listening Station

43. Whilst NE acknowledge these two holiday let units have full size bedroom windows facing the sea, NE point out their curtilage does not extend to the cliff. NE point out that the cliff is roughly 50m from the buildings whereas the farm track on the landward side is only 2m from them.
44. NE consider if the proposed route were to follow the farm track from The Warren to Easton Lane additional coastal margin would be created and NE expects that people would use it to get closer to the cliff edge for the attractive coastal views. NE considers this would result in a greater impact for the users of the holiday cottages than the current proposals.
45. NE notes that as the Trail rolls back, there would come a time when, in consultation with the landowners, NE would have to reconsider the alignment of the route to avoid excepted land and/or privacy concerns.

East End Cottages

46. Since the proposal was published East End Cottages have been demolished and a portable holiday let called Easternmost Cabin has been provided. The garden, which is excepted from Coastal Access Rights, extends to the cliff.
47. NE proposes a modification following an existing trod route on the landward side of the building group. This is shown on NE Modification Map AHS-M2 Appendix 2.

Cliff Erosion and Safety

48. NE acknowledges that this is a fast-eroding stretch of coast and 'roll back' provisions have been provided for Trail sections from S005-S009.
49. Section 297 of the 2009 Act provides that in discharging the coastal access duty NE and the Secretary of State must, amongst other things, have regard to the safety and convenience of those using the Trail. NE point out that Section 7.1.9 of the Scheme advises that access along cliffs carry inherent risks which are well understood by most people and that it is neither possible nor desirable to eliminate all danger to the public on cliffs.

The landowner's interest and loss of income

50. NE considers that with their proposed modifications the Trail would sit outside the curtilage of the landowner's holiday let business and follow an uncultivated strip of land where it runs along the cliff top. The presence of the trail would not

prevent further holiday let or other development, and should it need to be rolled back, the Trail would be aligned outside of excepted land in consultation with owners and occupiers.

51. Although NE agrees that there is currently no legal access along the cliff top on this part of the stretch, it argues that it still attracts walkers and there are trod paths. There are also a number of 'holiday lets' so the properties are not isolated or entirely private. NE argue that a suggested loss of income of 25% is theoretical and unlikely and considers that the Trail will not prevent the landowner from managing their land now and in the future.
52. NE concludes that the submitted scheme reaches a fair balance between the issues of privacy, the landowner's ability to manage their agricultural operations and holiday let business, and the interests of the users of the proposed route.

Analysis and Conclusions

53. This is a fast-eroding stretch of coast. Roll back has been proposed and this would provide a mechanism for the approved Trail to be moved in response to significant coastal erosion.

A route along the beach

54. At times high tides prevent access to the beach in the area north of Southwold Pier. Elevated views from the cliff top allow a greater appreciation of the coastline than views from the beach. The beach is sandy, and it can be difficult to walk over. There are no existing access points along this stretch and there is a lack of a route around the sea defences north of Southwold Pier. The Objector's offer to allow an access from their land in the vicinity of S005 would involve a large level change.
55. A cliff top route carries inherent risks exacerbated by coastal erosion. Section 7.1.9 of the Scheme advises that the inherent risks are well understood by most people and that it is neither possible nor desirable to eliminate all danger to the public on cliffs.
56. Routes along beaches under cliffs also carry risks. Moreover, a route along the beach might give some users the greatest proximity to the sea, but it would not provide a safe and convenient route for all users.

The cliff top Trail

57. The cliff top route proposed by the Objector is as an Optional Alternative Route, if their preferred route along the beach is inaccessible. I have concluded against recommending a route along the beach for reasons given above. Therefore, I now consider the issues raised about the route along the cliff top in relation to NE's proposal for this to be the main Trail.

The 'Sea Dragon' holiday lodges

58. NE's proposed modified proposals shown on MAP AHS-M1 indicates that the Trail would run outside of the southwest and western boundaries of a site for three 'Sea Dragon' holiday lodges, which were under construction at the time of

the site visit. I could see that the lodges would have large sea facing windows. The modified route would not interfere with the outlook from the units.

59. On the site visit there was some confusion between the exact position of the southwest boundary of the Sea Dragon site as shown in NE's documents compared to that indicated on site. Following the subsequent clarification provided by NE I am satisfied that the proposed alignment of modified route section AHS-M-S001 would also be outside of the curtilage of these holiday cottages.
60. The cliff top route that the Objector proposed (as an alternate route for when their beach route would not be accessible) would follow a farm track from S005 running East-West, before turning North to run behind the Sea Dragon site.
61. If the Trail were to follow this track it would be further away from the Sea Dragon site. However, all land on the seaward side, which is not excepted, would become coastal margin over which walkers of the route could roam. I agree with NE that some walkers would be drawn to a clifftop viewpoint north of S005 and S006. From there it is quite likely that Northbound walkers would follow the boundary of the Sea Dragon site to join the track.
62. The modified route put forward by NE would not prejudice the privacy of the occupiers of the Sea Dragon holiday lodges, nor would it interfere with the Objector's ability to move the lodges within the curtilage of that site as coastal erosion necessitates. With this modification I am not persuaded that the 'let-ability' of these units would be compromised.
63. NE's proposed modification, route section AHS-M-S002, would then continue along the farm track, and on the landward side of The Warren and a dwelling labelled 'Soleview' on Map AHS-M1. Both are well screened from the farm track.
64. The modifications proposed by NE as shown on Maps AHS-M1 and AHS-M2, would be necessary to avoid excepted land. They would serve to largely address the concerns raised by the Objector in relation to the Sea Dragons development and would strike a fair balance between the Objectors concerns and users of the route.

The Watch House and Listening Station

65. Just north of Soleview, NE's proposed modification section AHS-M-S003, shown on Map AHS-M1 at Appendix 1, would leave the farm track and rejoin S007 running broadly north south along the cliff top. This is a small parcel, separated from a larger field to the west by the farm track. The views of the coastline and the sea from the cliff top here are generally more attractive than those from the farm track.
66. For walkers following the Trail north from Southwold, on passing Soleview they would experience an appreciation of almost undeveloped coastline. For walkers heading south to Southwold, there would be a feeling that soon they would be leaving the cliffs behind as they approached Southwold. Either way, I expect that walkers would be very much drawn to the cliff tops here.

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67. Midway along this section between Soleview and East End Cottages are two more holiday cottages; the Watch House and Listening Station. They both have full size bedroom windows looking out to sea. The proposed Trail would be on the seaward side of these cottages.
68. Walking south from East End Cottages I observed that NE's route offers an opportunity to look into these windows. A similar view would be available walking north. The Objector argues that holidaymakers book these cottages for solitude and privacy and the unimpeded view of the cliffs.
69. A holiday occupant might make a booking based on images shown in the Objector's submissions. However, on site I noted several properties and holiday lets and the area has a feeling of being on the edge of Southwold. The Watch House and Listening Station are not entirely isolated or private.
70. Indeed, the Watch House and Listening Station are positioned within a few metres of each other. There would appear to be nothing to stop occupiers of one unit walking on the cliff top in front of the picture window of the other unit.
71. If the route were to follow the farm track between Soleview and East End Cottages it would be behind the Watch House and Listening Station. The field on the seaward side would become coastal margin. Trail users would have rights to roam over the land that is not excepted. The private spaces and curtilage of these properties do not extend to the cliff top. Consequently, users of the Trail would be able to wander across the field, around and in front of the Watch House and Listening Station.
72. As proposed by NE the Trail would be located between the holiday lets and the cliff top. The landward boundary of the coastal margin would be the landward edge of the path and users of the Trail would not have the same rights to wander on the landward side of the Trail.
73. Either way, I do not doubt that the privacy of occupiers of these units will be impacted. Evidence submitted indicates that some people might be deterred from booking these cottages by a perceived loss of privacy, others might discover and book the holiday accommodation having walked the Trail. I have little evidence to dispute the opinion of a holiday letting company that the Trail would result in a loss of income, but equally there is little evidence to say that it might be as much as 25%.
74. The issue is finely balanced, but I conclude that NE's proposed route would be preferable because the boundary of the Trail on the side of the cottages would then be limited to the landward edge of the path. The impacts would be more predictable, less 'all-around' and in these ways would be less intrusive. I am strengthened in this conclusion by NE's notes that:
- (i) as the Trail rolls back due to coastal erosion, there would come a time when, in consultation with the landowner, NE would have to reconsider the alignment of the route to avoid excepted land and or/privacy concerns, and
 - (ii) NE would also work with the Objector and reconsider the position of the Trail should the theoretical loss of income of 25% be evidenced.

East End Cottages

75. Since the proposal was published land has been lost to the sea around East End Cottages, development has been demolished due to coastal erosion, new development has been carried out and the initial Trail route is not possible.
76. NE's proposed modification as shown on Map AHS-M2 follows an existing trod route which I observed people using. It is on the outside of relatively strong garden hedging protecting the privacy of gardens. There was suggestion on the site visit that a farm access was to be used to create parking but there is no evidence in this regard. My observation on the site visit was that the hedge marked the boundary of the curtilage, and land outside of it was not excepted land. This modification would be necessary and would address the concerns raised by the Objector in relation to privacy of their holiday lets.

Nature Conservation Assessment

77. NE has undertaken a Nature Conservation Assessment (NCA), which, amongst other things, covers matters relating to Sites of Special Scientific Interest (SSSI). Relevant to S005-S010 is the Parkfield to Easton Bavents SSSI (South).
78. NE was satisfied that the proposals to improve access to the English coast between Southwold and Covehithe were fully compatible with its duty to further the conservation and enhancement of the notified features of the Parkfield to Easton Bavents SSSI. NE was also satisfied that in developing these new access proposals the appropriate balance has been struck between its conservation and access objectives, duties, and purposes.

Overall Conclusion

79. There have been considerable changes since NE's proposals were first published. NE's modifications shown on MAPs AHS-M1 and MAP AHS-M2 are reasonable and necessary and would serve to address some concerns raised by the Objector. Rollback provisions would allow for the cliff top route to be moved in the future in response to significant coastal erosion. That process would provide for consultation with owners and occupiers of affected land and repositioning the Trail landward of excepted land that may exist at that time.
80. With NE's modifications set out, I conclude that the submitted scheme reaches a fair balance between the issues of privacy, the landowner's ability to manage their agricultural operations and holiday let business, and the interests of the users of the proposed route.

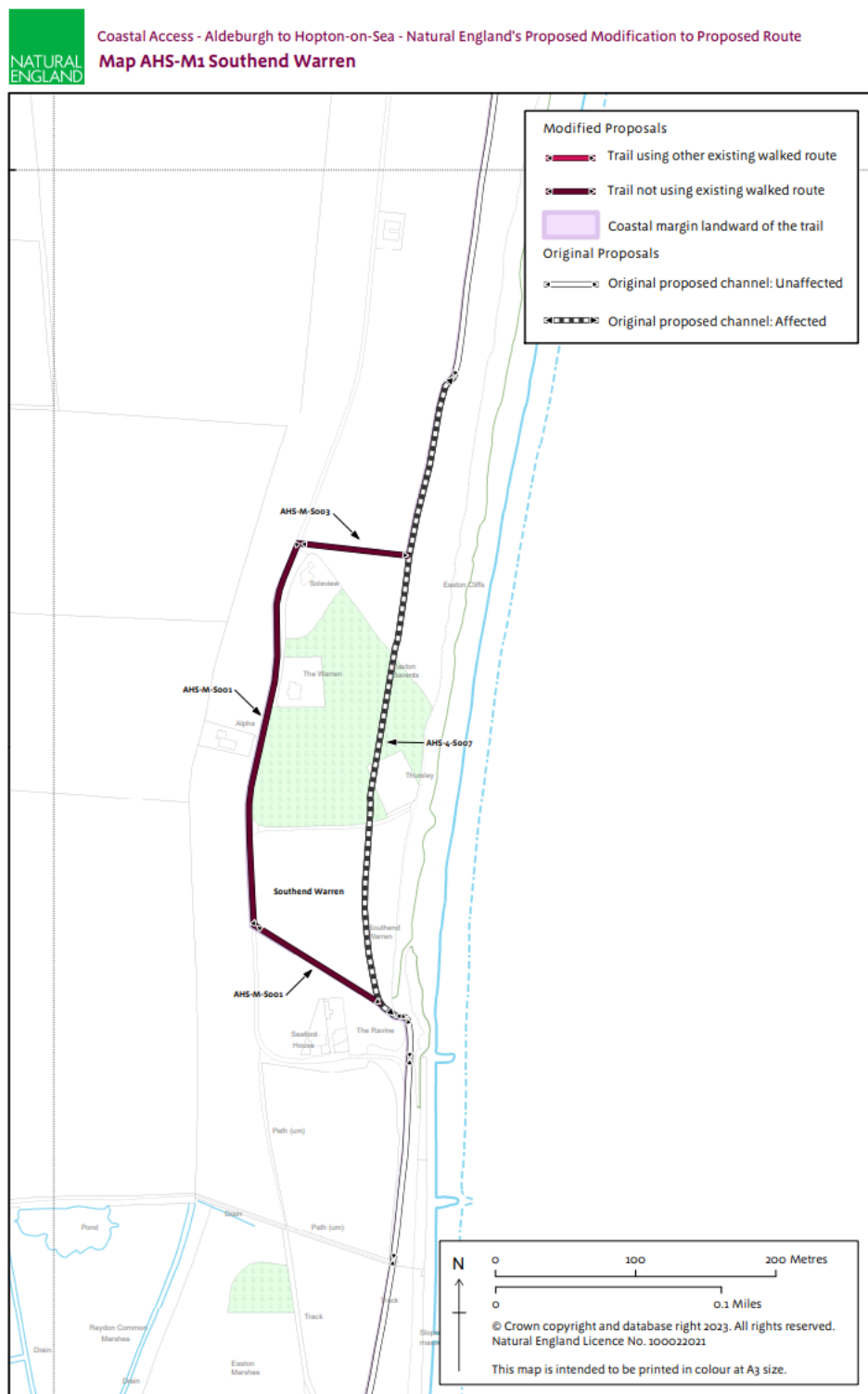
Recommendation

81. Having regard to these and to all other matters raised, I conclude that the proposals set out in Report AHS4 as proposed to be modified by Natural England and Modifications MAP AHS-M1 and MAP AHS-M2, in respect of Trail sections S005-S010 do not fail to strike a fair balance in respect to the objections raised by the Objector in their submissions. Therefore, I recommend that the Secretary of State makes a determination to this effect.

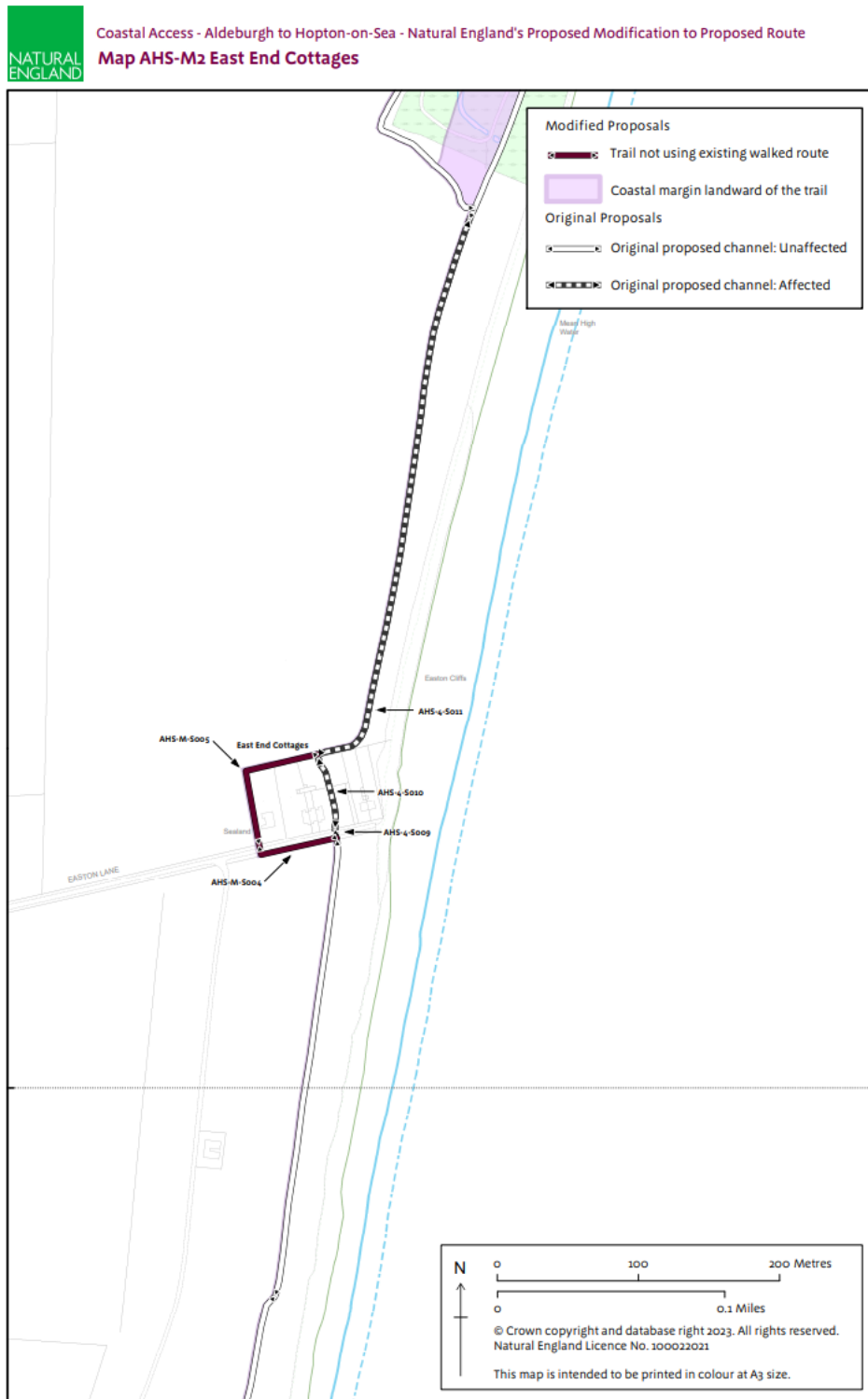
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APPOINTED PERSON

<https://www.gov.uk/planning-inspectorate>



Appendix 2 Natural England Modification Map AHS-M2



Appendix 3 Natural England AHS4: Modified Proposals Table for Main Route

1	2	3	4	5a	5b	5c	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See Part 7 of Overview)	Landward margin contains coastal land type?	Proposal to specify landward boundary of margin	Reason for landward boundary proposal	Explanatory notes
AHS-M1	AHS-M-S001	Not an existing walked route	Yes - normal	No	Landward edge of path	Clarity and cohesion	Modification to route section AHS-4-S007
AHS-M1	AHS-M-S002	Not an existing walked route	Yes - normal	No	Landward edge of track	Clarity and cohesion	Modification to route section AHS-4-S007
AHS-M1	AHS-M-S003	Not an existing walked route	Yes - normal	No	Landward edge of path	Clarity and cohesion	Modification to route section AHS-4-S007
AHS-M2	AHS-M-S004	Not an existing walked route	Yes- normal	No	Landward edge of track	Clarity and cohesion	Modification to route sections AHS-4-S009 & AHS-4-S010
AHS-M2	AHS-M-S005	Not an existing walked route	Yes - normal	No	Landward edge of path	Clarity and cohesion	Modification to route sections AHS-4-S009 & AHS-4-S010

APPENDIX 7 - INFORMATION TO INFORM THE SECRETARY OF STATE'S HABITATS REGULATIONS ASSESSMENT

1. The Conservation of Habitats and Species Regulations 2017 (as amended) requires that where a plan or project is likely to have a significant effect on a European site either alone or in combination with other plans or projects, and where the plan or project is not directly connected with or necessary to the management of the European site, a competent authority (the Secretary of State in this instance) is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of the European site in view of the site's conservation objectives.
2. NE undertook a HRA for the Aldeburgh and Hopton-on-Sea length of the England Coast Path. The Southwold to Covehithe stretch is part of it.

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3. The HRA provides the information to inform the Competent Authority's Appropriate Assessment, in accordance with the assessment and review provisions of the Habitats Regulations.
 4. The HRA is recorded separately in the suite of reports. It considered the potential impacts of the coastal access proposals on the designated sites identified, including likely significant effects.
 5. Benacre to Easton Bavents Special Protection Area (SPA) is situated on the coast of Suffolk between Kessingland to the north and Southwold to the South and its distinctive landscape has been greatly shaped by the actions of the sea. Much of the coastline is naturally dynamic and subject to erosion, especially that which forms the eastern boundary of the SPA, with an average of 10 metres disappearing annually. Much of the semi-natural habitat consists of open heathlands and acid grassland. However, there are also broadleaved woodland and softwood plantations, tall fen vegetation in the river valleys and marshes nearer the coast. The area also has internationally important stretches of shingle, dunes, saltmarsh, and coastal lagoons which are very important for breeding, wintering and passage birds.
 6. Benacre to Easton Bavents Lagoons Special Area of Conservation (SAC) is located on the Suffolk coast, one of the most important areas in Great Britain for saline lagoon habitat. The site encompasses an internationally important complex of four saline lagoons, which span over 5km of coastline. Benacre, Covehithe and Easton Broads were formed naturally when coastal processes formed shingle barriers across the head of several freshwater streams, isolating them from the sea and creating a series of percolation lagoons. In contrast, Benacre Pit is the last of several small lagoons located in former WWII gravel extraction pits, most of which have been lost to coastal erosion. Seawater enters the lagoons via percolation and occasional overtopping and breaching of shingle barriers, creating a wide range of salinities. Coastal lagoons are rare at a European scale and also uncommon nationally as such the plant and animal communities typical of saline lagoons have restricted distributions making Benacre to Easton Bavents Lagoons nationally and internationally important for lagoonal specialists. The lagoons also host breeding birds, over wintering bittern and an assemblage of rare plants. Coastal lagoons are naturally ephemeral features. The dynamic geomorphological processes which form and maintain them (such as storm events and longshore drift) typically also result in their migration or loss over time as barriers are overtopped, breached, or eroded and lagoon basins are gradually in-filled. As such the conservation status of Benacre to Easton Bavents Lagoons should be evaluated at a landscape scale and in the context of this natural habitat creation and loss.
 7. The section of the Trail to which these objections relate does not pass directly through a European Site, but its use would increase access to the area by walkers, including those accompanied by dogs, whose presence have the potential to affect the SAC and SPA.
 8. Initial screening set out that as the plan or project is not either directly connected or necessary to the management of all the European sites' qualifying features, an HRA was required.

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9. The Screening Decision found that the plan or project at large would be likely to, or may, have significant effects on the qualifying features of the European Sites alone in the absence of mitigation measures.
 10. An Appropriate Assessment (AA) considered the potential for the project to give rise to Adverse Effects on the Integrity (AEol) of the designated sites.
 11. Recreational pressure is a key concern for the Suffolk European wildlife sites. NE's objective in designing proposals for coastal access has been to ensure they do not increase the disturbance pressure affecting the site and that where possible they contribute towards efforts to manage existing and future demand for places for coastal recreation in ways that help to reduce disturbance to designated features. To achieve this between Aldeburgh to Hopton-on-Sea, the proposals for coastal access:
 - Make use of popular established paths (where these meet the key principles of alignment in line with the Coastal Access Approved scheme).
 - Do not create new coastal access rights over intertidal mudflats and saltmarsh which provide supporting habitat for the bird and wildlife interests at the site. In practice, use of such intertidal areas for recreation is limited since they are unattractive, dangerous, and inherently unsuitable for public access. Maps showing the extent of excluded areas can be found within the Coastal Access Overview Report.
 - Complement and reinforce the existing management practises along the stretch, for example by proposing a seasonal restriction on the areas of Easton, Covehithe and Benacre Broads which are currently seasonally fenced to prevent public disturbance of nesting sites.
 - Contribute to raising awareness and encouraging appropriate visitor behaviour in areas of environmental importance by installing new information panels at key points along the stretch. These would reinforce messages about the sensitive features.
 12. The HRA considers key locations along the coast between Aldeburgh and Hopton-on-Sea where establishing the Trail, Optional Alternative Routes (OARs) and associated coastal access rights might impact on qualifying Features of a European site.
 13. NE concluded that no new significant negative impacts would result. Establishing a well maintained and easy to follow Coast Path along the alignment proposed would help with the long-term management of visitors.
 14. The detailed design of the proposals takes account of possible risks to conservation objectives including relevant design measures to avoid or reduce effects.
 15. The assessment concludes that the following risks to conservation objectives identified are effectively addressed by the proposals and no adverse effect on

site integrity (taking into account any incorporated mitigation measures) can be concluded:

- Disturbance to the wetland breeding bird assemblage,
- Loss of habitat habitats and plants associated with river banks, ditches, dykes, grazing marsh, salt marsh, reedbeds and woodland Trampling and loss of vegetated shingle,
- Trampling and loss of heathland,
- Trampling of saline lagoon margins, and
- Installation of infrastructure.

16. There is some residual risk of insignificant impacts including disturbance to individual breeding bird species:

- At the Easton Broad OAR there are considered to be residual risks to breeding bittern, breeding marsh harrier and nonbreeding bittern through noise disturbance from path users.
- There is a residual risk to little terns at Covehithe Broad due to the anticipated increase of path use.
- Noise disturbance at Pottersbridge Marshes on the Easton Broad OAR may present a residual risk. However, NE concludes this is not significant because screening will prevent views across the marshes and therefore offer no views as incentives to remain in the area, and signage will advise to keep walkers' dogs under control.
- Due to the availability of nearby facilities at Covehithe Broad a medium increase in the use of the path is anticipated at Easton, Covehithe and Benacre Broads. Therefore, despite the inclusion of a restriction to reinforce existing fencing of little tern nesting sites a residual risk has been determined for the shore-nesting bird species at this location.

17. The following risks to conservation objectives identified would be effectively addressed by the proposals and no adverse effect on site integrity (taking into account any incorporated mitigation measures) can be concluded, although there is some residual risk of insignificant impacts:

- Disturbance to individual breeding bird species - at Pottersbridge Marshes through noise disturbance from path users on the Easton Broad OAR.
- Disturbance to individual breeding bird species – to nesting little terns at Covehithe Broad.
- Loss of SPA supporting habitat – due to the installation of the pedestrian gate and fencing at Easton Wood and clearance of vegetation at the Easton Broad OAR.

18. None of these residual insignificant impacts relate to the section of the Trail covered in this report.

19. NE found there are no combinable risks between projects and the features.

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20. NE concluded that that the access proposal (taking into account incorporated avoidance and mitigation measures) will not have an adverse effect on the integrity of Benacre to Easton Bavents SPA, and the Benacre to Easton Bavents Lagoons SAC either alone or in combination with other plans and projects.
 21. NE is satisfied that the proposals to improve access to the English coast are fully compatible with the relevant European site conservation objectives. NE's general approach to ensuring the protection of sensitive nature conservation features is set out in section 4.9 of the Scheme. To ensure appropriate separation of duties within NE, the assessment conclusions are certified by both the person developing the access proposal and the person responsible for considering any environmental impacts.
 22. Taking all of these matters into account, subject to the proposed modifications outlined, reliance can be placed on the conclusions reached in the HRA that the proposals would not adversely affect the integrity of the relevant European sites. It is noted that the HRA states that, if minded to modify the proposals, further assessment may be needed. However, given the nature of the proposed modifications this would not appear to be necessary in this instance.

Date 11 February 2025

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- On Wednesday 29 January 2020, Natural England submitted a report to the Secretary of State setting out the proposals for the King Charles III England Coast Path (KCIIIIECP) to provide improved access to the coast between Aldeburgh to Hopton-on-Sea under section 51 of the National Parks and Access to the Countryside Act 1949 (the 1949 Act) pursuant to its duty under section 296(1) of the Marine and Coastal Access Act 2009.
 - The objections concern Natural England's Report, Aldeburgh to Hopton-on-Sea, Chapter 4 AHS4: Southwold to Pakefield.
 - The land in the Report to which the objections relate concern KCIIIIECP Trail sections AHS-4-SO17 and AHS-4-SO20 to AHS-4-SO2024, and Optional Alternative Route sections AHS-4-OA005 to AHS-4-026; all as shown on Maps AHS 4b, 4c, 4d, 4e, 4i, 4j and 4k
 - The objections are made variously under paragraphs 3(3)(a), 3(3)(c), 3(3)(d), 3(3)(e) and 3(3)(f) of Schedule 1A to the 1949 Act on the grounds that the proposal fails to strike a fair balance in such respects as set out in the objections.

Summary of Recommendation: I recommend that the Secretary of State makes a determination that the proposals set out in the Report, as proposed to be modified by the details shown on Modification Maps M3, M4 and M5, and summarised in the Modified OARs Proposals Table at Appendix 6, do not fail to strike a fair balance.

Preliminary Matters

23. On Wednesday 29 January 2020, Natural England (NE) submitted Coastal Access Reports to the Secretary of State setting out proposals for improved access to the coast between Aldeburgh and Hopton-on-Sea. The period for making formal representations and objections to the reports closed on 11 March 2020. I have been appointed to report to the Secretary of State on the objections.
24. This report addresses objections to proposals for the KCIIIIECP Trail and Optional Alternative Route (OAR) sections between Southwold and Covehithe. The objections include objections in principle to the need for alternatives, and detailed objections regarding sections:
 - Main Trail sections AHS-4-SO17 and SO21 to AHS-4-SO24,
 - OAR sections AHS-4-OA005 to AHS-4-OA010 at Pottersbridge Marshes,
 - OAR sections AHS-4-OA013 to AHS-4-OA016 at Easton Wood,
 - OAR sections AHS-4-OA020 to AHS-4-OA022 Covehithe Broad Wood, and
 - OAR sections AHS-4-OA024 and AHS-4-OA025 Covehithe.

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25. The Trail is shown on Maps AHS 4b, 4c, 4d and 4e. The OAR sections are shown on Maps 4i, 4j and 4k.
 26. I have taken the objection references from the completed Objection Forms supplied by NE. There are 25 in total from MCA/AHS4/O/3 to MCA/AHS4/O/29 (excepting Nos 23 and 28).
 27. There are other admissible objections, concerning NE's Report, Aldeburgh to Hopton-on-Sea, Chapter 4 AHS4: Southwold to Pakefield. They concern different sections of the Trail and I address them separately.
 28. The objections to which this report refers are made variously under paragraphs 3(3)(a), 3(3)(c), 3(3)(d), 3(3)(e) and 3(3)(f) of Schedule 1A to the 1949 Act on the grounds that the proposal fails to strike a fair balance in such respects as set out in the objections.
 29. Most objections are raised under the same paragraphs and cover similar grounds and issues. In particular, MCA/AHS4/O/10/AHS1349, MCA/AHS4/O/11/AHS1487, MCA/AHS4/O/12/AHS1344, MCA/AHS4/O/13/AHS1488, MCA/AHS4/O/14/AHS1489, MCA/AHS4/O/15/AHS1490, MCA/AHS4/O/16/AHS1491, MCA/AHS4/O/17/AHS1346, MCA/AHS4/O/18/AHS1492, MCA/AHS4/O/19/AHS1493, MCA/AHS4/O/20/AHS1492, MCA/AHS4/O/21/AHS1341, MCA/AHS4/O/22/AHS1350, MCA/AHS4/O/26/AHS1347, MCA/AHS4/O/27/AHS1345, MCA/AHS4/O/29/AHS1348.
 30. Objections MCA/AHS4/O/8/AHS1486 and MCA/AHS4/O/9/AHS128 by R and R Wrentham Farms Ltd, include matters relating to farming operations.
 31. Objections MCA/AHS4/O/24/AHS1333 MCA/AHS4/O/25/AHS1338 by [redacted] (deceased) and [redacted], raise matters specific to Warren House. [redacted]'s interest as a tenant of relevant land may have ceased with their passing. However, the objections raised in MCA/AHS4/O/24/AHS1333 are variously raised by others.
 32. Almost all these objections reflect a suite of submissions made on behalf of the Benacre Estate (the Estate) and set out in objections MCA/AHS4/O/3/AHS0375, MCA/AHS4/O/4/AHS0375, MCA/AHS4/O/5/AHS0375, MCA/AHS4/O/6/AHS0375, MCA/AHS4/O/7/AHS0375.
 33. The submissions by the Estate include a proposed alternative to OAR section AHS-4-OA024-AHS-4-OA025, referred to as the "Blue Route".
 34. To ensure understanding of matters relating to Mill Lane Covehithe I requested further information on this matter. In clarification NE submitted evidence from Suffolk County Council to support statements made by NE regarding Mill Lane Covehithe and related Traffic Regulation Orders.
 35. In addressing the objections NE reconsidered alignment options to see if there were other options that better balanced public and private interests. Since the proposals were drawn up there have also been some changes on the ground.

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36. I conducted a site inspection on 27 March 2024 accompanied [redacted] for the Estate and [redacted], East Coastal Access Officer for NE. Also present were [redacted] Suffolk County Council Public Rights of Way, [redacted] Senior Reserve Manager Suffolk Coastal National Nature Reserves and [redacted], Benacre Estate resident.
37. At the meeting, [redacted] tabled a response to NE's comments.
38. All parties contributed positively to the meeting. On 31 July 2024, NE submitted clarifications and modifications for maps and text as follows:
- **Modifications M3:** Modifications to the alignment of Optional Alternative Route section AHS-4-OA007 to follow the line of public footpath Covehithe FP2 as recorded on the Definitive Map, and to modify the alignment of Alternative Access Route section AHS-4-OA008 to Covehithe FP2 with route section AHS-4-OA009. These are shown on Map AHS 4i- Optional Alternative Route – Easton Broad and detailed Modification Map AHS-M3 Pottersbridge Marshes, attached to this report as Appendix 1 and 3.
 - **Correction:** Confirmation of the correct location of a proposal to create a gap at the top of AHS-4-OA11. It had previously been shown on section AHS-4-OA012 FP by Middle Buildings. The corrected annotation is shown on Map AHS 4i - Optional Alternative Route – Easton Broad at Appendix 1.
 - **Modification M4:** A new section AHS-M4-OA013b to replace OAR sections AHS-4-OA014 to AHS-4-OA016. The effect of Modification M4 would be to move the alignment of an OAR further away from Warren House. Details are shown on Modification Map AHS4-M4 Easton Wood, Appendix 4.
 - **Modification M5:** Replaces sections AHS-4-OA020FP and AHS-4-OA021FP with AHS-M5-OA020b and AHS-M5-OA021. The effect of Modification M5 would be that the route would follow the existing path. It is shown on Map AHS-M5 Covehithe Broad, Appendix 2, and in detail at Appendix 5.
 - **Clarification:** Mill lane Covehithe. Having reviewed information provided by Suffolk County Council, NE confirmed that section AHS-4-OA025RD as shown on Map AHS 4j - Optional Alternative Route - Covehithe Broad and the wording within the Report Table for the Covehithe Broad OAR is correct. Information from Suffolk County Council Highway Records advises that “the highway extent appears to be (for the most part) up to the roadside face of the well-maintained hedge/vegetation either side of the road. This road then stops at the “gate/fence” with a ‘No Public Right of Way’ sign on it. This can be seen on Google Street View”.
39. The modifications are summarised in the Modified Proposals Tables Appendix 6.
40. I have assessed the objections on the basis that the access proposals are modified as set out above.

Main Issues

41. The coastal access duty arises under section 296 of the Marine and Coastal Access Act 2009 (2009 Act) and requires NE and the Secretary of State to exercise their relevant functions to secure two objectives.
 - (a) The first objective is to secure a route for the whole of the English coast which: consists of one or more long-distance routes along which the public are enabled to make recreational journeys on foot or by ferry, and
 - (b) (except for the extent that it is completed by ferry) passes over land which is accessible to the public.
42. This is referred to in the 2009 Act as the English Coastal Route, but for ease of reference is referred to as 'the Trail' in this report.
43. The second objective is that, in association with the England Coast Path, a margin of land along the length of the English coast is accessible to the public for the purposes of its enjoyment by them in conjunction with the coastal route or otherwise. This is referred to as the coastal margin.
44. Section 297 of the 2009 Act provides that in discharging the coastal access duty NE and the Secretary of State must have regard to:
 - (a) The safety and convenience of those using the Trail,
 - (b) The desirability of that route adhering to the periphery of the coast and providing views of the sea, and
 - (c) The desirability of ensuring that as far as reasonably practicable interruptions to that route are kept to a minimum.
45. They must also aim to strike a fair balance between the interests of the public in having rights of access over land and the interests of any person with a relevant interest in the land.
46. Section 301 of the 2009 Act applies to river estuaries and states that NE may exercise its functions as if the references to the sea included the relevant upstream waters of a river.
47. My role is to consider whether a fair balance has been struck and to make a recommendation to the Secretary of State accordingly.

The Objections

Main Trail: Route Sections AHS-4-SO17 and SO20-SO24 – Farming Issues

48. In objection, the Estate, and its tenants state that:-
 - Land immediately west of AHS-4-S017 will be grazed by cattle as part of an agreement with NE.

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- Route Section AHS-4-S021 runs across land covered by pens used for the temporary detention of livestock, and that maintaining biosecurity here is of crucial importance.
 - Route section AHS-4-S021 “passes through land with pens used for the temporary detention of livestock and is therefore excepted land”.
49. If the Trail is approved, the Objectors request a modification providing permanent fencing alongside sections AHS-4-S017, and AHS-4-S020 to AHS-4-S024.

The Need for Optional Alternative Routes

50. The Estate and other Objectors do not consider that all of the proposed OARs are justified.
51. It is argued that evidence regarding the number of occasions that the main route will be unavailable, and the duration of the events does not support NE’s proposals.
52. In particular, the need for OAR sections AHS-4-OA014-AHS-4-OA016 Easton Wood and AHS-4-OA024 and AHS-4-OA026 Covehithe are disputed.

AHS-4-OA005 to AHS-4-OA012 Pottersbridge Marshes to Middle Buildings

53. The Estate and other Objectors argue that the OAR around Easton Broad near Pottersbridge Marshes and Warren House will have a detrimental impact on nature conservation.
54. Objectors are concerned that OARs that are not aligned on Public Rights of Way could be used outside of their legal parameters.
55. If an OAR is deemed necessary at Pottersbridge Marshes, it is argued that the sections from AHS-4-OA005 to AHS-4-OA010 should be along the existing Public Right of Way (PROW).
56. The Estate considers NE’s statement in the Habitat Regulations Assessment (HRA) that no access is proposed across the wetland areas of Easton, Covehithe and Benacre Broads as incorrect.
57. The Estate argues that new access is being proposed across the wetland areas of Easton Broad because the new proposed OAR does not follow the existing PROW.
58. The Estate argues that the impact of the OAR around Easton Broad on Stone Curlew plots to the north of Pottersbridge Marshes has not been assessed.
59. Although the Estate and other Objectors are also concerned about areas for Marsh Harrier nesting, the Estate considers that route section AHS-4-OA 009 was proposed instead of the PROW to avoid potential disturbance to nesting Marsh Harriers.
60. The Estate and others object to a proposed gap as shown on section Map AHS 4i – Optional Alternative Route: Easton Broad mid-way along section AHS- 4-

OA012 FP by Middle Buildings. Other points made in objection include that there has been no discussion on the infrastructure that would be required.

61. However, the Estate puts forward that it would have no objection to OAR sections AHS-4-OA005 to AHS-4-OA012 if it were to follow the existing track and PROW and provided that there should be no gap on section AHS-4-OA012 FP by Middle Buildings. These sentiments were echoed by others at the site meeting.

AHS-4-OA013 to AHS-4-OA016 Warren House and Easton Wood

62. A tenant at Warren House, and the tenant at Keeper's Cottage objected the OAR on route section AHS-4-OA015, stating that the route was located within the curtilage of Warren House, and excepted from coastal access rights.
63. The Estate and other Objectors argue that this section of the OAR should be removed because it is not needed. They argue that [northbound] walkers would be able to continue their journey along the remainder of the OAR, sections AHS-4-OA017– AHS-4-OA023.
64. Objectors are concerned that OARs that are not aligned on PROWs could be used outside of their legal parameters.
65. Objectors also argue that the OAR around Easton Broad near Pottersbridge Marshes and Warren House would have a detrimental impact on nature conservation.

AHS-4-OA020 to AHS-4-OA022 Covehithe Broad Wood

66. The Estate and others argue that Sections AHS-4-OA020-AHS-4-OA022 would have a detrimental impact on nature conservation and should follow the route of Covehithe Footpath 0002.
67. The Estate would have no objection if the OAR were to follow existing PROWs and highways between AHS-4-OA017 to AHS-4-OA023.

AHS-4-OA024RD and AHS-4-OA025RD Mill Lane Covehithe

68. The Estate and its farm tenants state that Mill Lane provides a safe link into the pig field, which is bio-secure, and that this would be compromised by the proposal to align the OAR section AHS-4-OA025RD along it.
69. The Estate and other Objectors argue that the OAR along AHS-4-OA025RD will also adversely affect the privacy of residents along Mill Lane.
70. The Objectors consider that AHS-4-OA024-OA025RD, together with the public footpath at route section AHS-4-OA026, would surround properties by public access on all sides, describing it as a 'pincer movement'.
71. In support of objections, it is stated that the road forming route sections AHS-4-OA024RD and AHS-4-OA025RD has been closed.
72. Objectors argue that in its place walkers should be able to use AHS-4-OA026; that as a public footpath AHS-4-OA026 represents a better option, is available for the public to use at all times of year, is safe and well surfaced, and provides

good sea views. As a consequential effect, AHS-4-OA024RD should also be removed.

73. In summary the Objectors consider OAR sections AHS-4-OA024 and AHS-4-OA025 would not be needed and should be removed.
74. The Estate would have no objection if the OAR were to follow the existing PROW and highways AHS-4-OA026 to AHS-4-OA031.
75. As a compromise, the Estate is willing to offer the “blue route” to provide a link to AHS-4-OA026 and as an alternative to AHS-4-OA024RD-OA025RD.

Natural England’s Response to the Objections

The Main Trail - Farming and Fencing Route Sections AHS-4-S017 and S020-S024

76. Land immediately west of the main Trail section AHS-4-S017 is grazed by cattle as part of an agreement with NE. However, the Estate has agreed to the positioning of the path across that land and along the coast.
77. Land grazed by livestock is not a category of land which is excepted from coastal access rights under Schedule 1 of the CROW Act.
78. The Trail follows the cliff edge, avoiding any pens in use for the temporary reception or detention of livestock that would be landward of the route. Therefore, the route would be adjacent to excepted land, but not upon it.
79. NE proposed a modification to include fencing alongside main Trail sections AHS-4-S020 to AHS-4-S024, to provide biosecurity for the areas used by the pigs and for the public’s safety.
80. On previous site visits with the tenant farmers, NE observed that pigs kept in fields on Covehithe cliff top were already fenced in with more than one line of fencing, one of which usually included an electric fence, both to keep pigs in and to keep out people informally using the cliff top.
81. A Senior Agri-Environment Adviser at NE advised that an electric fence provides a suitable barrier. NE therefore believes the farmer is already taking the necessary precautions to maintain biosecurity and public safety.
82. NE does not agree with the proposed modification to install permanent fencing, as this would need moving from time to time as the cliff erodes back.
83. However, NE recognises that there will be an increased use of the route by walkers. Therefore, NE would support the tenant farmers’ security measures via a one-off payment at establishment stage for some further temporary electric fencing to be used on the seaward edge of the fields.
84. NE would also provide appropriate signage, informing people to keep dogs on leads, warn about biosecurity issues and to encourage responsible access use.

The Need for the Proposed Optional Alternative Routes

85. The Estate owns approximately 6Km of Suffolk’s 80Km coast. NE argues:

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- The shoreline along the coastal frontage here is generally comprised of shingle, which is being eroded back,
 - Between cliff sections at Covehithe and Easton Woods are three broads, Benacre Broad, Covehithe Broad and Easton Broad, which are coastal lagoons partially protected by shingle banks. These banks do not form a complete barrier to flooding, and periodically can be both flooded and overtopped or completely breached.
 - In front of these three broads the proposed main Trail could be rendered unusable in two ways: by sea flooding across the beach and overtopping them and also by the sea breaching the shingle banks completely. Breaching can render the main route unavailable for a number of weeks and flooding for a number of hours.
86. NE reviewed data provided by the Estate (objection MCA/AHS4/O/4/AHS0375) which records when Easton and Benacre Broad have been breached and would cut off the main Trail. NE comments that no data is provided for Covehithe Broad, but potentially the frequency and duration of breaches would be similar. The data demonstrates that the beaches at Easton and Benacre Broad can be breached independently of each other.
87. For example, in January 2020 Easton Beach was breached by the sea for nine days when Benacre Beach was still available. In January 2019 Benacre Beach was breached by the sea for 11 days when Easton Beach was still available. In addition to these events, the shingle ridges that the route of the main Trail would follow could be flooded periodically by very high tides at any time of the year. NE estimates this as an average of six times a year.
88. NE consider these occasions alone are of a frequency and duration to require an OAR to enable walkers to safely continue their journeys. The pace of coastal change is rapid and ongoing, driven by rising sea levels and the trend for more frequent and more intense storms. Added to this the shoreline management policy in this location is predominantly “no active intervention” to allow the natural shoreline processes to continue.
89. The coast here will be subject to significant ongoing erosion, these shingle barriers will move landward, and the three broads will evolve naturally, becoming narrower and more frequently overtopped as time passes.
90. NE expect the occasions that the main route might be regarded as unsuitable for use by walkers because of flooding and tidal action to increase over time, reinforcing the need for an OAR.
91. NE proposed multiple OARs to allow onward access from either direction when the Trail will be unavailable because the three broads can be flooded at different times. The OARs provide the most obvious and shortest diversions from the main route for access and for users’ safety and convenience. All the proposed OARs are necessary to achieve this, and it is extremely unlikely that all OARs would be in use at the same time.

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92. The decision as to whether a walker feels safe and confident to attempt to use the main Trail when it is starting to, or has, become flooded is subjective and will depend on the abilities of the walker and their knowledge of the area.
 93. NE is keen to support the legal use of the OARs without encouraging walkers to attempt to use the main Trail if they do not feel safe to do so. To do this signage is proposed to be placed at the entrance points to the OARs. The wording and design would be carefully chosen in liaison with relevant interests to say under what circumstances the OARs can be used.

Alignment with Public Rights of Way

Pottersbridge Marshes to Middle Buildings AHS-4-OA005 to AHS-4-OA0012

94. OAR sections AHS-4-OA005, AHS-4-OA006 and AHS-4-OA010 follow the PROW at this location.
95. At sections AHS-4-OA007 to AHS-4-OA009 water levels have risen and as a result the existing PROW and the current length of boardwalk on it, is subject to frequent inundations. This happens both because of surge events, and because the ability of the marshes to drain into the sea is prevented by the repeated blockage of the Easton Broad outflow pipe.
96. Suffolk County Council advised NE that this becomes blocked monthly and requires an Environment Agency digger to be sited near the outflow pipe to rapidly unblock it. As a result, the board walk on the PROW has fallen into disrepair, and a section has been closed. The Access Authority advised NE that even if repaired the boardwalk will continue to be subject to frequent flooding events and need constant ongoing maintenance. The closed PROW through Pottersbridge Marshes can only be changed by a legal order.
97. NE therefore proposed the line of OAR on sections AHS-4-OA007 to AHS-4-OA009 landward of the PROW, where it would not be subject to flooding, it would provide a safer and more convenient route for walkers and cost effective to establish and maintain long term.
98. However, following discussions on the site visit on 27 March 2024, NE is content to modify the alignment of the OAR to follow the line of the PROW on Covehithe FP2. This would also necessitate replacing OAR section AHS-4-OA008 with AHS-M3-OA008b A to join the OAR between Covehithe FP2 and route section AHS-4-OA009. These modifications are shown on modified Map AHS 4i- Optional Alternative Route – Easton Broad and Map M3 AHS 4i Pottersbridge Marshes, Appendices 1 and 3. NE does not propose to modify the alignment of OAR section AHS-4-OA009
99. A reference to the route being cut through mature hedging meant only that a gap would be cut for the route to go through, not that the route would run between hedging.
100. Suffolk County Council has offered to divert the PROW free of charge to the landowner, onto the line of the OAR, if the Secretary of State approves the proposals.

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101. NE considers that the alignment of section AHS-4-OA 009 avoids potential disturbance to nesting Marsh Harrier.
102. The initial annotation for creation of a gap on OAR section AHS-4-OA012 FP by Middle Buildings was an error. The correct position at the top of section AHS-4-OA11 is shown on Amended Map AHS 4i - Optional Alternative Route: Easton Broad, Appendix 1.
103. New infrastructure required to establish the routes proposed in AHS 4: Southwold to Pakefield is detailed in the report section "Establishment of the trail". Significant items of infrastructure are also shown on the associated maps AHS 4a to AHS 4k. No establishment would be undertaken until after the proposals have been approved by the Secretary of State and discussed with the landowners as outlined in section 3.4.16 of the Scheme.
104. NE would then work in partnership with relevant parties including the landowner to plan and conduct the establishment work.

Easton Wood and Warren House – AHS-4-OA013 to AHS-4-OA016

105. NE argues that there are no public footpaths that would link the main Trail with the OAR between Easton Broad and Covehithe Broad. Therefore, NE proposed a section of OAR along an existing track past Warren House, in line with section 4.7.3 of the Scheme. As the OAR here would not follow an existing PROW or highway it would only be available when needed.
106. Since the proposal was published, circumstances have changed, and so has NE's view. Landscaping work at Warren House removed hedging and fencing between the garden and the adjacent track on AHS-4-OA014 & AHS-4-OA015. Because there is no longer any separation, the track may now form part of the curtilage of the house, in which case it would be excepted land.
107. To avoid crossing excepted land, NE was amenable to considering alternatives and flexible about the route of the modified OAR through Easton Woods, provided that it avoided a sensitive area in the older part of the wood.
108. In response to a route considered at the site meeting on 27 March 2024, NE put forward Modification Map AHS4-M4 Easton Wood, Appendix 4. New section AHS-M4-OA013b would replace sections AHS-4-OA014 to AHS-4-OA016. The effect of Modification M4 would be to move the alignment off the track and take the OAR further away from Warren House. It would be beyond the curtilage of Warren House and away from excepted land.
109. Should the Secretary of State prefer to approve the modified OAR, NE would install signage and lockable gates at either end. It would be unlocked by National Nature Reserve staff when the main route is unavailable.

Covehithe Broad Wood – AHS-4-OA018 to AHS-4-OA021

110. NE had expected to propose that OAR sections AHS-4-OA018 to AHS-4-OA021 follow the PROW at this location. But the footpath had become overgrown and unpassable. Over time a slightly different route had become established through the vegetation, which NE initially proposed as the route of this section of the OAR.

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111. Following the site meeting on 27 March 2024, NE submitted Modification Map AHS-M5 Covehithe Broad, Appendix 2 and in detail at Appendix 5. Sections AHS-4-OA020FP and AHS-4-OA021FP would be replaced with AHS-M5-OA020b and AHS-M5-OA021. The effect of Modification M5 would be that route sections AHS-4-OA018 to AHS-4-OA021 would be contiguous with public footpath Covehithe FP2. NE would work with relevant stakeholders to reopen this footpath at the establishment stage.

Mill Lane, Covehithe AHS-4-OA024RD and AHS-4-OA025RD

112. NE investigated the status of Mill Lane with the Highway Authority. NE confirm that the OAR sections AHS-4-OA024 and AHS-4-OA025 are correctly described as public highways because they use an existing highway, which has pedestrian rights for its whole length up to the point where it would meet the main Trail.
113. Traffic Regulation Orders restrict vehicular use of the road covering the easternmost section of AHS-4-OA024RD and the first few metres of AHS-4-OA025RD to the location of the existing gate across AHS-4-OA025RD, but pedestrian rights are unaffected. All highway rights, including pedestrian rights, have been removed from a point 272m east from the field gate, which is seaward of the main Trail (and now part of the beach due to coastal erosion).
114. NE proposes that hedgerows either side of AHS-4-OA025 should form the seaward and landward boundary because they form a recognisable physical feature making the extent of the rights clearer on the ground. This is in line with section 4.8.11 of the Scheme.
115. In the event that the main Trail at Benacre Broad was unavailable, NE considers that OAR sections AHS-4-OA024RD and AHS-4-OA025RD provide the shortest most convenient route for northbound walkers to return inland to reach AHS-4-OA027RD and follow the OAR around Benacre Broad.
116. NE did not feel it would be realistic to expect walkers to walk past the end of Mill Lane, which has pedestrian rights along it, go downhill to Green Heath to access AHS-4-OA026 FP and then walk back uphill to Covehithe, a distance of approximately 1.6 km (1 mile) taking around 20-30 minutes.
117. NE also consider that walkers finding Covehithe Broad unavailable could not be reasonably expected to walk downhill to Green Heath on the public footpath and back up the hill again to get to the end of Mill Lane (1.6 km or 1 mile). NE state that doing that would take around 20-30 minutes to reach a point they could reach via Mill Lane in less than 10 minutes.
118. Therefore, NE believes that OAR section AHS-4-OA024RD and AHS-4-OA025RD, and OAR section AHS-4-OA026 are both necessary.
119. NE also believes that people would use AHS-4-OA025 to access the main Trail even if it did not form part of the OAR. This is because they have a legal right to do so, and it is the shortest and most convenient route for walkers to use.
120. Mill Lane is already publicly accessible and draws visitors to the medieval ruin of St Andrew's Church. A small number of properties on the south side of Mill

Lane are backed by an existing public footpath along which NE propose to align AHS-4-OA026.

121. NE does not accept that an issue with privacy is created by the proposal because the proposal does not introduce any new right of access.
122. The route of the main Trail would be along the beach. Trail users would only be directed to the OARs when the main route is unavailable. NE does not anticipate a significant increase in access from Trail users.
123. Whilst Mill Lane is currently a dead end for walkers, if the proposed main Trail is approved walkers will legally be able to use Mill Lane to access the KCIIECP. NE believe that walkers would do this regardless of whether it is approved as part of the OAR or not, because this is a convenient and lawful route to access the Trail.
124. NE does not agree with the proposed modification that AHS-4-OA025 and AHS-4-OA024 should be removed. Nor does NE support the Blue Route put forward by the Estate. NE notes the Blue Route would not be along an existing PROW or trod path.
125. Given the existing pedestrian rights over Mill Lane, and from site visit observations, NE does not agree that Mill Lane provides a bio-secure link for the tenant farmers into their pig field or that the proposals would affect the existing management of biosecurity.
126. NE believes that if walkers have a clearly signed OAR, they will be encouraged to stick to Mill Lane to get back to the main Trail on the cliff top, rather than using the open track through the fields where pigs are currently kept.

Analysis and conclusions

Main Trail: Route Sections AHS-4-S017 and S020-S024 – Farming Issues

127. The Trail would follow the cliff edge, avoiding livestock that would be landward of the route. Therefore, the route would be adjacent to excepted land, but not upon it.
128. Trail section AHS-4-S020 to AHS-4-S024 would follow the route of an existing well-trod permissible path. Pigs kept in fields here are already fenced off from this path. The cliff tops are eroding at a rapid rate. Electric fencing is a practical solution, and NE's offer to fund additional electric fencing on the seaward side of main Trail sections AHS-4-S020 to AHS-4-S024, would be a proportionate response to help ensure biosecurity for the areas used by the pigs and for the public's safety.
129. At main Trail section AHS-4-S017 the field where cattle are kept has a stock proof fence on the side adjacent to the Trail. There is no need for additional fencing.

The Need for the Proposed Optional Alternative Routes

130. There is little disagreement that coastal erosion is happening along this stretch at a relatively rapid rate, that there is periodic flooding and overtopping in

the areas of Benacre Broad, Covehithe Broad and Easton Broad, and that some areas are subject to other hydrological and drainage factors.

131. But there is a difference between NE and the Objectors about the frequency of overtopping and breach events, whether such events would make the Trail along the banks at Easton Broad totally impassable except for rare events, whether the main Trail would become cut off at Covehithe Broad, and whether events can/do occur independently of each other.
132. The Estate and others argue the main Trail route would still be passable and safe during the majority of the breached times. It is also argued that most of the coast cannot be walked at hightide anyway. On the other hand, Suffolk Local Access Forum commented that the OARs between Easton Bavents and Benacre should be made permanent to take away the uncertainties of the Broads being inundated if the shingle ridges are breached.
133. The Suffolk Coast Path, proposed by some as an alternative inland route, goes further inland in this area. More so than is necessary or desirable for staying as close to the coast as reasonably possible to meet the Scheme objectives.
134. The section of the main Trail between Southwold and Kessingland includes some good walking ground such as along grassy clifftops. But it is interspersed with stretches of walking along bars between the sea and broads. A number of sandy and shingle stretches can be quite difficult under foot.
135. One of the objectives of the Scheme is to provide reasonable access for all abilities. Having to wade through flood waters, as illustrated in photographs submitted by the Estate, would not meet this objective. The purpose of the OARs under consideration is as an alternative to the coast path.
136. Suffolk County Council are concerned that because OARs would only be available when the main Trail was not, this could cause confusion or conflict for both walkers and land managers with the potential for conflict. This would only be the case where an OAR would not follow existing public rights of way or highways. With the modifications only route sections AHS-4-OA008, AHS-4-OA009, and AHS-4-OA014 to AHS-4-OA016 would not follow existing walked routes, PROWs, or public highways.
137. Along this stretch of the Trail, with multiple broads and complex coastal conditions it would be both reasonable and necessary to provide a number of OARs to provide opportunities to leave the main Trail. Detailed objections to specific OAR sections are considered later.

Pottersbridge Marshes to Middle Buildings: OAR Sections AHS-4-OA005 - AHS-4-OA012

138. See modified Map AHS 4i- Optional Alternative Route – Easton Broad and Modification Map M3 AHS 4i Pottersbridge Marshes at Appendices 1 and 3.
139. This stretch of the OAR hugs part of the northern edge of Pottersbridge Marshes. The Estate and others argue there should not be an OAR here. A key concern is the potential for a detrimental impact on nature conservation and

existing Environmental Stewardship agreements. The lagoons and associated habitat are key nesting and feeding grounds for bittern, little tern, and marsh harrier. Stone curlew breed in the wider area. The reedbeds also host important numbers of Bittern over winter.

140. OAR sections AHS-4-004 to AHS-4-OA007 and AHS-4-OA012 would follow public footpath Covehithe FP2. NE's proposed modification to OAR section AHS-4-OA007 would also follow the line of Covehithe FP2.
141. A short OAR section, AHS-M3-OA008b and AHS-4-OA009, would not follow the existing Covehithe FP2 route. This is because Suffolk County Council has closed a section of Covehithe FP2 and the existing boardwalk has fallen into disrepair. Even if repaired, the boardwalk would continue to be subject to frequent flooding events and need constant ongoing maintenance.
142. The new right would be adjacent to the previously open PROW. A PROW footpath currently runs through the reedbed on a boardwalk at the northern edge of the marshes. The wider vicinity was identified as an area where Marsh Harrier may nest. The alignment of section AHS-4-OA 009 would avoid potential disturbance to nesting Marsh Harrier at Easton Broad OAR; the OA would be routed at the northern edge of the designated site on the northern edge of Pottersbridge Marshes. The proposal would take the route just inside the National Nature Reserve, SSSI and SPA site and require the removal of some area of scrub.
143. The OAR is proposed on the northern edge of mature hedging so that the hedging would be between walkers and the marshes. The line of OAR AHS-4-OA009 would be on slightly higher and drier ground, where it would not be subject to flooding, it would provide a safer and more convenient route for walkers, and it would be more cost effective to establish and maintain long term. If the Trail is agreed Suffolk County Council offers to divert the PROW onto the OAR.
144. A reference to the route being cut through mature hedging meant only that a gap would be cut for the route to go through, not that the route would run between hedging.
145. Even though Suffolk County Council is concerned that mitigation works required to fulfil the obligations of the Habitats regulations are not included in the maintenance grant funding formula, Suffolk County Council has offered to divert the PROW free of charge to the landowner, onto the line of the OAR, if the Secretary of State approves the proposals. With the diversion, there would not be any new or additional paths, and the proposal would not result in increased public access across wetland areas at Pottersbridge Marshes.
146. Existing interpretation panels at AHS-4-OA005 and AHS-4-OA11 inform walkers about responsible dog ownership. The former advises that dogs are kept on leads across Pottersbridge Marshes. NE would request that the OAR at Pottersbridge is not depicted on OS mapping to reduce unnecessary use of this route.
147. NE's HRA advises that Bittern forage within dense reedbeds and is a secretive bird and less likely to be disturbed by passers-by than other species.

The OAR section avoids potential disturbance to nesting Marsh Harrier. There would be some residual risk of insignificant impacts to individual breeding bird species at Pottersbridge Marshes through noise disturbance from path users on the Easton Broad OAR.

148. NE's Nature Conservation Assessment (NCA) advises that one unit hosting Stone Curlew which is geographically closest to a section of PROW being proposed as part of the Easton Broad OAR, is spatially separate from it. Therefore, the proposals would not have a detrimental impact on the feature.
149. Moreover, there are existing PROWs in this area and a route through was available prior to Suffolk County Council closing a section of Covehithe FP2. Disturbance from people and dogs in this area is already a factor.
150. Following Covehithe FP2 around the north side of Pottersbridge Marshes provides an OAR as close to the coast as could be achieved and would provide a route which offers a variety of good views of the sea and marshes.
151. The Estate would have no objection if the OAR followed existing PROWs and highways for OAR sections AHS-4-OA005 - AHS-4-OA010. In the main, NE's modifications would achieve this with only one short section not along the route of Covehithe FP2 and the diversion of the PROW in this section would ensure no net addition.
152. NE's HRA and NCA conclude that the proposals are fully compatible with the duty to further the conservation and enhancement of the notified features of the relevant SSSI's and also that the proposals would not be likely to have a significant effect on a European site that gives rise to the real risk of an adverse effect.
153. With the modifications some of the objections of the Estate and others in respect of Pottersbridge Marshes OAR Sections AHS-4-OA005 - AHS-4-OA012 would be largely overcome.

Warren House and Easton Wood OAR Sections: AHS-4-OA013 - AHS-4-OA016

154. The Estate and others had argued that this section was not necessary as part of the overall objection to the number of OARs proposed. The landowner and tenants being particularly concerned about a loss of privacy to property and grounds, and a concern that walkers would seek to gain access to private land at other times. A concern echoed by Suffolk County Council.
155. A proposition that this section of OAR is not needed because walkers can use OAR sections AHS-4-SO17 to AHS-4-SO23 would only apply to walkers already on the inland OAR west of Easton Wood.
156. On the main Trail east of Easton Wood in the vicinity of AHS-4-SO17 and AHS-4-SO18, southbound walkers might come across Easton Broad being impassable or northbound walkers might find Covehithe Broad impassable and might then seek to head inland.
157. On my visit I observed that this OAR section would allow onward access from either direction when conditions at Covehithe Broad and/or Easton Broad necessitated. For both northbound and southbound walkers it would provide a

reasonably short and convenient diversion from the main Trail route to pick up the OAR west of Easton Wood.

158. By the time of the site meeting, 27 March 2024, some circumstances had changed. NE accepted that because of landscaping works at Warren House the alignment of AHS-4-OA014 and AHS-4-OA015 may form part of the curtilage of the house. To avoid crossing the excepted land the route of a modified OAR through Easton Woods, was considered at the site meeting.
159. Subsequently NE put forward a new section, AHS-M4-OA013b, to replace sections AHS-4-OA014 to AHS-4-OA016. The modified route would be beyond the curtilage of Warren House. It would avoid excepted land and protect the privacy of occupants of Warren House. It is shown on Modification Map AHS4-M4 Easton Wood, Appendix 4.
160. OARs are normally aligned on existing PROWs or other clearly walked lines along the coast, whatever their status and where the alignment makes sense in terms of the statutory criteria and principles set out in the Scheme. Where this is not possible or safe and practicable for the public, NE occasionally conclude that a new route should be created. This would be in line with section 4.7.3 of the Scheme.
161. The frequency of such events may be low, events may not occur concurrently, but ensuring safe and convenient alternatives would be within the spirit of providing a Trail that is accessible to all.
162. This section of OAR would not be on an existing PROW but would largely follow existing tracks. There are no existing PROWs that could be used to form this link. Signage, lockable gates, and barriers at either end, controlled by National Nature Reserve staff, would address concerns by Suffolk County Council, the Estate, and others that this section of OAR could be used outside of the legal parameters. This OAR section would only be accessible when the main Trail is unavailable.
163. Objectors and NE share a concern to protect nature conservation interests in this area. These woods provide supporting habitat for a number of birds including a Schedule 1 species under the 1981 Wildlife and Countryside Act. There would be potential for interaction between walkers and their dogs and goshawks through Easton Wood. Goshawks are sensitive to disturbance during the breeding season.
164. On the site visit the NNR representative was satisfied that the modified route being considered would avoid the areas of sensitive woodland habitat areas. Advisory boards informing walkers that dogs should be kept under control are proposed to the south of Easton Wood and at the north east of Easton Wood. The signs will inform walkers in the vicinity that wildlife interests are present that require dogs to be kept under control. The path would follow a route of cleared vegetation and be well waymarked, with steps taken to deter trespass into the woodland habitat which could result in disturbance to bird species.
165. NE's HRA and NCA conclude that the proposals would be fully compatible with the duty to further the conservation and enhancement of the notified features of the relevant SSSI's and also that the proposals would not be likely to

have a significant effect on a European site that gives rise to the real risk of an adverse effect.

166. Modification M4 would provide a useful and convenient connection to the main OAR. With controlled access and NE modification M4 the objections of the Estate and others in respect of Warren House and Easton Wood OAR Sections: AHS-4-OA013 - AHS-4-OA016 would be largely overcome.

Covehithe Broad Wood: OAR sections AHS-4-OA018 to AHS-4-OA021

167. By the time of the site visit on 27 March 2024 all parties were in agreement that it would be preferable, and more within the spirit of the regulations, for the OAR to follow the existing alignment of the public footpath Covehithe FP2. NE would work with relevant stakeholders to reopen this footpath at establishment stage. Modification Map AHS-M5 Covehithe Broad, Appendix 2, and in detail at Appendix 5, show the amendment. With this, the objections of the Estate and others in respect of Covehithe Broad Wood OAR AHS-4-OA018 to AHS-4-OA021 would be overcome.

Mill Lane Covehithe: OAR sections AHS-4-OA024RD and AHS-4-OA025RD

168. The main Trail running broadly north-south, would follow the line of an existing permissive path over the cliff tops between Covehithe Broad and Benacre Broad. OAR sections AHS-4-OA024RD and AHS-4-OA025RD would run east from Covehithe along Mill Lane to meet the main Trail on the cliff tops. Just a short distance south, OAR section AHS-4-OA026 would follow an existing PROW from Covehithe to meet the main Trail at the back of the beach by Covehithe Broad. Both OARs would provide routes into Covehithe. The Estate and other Objectors consider that AHS-4-OA024RD and AHS-4-OA025RD are not necessary and should be deleted.

169. The Estate and other Objectors also argue that: -

- the two sections of OARs would create a “pincer effect” surrounding dwellings in Covehithe resulting in a loss of privacy,
- there are no pedestrian rights along OAR section AHS-4-OA025RD, and
- AHS-4-OA025RD would adversely impact biosecurity management and an existing bio-secure link used by farmers at Church Farm to reach pig fields.

170. NE provided evidence from Suffolk County Council to confirm that there is a public highway along AHS-4-OA024RD and AHS-4-OA025RD. Traffic Regulation Orders have removed vehicular rights from the eastern section. The right for the public to proceed on foot has only been removed from a point approximately 272m east of the eastern boundary of Church Farm. Save for a couple of metres on the edge of the cliff top, that part of Mill Lane has largely disappeared onto the beach and into the sea. Therefore, there is a right for the public to proceed on foot on the route of OAR sections AHS-4-OA024RD and AHS-4-OA025RD. This includes the section of Mill Lane east of Church Farm which has been gated to restrict vehicular traffic.

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171. OAR section AHS-4-OA025RD would be defined by the existing hedgerows. There would be no increase in the width of the recorded highway. Given existing public pedestrian rights on Mill Lane and the permissive path on the cliff top, the risk and bio security situation would be unchanged for farmers and land managers.
172. The proposed two short sections of OAR over Mill Lane and the existing PROW are in relatively close proximity. The parties provide various arguments and evidence about the lengths of time to walk the various alternative permutations. The evidence is finely balanced.
173. Even so, in the event that the main Trail at Benacre Broad was unavailable I expect most northbound walkers would consider that OAR sections AHS-4-OA024RD and AHS-4-OA025RD would provide them with the shortest most convenient route to return inland to reach AHS-4-OA027RD and follow the OAR around Benacre Broad.
174. On the other hand, OAR section AHS-4-OA026 would join the main Trail at the back of the beach immediately by Covehithe Broad. I expect that most southbound walkers would consider this to offer the most convenient route back inland in the event that they found the main trail at Covehithe Broad was unavailable.
175. Moreover, the evidence is unequivocal that there are existing rights for the public to walk the routes of both of these OAR sections. On my visits I observed a number of people park cars in Covehithe and use the route of AHS-4-OA024RD and AHS-4-OA025RD to access the existing permissive cliff top path where the main Trail would run. I also saw people leaving the permissive cliff top path to follow AHS-4-OA025RD and AHS-4-OA024RD back into Covehithe. Suffolk County Council noted that the route of the main Trail on the cliff tops from the end of Mill Lane to Benacre Broad, between AHS-4-S023 to AHS-4-S026 at Covehithe is a well walked desire line. The proposals would not create new routes.
176. Identifying them as OARs could increase awareness that the routes exist. But Covehithe FP1 and Mill Lane are both depicted on Ordnance Survey mapping. Even if these routes were not identified as OARs as part of the Coastal Access Scheme, the public would be able to join or leave the main Trail by using the existing public rights along either or both of these routes. I observed walkers on the permissive cliff top path did during several unaccompanied visits that I made after the site meeting.
177. One of the objectives of the Scheme is to provide reasonable access for all abilities. Together with the OAR route through Eston Wood these OARs would meet this objective by ensuring that users of the Trail have safe and convenient routes to leave the Trail at times when sections of the main Trail become impassable.
178. The Estate's proposed Blue Route would not follow an existing trod path. An OAR on the Blue Route would not remove existing public rights of access along AHS-4-OA024RD and AHS-4-OA025RD. In this way the Blue Route would add an additional route and for this reason I do not consider it would be preferable.

179. On balance, I conclude that both OAR section AHS-4-OA024RD and AHS-4-OA025RD, and OAR section AHS-4-OA026 would be reasonably necessary and as public access rights already exist, the balance between the rights of users and the Objectors would be fair.

Conclusions

180. The main Trail along this stretch largely follows the back of the beach and existing permissive paths. There are few objections to the main Trail. NE's offer to fund additional electric fencing on the seaward side of main Trail sections AHS-4-S020 to AHS-4-S024 would provide additional help to farmers to ensure livestock interests are protected and is a reasonable proposal in view of the dynamic rate of coastal change here.

181. The majority of objections concern the OARs. The OARs are reasonably necessary for times when the main trail is not passable. Report AHS 4: Southwold to Pakefield, section 4.3.2, Proposals Table for OARs Maps AHS 4i to AHS 4k, show that the majority of OARs have been proposed along existing walked routes, public rights of way, or public highways.

182. Following the site visit NE put forward modifications which reduce further the number of sections which would not follow Public Rights of Way. With these modifications only route sections AHS-4-OA008, AHS-4-OA009, and AHS-4-OA014 to AHS-4-OA016 would not follow existing walked routes, public rights of way or public highways.

183. NE's HRA confirms that the proposals 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. A Nature Conservation Assessment concludes that with the measures identified prior to and during establishment, there will be no destruction of or damage to the special interest features and that the proposals would be compatible with the duty to further the conservation and enhancement of the notified features of relevant SSSI's.

184. I conclude that the submitted scheme, taking account of the modifications would not fail to strike a fair balance between the issues of residential privacy, the landowners', and tenants' abilities to manage their agricultural operations and businesses, and the users of the proposed route.

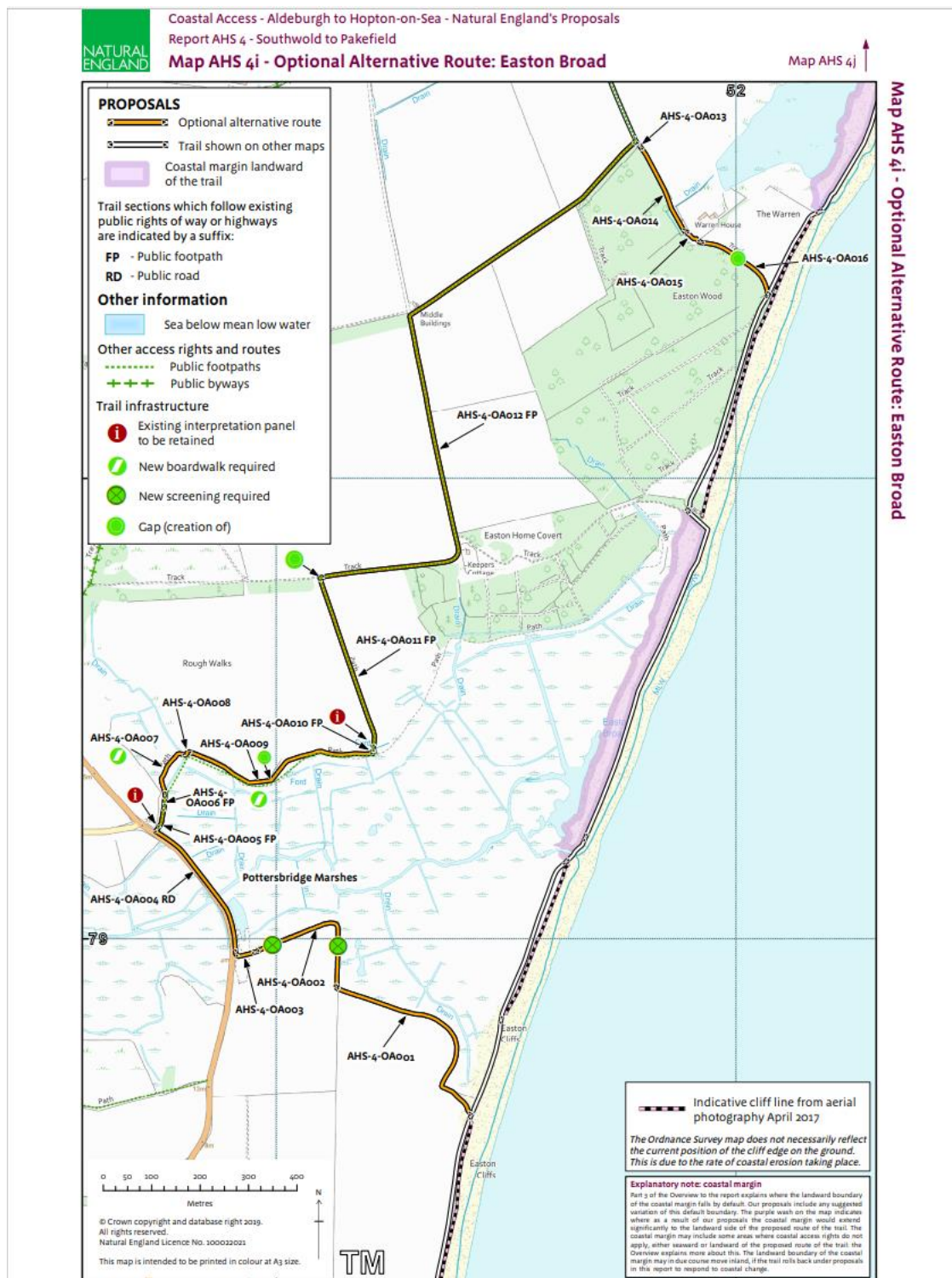
Summary of Recommendation:

185. I recommend that the Secretary of State makes a determination that the proposals set out in the Report, as proposed to be modified by the details shown on Modification Maps M3, M4 and M5, and summarised in the Modified OARs Proposals Table at Appendix 6, do not fail to strike a fair balance.

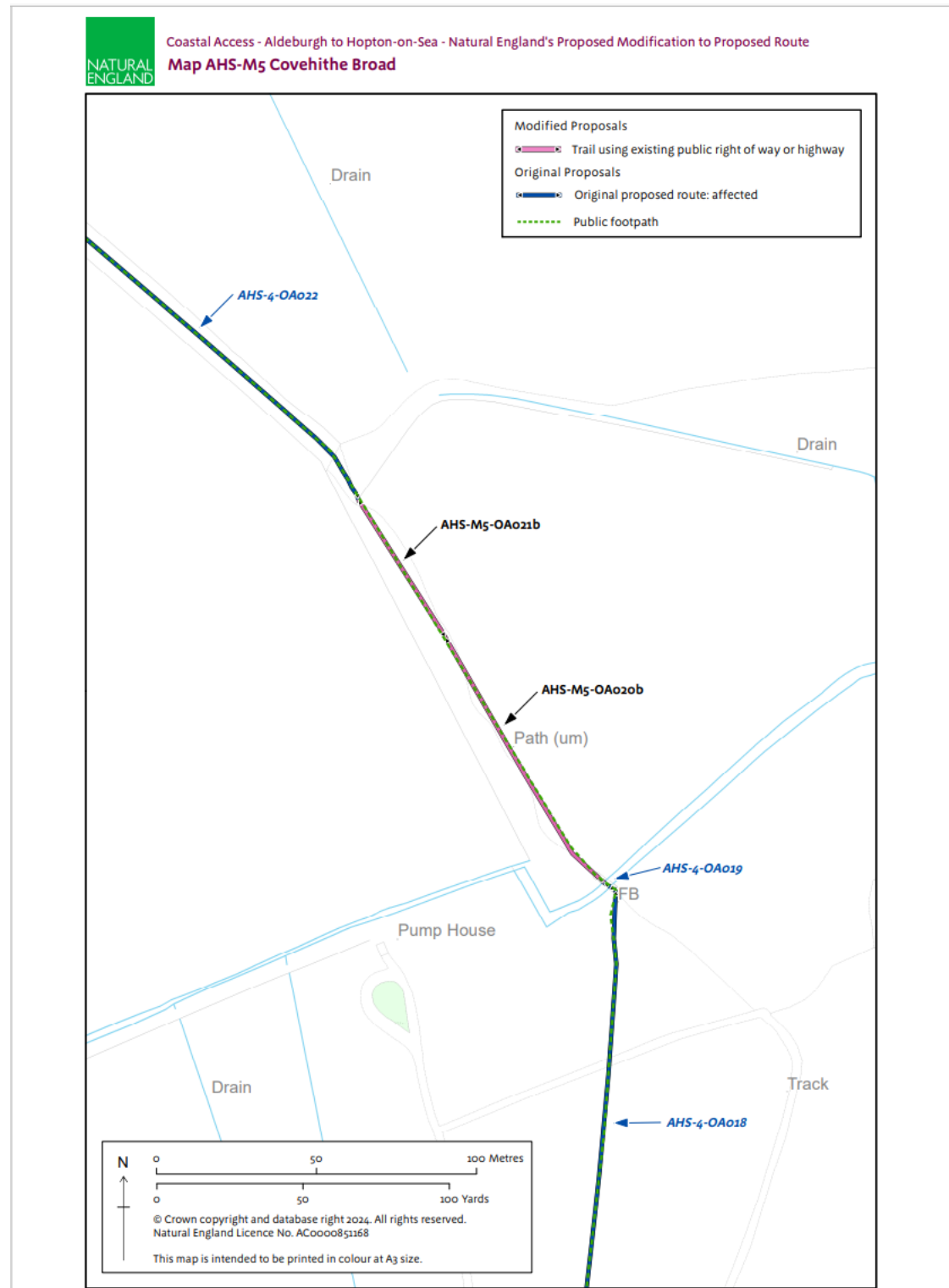
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APPOINTED PERSON

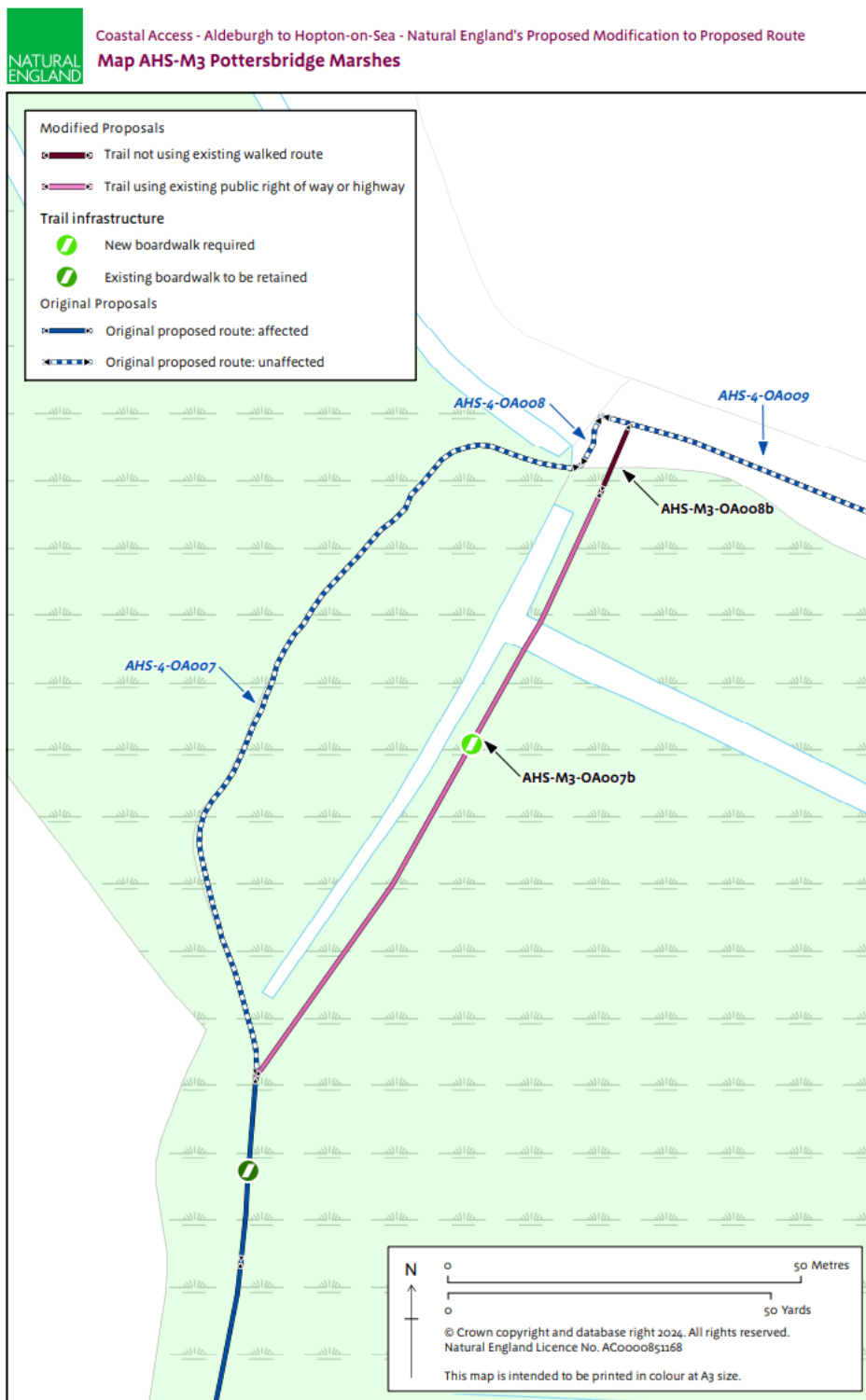
APPENDIX 1 Map AHS 4i - Optional Alternative Route: Easton Broad



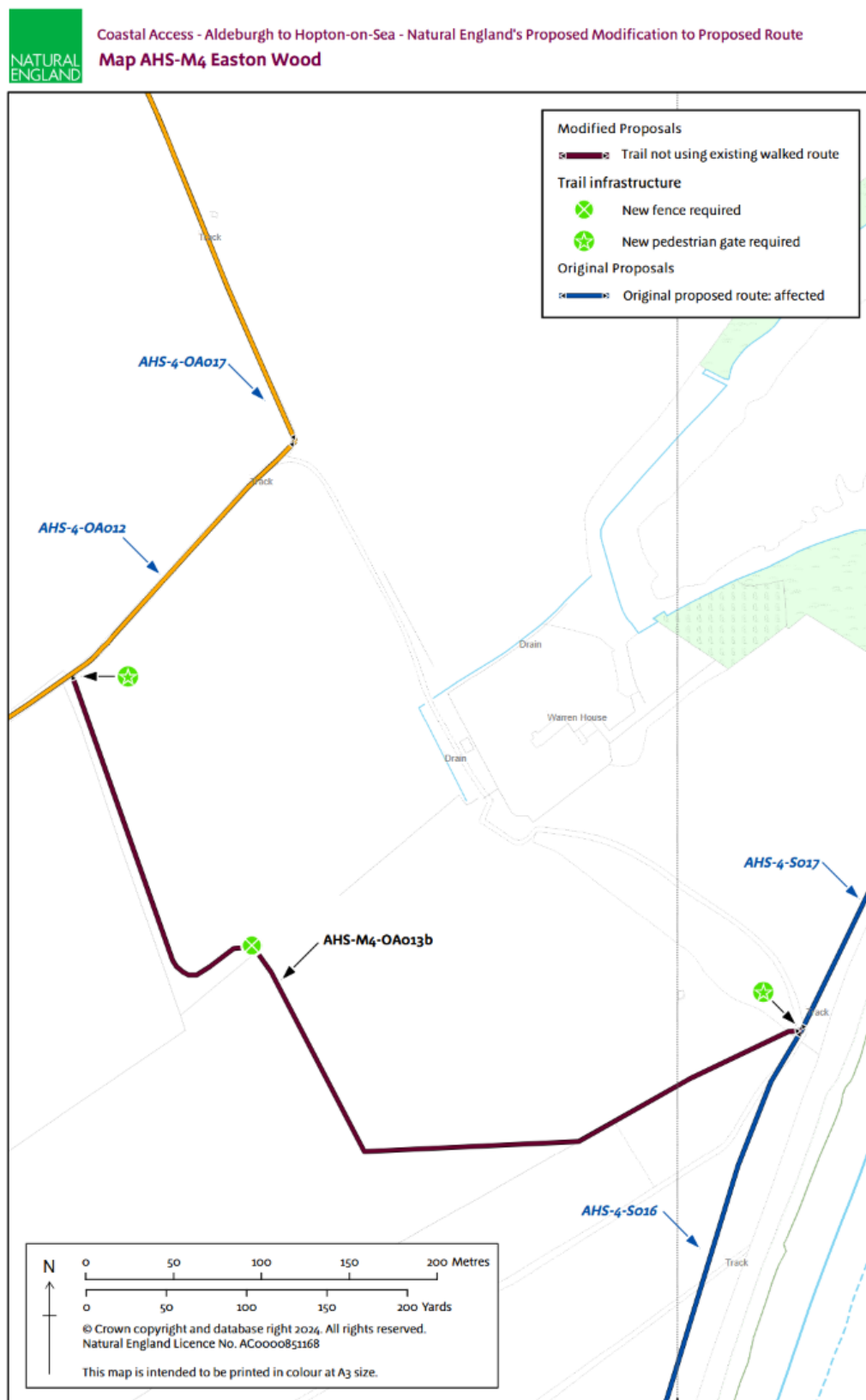
APPENDIX 2 Modified Map AHS 4j - Optional Alternative Route: Covehithe Broad



APPENDIX 3: Modification Map AHS-M3 -Pottersbridge Marshes (detail)



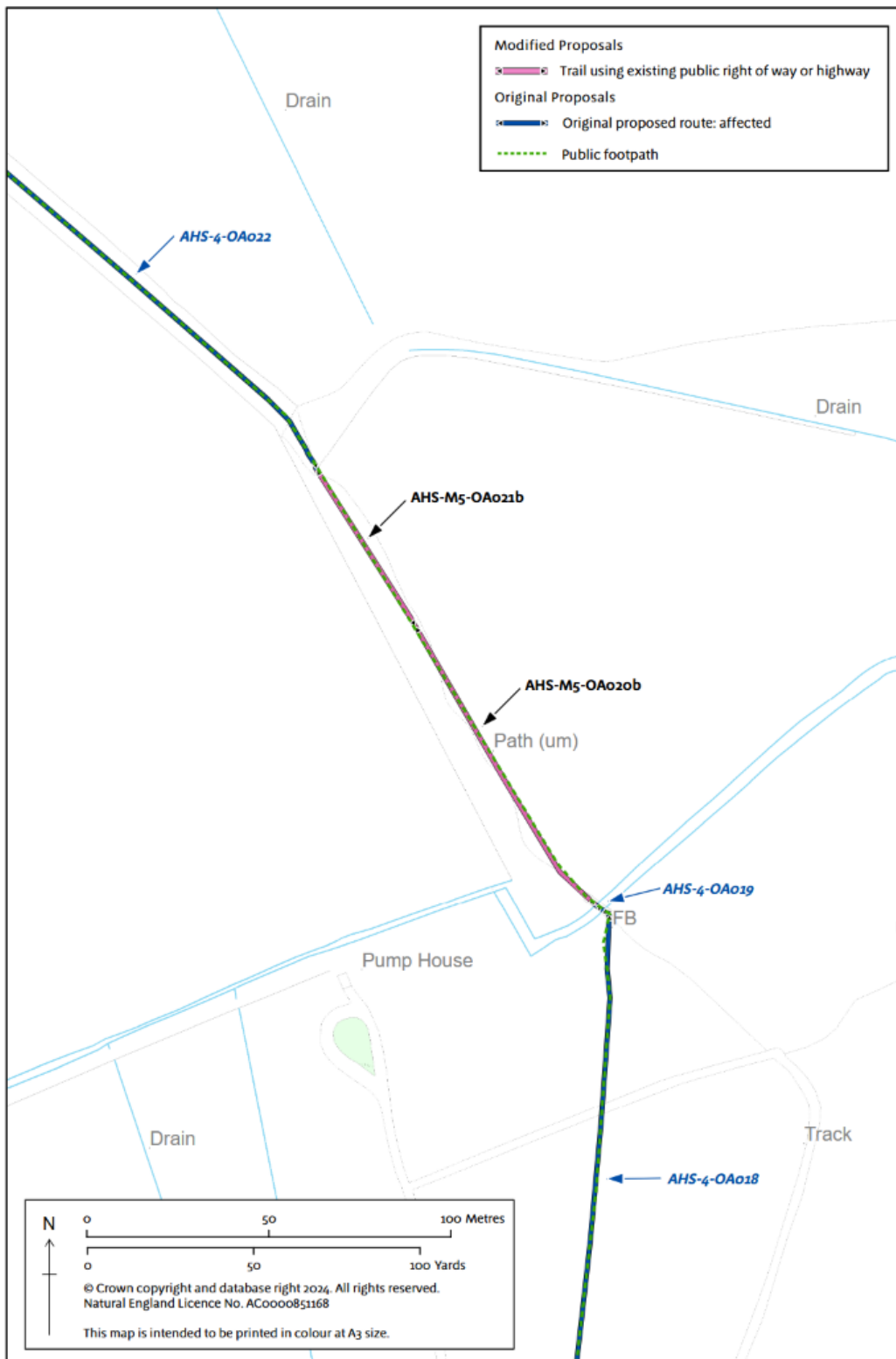
APPENDIX 4: Modification Map AHS-M4 - Easton Wood and Warren House (detail)



APPENDIX 5: Modification Map AHS-M5 - Covehithe Broad (detail)



Coastal Access - Aldeburgh to Hopton-on-Sea - Natural England's Proposed Modification to Proposed Route
Map AHS-M5 Covehithe Broad



APPENDIX 6 Modified proposals Tables for OARs

AHS 4: Modified proposals table for Optional Alternative Route

1	2	3	4	5a	5b	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See Part 7 of Overview)	Proposal to specify seaward boundary of margin	Proposal to specify landward boundary of margin	Explanatory notes
AHS-M3	AHS-M-S007b	Public footpath	Yes - normal	Seaward edge of boardwalk	Landward edge of boardwalk	Modification to route sections AHS-4-OA007 & AHS-4-OA008
AHS-M3	AHS-M-S008b	Not an existing walked route	Yes - normal			Modification to route sections AHS-4-OA007 & AHS-4-OA008

1	2	3	4	5a	5b	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See Part 7 of Overview)	Proposal to specify seaward boundary of margin	Proposal to specify landward boundary of margin	Explanatory notes
AHS-M4	AHS-M4-OA013b	Not an existing walked route	Yes - normal	Fence	Fence	Modification to route sections AHS-4-OA13 to AHS-4-OA16
AHS-M5	AHS-M5-OA020b & AHS-M5-OA021b	Public footpath	Yes - normal			Modification to route sections AHS-4-OA020 & AHS-4-OA021

APPENDIX 7 - INFORMATION TO INFORM THE SECRETARY OF STATE'S HABITATS REGULATIONS ASSESSMENT

186. The Conservation of Habitats and Species Regulations 2017 (as amended) requires that where a plan or project is likely to have a significant effect on a European site either alone or in combination with other plans or projects, and where the plan or project is not directly connected with or necessary to the management of the European site, a competent authority (the Secretary of State in this instance) is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of the European site in view of the site's conservation objectives.
187. NE undertook a HRA for the Aldeburgh and Hopton-on-Sea length of the England Coast Path. The Southwold to Covehithe stretch is part of it.
188. The HRA provides the information to inform the Competent Authority's Appropriate Assessment, in accordance with the assessment and review provisions of the Habitats Regulations.
189. The HRA is recorded separately in the suite of reports. It considered the potential impacts of the coastal access proposals on the designated sites identified, including likely significant effects.
190. Benacre to Easton Bavents Special Protection Area (SPA) is situated on the coast of Suffolk between Kessingland to the north and Southwold to the South and its distinctive landscape has been greatly shaped by the actions of the sea. Much of the coastline is naturally dynamic and subject to erosion, especially that which forms the eastern boundary of the SPA, with an average of 10 metres disappearing annually. Much of the semi-natural habitat consists of open heathlands and acid grassland. However, there are also broadleaved woodland and softwood plantations, tall fen vegetation in the river valleys and marshes nearer the coast. The area also has internationally important stretches of shingle, dunes, saltmarsh, and coastal lagoons which are very important for breeding, wintering and passage birds.
191. Benacre to Easton Bavents Lagoons Special Area of Conservation (SAC) is located on the Suffolk coast, one of the most important areas in Great Britain for saline lagoon habitat. The site encompasses an internationally important complex of four saline lagoons, which span over 5km of coastline. Benacre, Covehithe and Easton Broads were formed naturally when coastal processes formed shingle barriers across the head of several freshwater streams, isolating them from the sea and creating a series of percolation lagoons. In contrast, Benacre Pit is the last of several small lagoons located in former WWII gravel extraction pits, most of which have been lost to coastal erosion. Seawater enters the lagoons via percolation and occasional overtopping and breaching of shingle barriers, creating a wide range of salinities. Coastal lagoons are rare at a European scale and also uncommon nationally as such the plant and animal communities typical of saline lagoons have restricted distributions making Benacre to Easton Bavents Lagoons nationally and internationally important for lagoonal specialists. The lagoons also host breeding birds, over wintering bittern and an assemblage of rare plants. Coastal lagoons are naturally ephemeral features. The dynamic geomorphological processes which form and maintain

them (such as storm events and longshore drift) typically also result in their migration or loss over time as barriers are overtopped, breached, or eroded and lagoon basins are gradually in-filled. As such the conservation status of Benacre to Easton Bavents Lagoons should be evaluated at a landscape scale and in the context of this natural habitat creation and loss.

192. This section of the Trail and OARs would increase access to this area by walkers, including those accompanied by dogs, whose presence have the potential to affect the SAC and SPA.
193. Initial screening set out that as the plan or project is not either directly connected or necessary to the management of all the European sites' qualifying features, an HRA was required.
194. The Screening Decision found that the plan or project at large would be likely to, or may, have significant effects on the qualifying features of the European Sites alone in the absence of mitigation measures.
195. Residual and appreciable effects likely to arise from the project which have the potential to act in-combination with those from other proposed plans or projects to also become significant were considered. The HRA concluded that the plan, in combination with other plans and projects, is unlikely to have a significant effect on qualifying features of the European Sites.
196. As NE concluded that the plan is likely to have significant effects (or may have significant effects) on some or all of the qualifying features of the European Site(s) 'alone' an Appropriate Assessment (AA) considered the potential for the project to give rise to Adverse Effects on the Integrity (AEoI) of the designated sites.
197. Recreational pressure is a key concern for the Suffolk European wildlife sites. NE's objective in designing proposals for coastal access has been to ensure they do not increase the disturbance pressure affecting the site and that where possible they contribute towards efforts to manage existing and future demand for places for coastal recreation in ways that help to reduce disturbance to designated features. To achieve this between Aldeburgh to Hopton-on-Sea, the proposals for coastal access:
 - Make use of popular established paths (where these meet the key principles of alignment in line with the Coastal Access Approved scheme).
 - Do not create new coastal access rights over intertidal mudflats and saltmarsh which provide supporting habitat for the bird and wildlife interests at the site. In practice, use of such intertidal areas for recreation is limited since they are unattractive, dangerous, and inherently unsuitable for public access. Maps showing the extent of excluded areas can be found within the Coastal Access Overview Report.
 - Complement and reinforce the existing management practises along the stretch, for example by proposing a seasonal restriction on the

areas of Easton, Covehithe and Benacre Broads which are currently seasonally fenced to prevent public disturbance of nesting sites.

- Contribute to raising awareness and encouraging appropriate visitor behaviour in areas of environmental importance by installing new information panels at key points along the stretch. These would reinforce messages about the sensitive features.

198. The HRA considers key locations along the coast between Aldeburgh and Hopton-on-Sea where establishing the Trail, OARs and associated coastal access rights might impact on qualifying Features of a European site. Sections D3.2D, Easton Broad OAR, D3.2E Easton Wood, D3.2F Easton, Covehithe and Benacre Broad provide detailed assessment of the existing baseline and predicted changes.
199. At Easton Broad, taking into account proposed mitigation measures, NE concluded it is not likely that the OAR will result in any negative impacts to qualifying features.
200. At Easton Wood, NE concluded that the path would follow a route of cleared vegetation and be well waymarked, with steps taken to deter trespass into the woodland habitat. There is therefore no appreciable risk to this SPA site as a result of these proposals.
201. Fenced areas would prevent public access to the coastal margin to protect nesting birds on the beach (little terns, ringed plover, avocet) – 15 March to 31 August each year at Easton Broad Map F by Trail section AHS-4-SO14 and SO15, Covehithe Broad Map G by Trail section AHS-4-SO18 and Benacre Broad Map H by Trail section AHS-4-SO27. The Ramblers Association welcomed fenced off areas during the bird breeding season to accommodate the use of the beach routes.
202. The Easton Broad OAR south of Pottersbridge Marshes runs immediately adjacent to marshland designated as part of the Benacre to Easton Barents SPA and Benacre to Easton Barents Lagoons SAC. This area is known for marsh harrier nesting sites. Water rail and Cetti's warbler also nest at this location. Bitterns use this site, and the marshes provide good habitat for overwintering ducks.
203. Easton Broad OAR route would be cleared through the vegetation to the north of the marshes. This would only be wide enough to allow two walkers to pass. The pedestrian gate and fencing would represent a small-scale loss of habitat within Easton Wood. The proposed clearance of vegetation at the Easton Broad OAR would result in a loss to SPA supporting habitat.
204. The proposed new pedestrian gate and fencing within Easton Wood would help deter trespass into the woods.
205. Signage would inform walkers of the seasonal dogs to leads restriction across the Benacre NNR area.
206. For Easton, Covehithe and Benacre Broads, NE conclude that no new significant negative impacts would result. Establishing a well maintained and

easy to follow Coast Path along the alignment proposed would help with the long-term management of visitors to the site.

207. The detailed design of the proposals takes account of possible risks to conservation objectives including relevant design measures to avoid or reduce effects.
208. The assessment, which covers the entire length of the England Coast Path between Southwold and Covehithe identifies that the measures incorporated into the design of the scheme are sufficient to ensure no AEoI in light of the sites' conservation.
209. The assessment concludes that the following risks to conservation objectives identified are effectively addressed by the proposals and no adverse effect on site integrity (taking into account any incorporated mitigation measures) can be concluded:
- Disturbance to the wetland breeding bird assemblage,
 - Loss of habitat habitats and plants associated with river banks, ditches, dykes, grazing marsh, salt marsh, reedbeds and woodland Trampling and loss of vegetated shingle,
 - Trampling and loss of heathland,
 - Trampling of saline lagoon margins, and
 - Installation of infrastructure.
210. There is some residual risk of insignificant impacts including disturbance to individual breeding bird species:
- At the Easton Broad OAR there are considered to be residual risks to breeding bittern, breeding marsh harrier and nonbreeding bittern through noise disturbance from path users.
 - There is a residual risk to little terns at Covehithe Broad due to the anticipated increase of path use.
 - Noise disturbance at Pottersbridge Marshes on the Easton Broad OAR may present a residual risk. However, NE concludes this is not significant because screening will prevent views across the marshes and therefore offer no views as incentives to remain in the area, and signage will advise to keep walkers' dogs under control.
 - Due to the availability of nearby facilities at Covehithe Broad a medium increase in the use of the path is anticipated at Easton, Covehithe and Benacre Broads. Therefore, despite the inclusion of a restriction to reinforce existing fencing of little tern nesting sites a residual risk has been determined for the shore-nesting bird species at this location.
211. The following risks to conservation objectives identified would be effectively addressed by the proposals and no adverse effect on site integrity (taking into account any incorporated mitigation measures) can be concluded, although there is some residual risk of insignificant impacts:

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- Disturbance to individual breeding bird species - at Pottersbridge Marshes through noise disturbance from path users on the Easton Broad OAR.
 - Disturbance to individual breeding bird species – to nesting little terns at Covehithe Broad.
 - Loss of SPA supporting habitat – due to the installation of the pedestrian gate and fencing at Easton Wood and clearance of vegetation at the Easton Broad OAR.

212. NE found there are no combinable risks between projects and the features.
213. NE concluded that the access proposal (taking into account incorporated avoidance and mitigation measures) will not have an adverse effect on the integrity of Benacre to Easton Bavents SPA, and the Benacre to Easton Bavents Lagoons SAC either alone or in combination with other plans and projects.
214. NE is satisfied that the proposals to improve access to the English coast are fully compatible with the relevant European site conservation objectives. NE's general approach to ensuring the protection of sensitive nature conservation features is set out in section 4.9 of the Scheme. To ensure appropriate separation of duties within NE, the assessment conclusions are certified by both the person developing the access proposal and the person responsible for considering any environmental impacts.
215. Taking all of these matters into account, subject to the proposed modifications outlined, reliance can be placed on the conclusions reached in the HRA that the proposals would not adversely affect the integrity of the relevant European sites. It is noted that the HRA states that, if minded to modify the proposals, further assessment may be needed. However, given the nature of the proposed modifications this would not appear to be necessary in this instance.

Nature Conservation Assessment

216. Although not forming part of the HRA, NE has also undertaken a Nature Conservation Assessment which should be read alongside the HRA. It covers matters relating to Sites of Special Scientific Interest (SSSI) features about which concern has been expressed, including Stone Curlew.
217. NE was satisfied that the proposals to improve access to the English coast between Aldeburgh to Hopton-on-Sea, were fully compatible with its duty to further the conservation and enhancement of the notified features of the SSSI. NE was also satisfied that in developing the new access proposals the appropriate balance has been struck between its conservation and access objectives, duties, and purposes in respect of important features.

Report to the Secretary of State for Environment, Food and Rural Affairs

by [redacted] BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Date 11 February 2025

Marine and Coastal Access Act 2009

Objection by: [redacted]

Regarding Coastal Access Proposals by Natural England

Relating to Aldeburgh to Hopton on Sea

Site Visit Made 26 March 2024

Objection File Reference: MCA/AHS4/0/2/AHS1004

- On 29 January 2020 Natural England submitted Coastal Access Reports to the Secretary of State for Environment, Food and Rural Affairs setting out proposals for improved access to the coast between Aldeburgh and Hopton-on-Sea under section 51 of the National Parks and Access to the Countryside Act 1949 pursuant to its duty under section 296(1) of the Marine and Coastal Access Act 2009.
- The objection, dated 11 March 2020, concerns Natural England's Report, Aldeburgh to Hopton-on-Sea, Chapter 4 AHS4: Southwold to Pakefield. The land in the Report to which the objection relates is specifically route section SO67, as shown on Map 4h.
- The objection is made variously under paragraphs 3(3)(a), 3(3)(b), 3(3)(c), 3(3)(d), 3(3)(e) and 3(3)(f) of Schedule 1A to the 1949 Act on the grounds that the proposal fails to strike a fair balance in such respects as set out in the objection.

Summary: The objection is treated as withdrawn.

Preliminary Matters

218. On Wednesday 29 January 2020, Natural England (NE) submitted Coastal Access Reports to the Secretary of State setting out proposals for improved access to the coast between Aldeburgh and Hopton-on-Sea. The period for making formal representations and objections to the reports closed on 11 March 2020. I have been appointed to report to the Secretary of State on the objections.

219. There are other admissible objections concerning Report AHS4 and improved access to the coast between Southwold and Pakefield. They concern different route sections and, as such, I have considered it expedient to address them separately in other reports to the Secretary of State.

220. I previously determined that [redacted]'s objection was admissible. Subsequently, [redacted]'s interest in the relevant land ceased and no longer owns or occupies the relevant land. Natural England contacted the new landowner but there is no evidence that they seek to pursue the objection of [redacted]. There are no other admissible objections in relation to this section.

Main Issues

221. The coastal access duty arises under section 296 of the Marine and Coastal Access Act 2009 (2009 Act) and requires NE and the Secretary of State to exercise their relevant functions to secure two objectives.

222. The first objective is to secure a route for the whole of the English coast which:

- (a) consists of one or more long-distance routes along which the public are enabled to make recreational journeys on foot or by ferry, and
- (b) (except for the extent that it is completed by ferry) passes over land which is accessible to the public.

223. This is referred to in the 2009 Act as the English Coastal Route, but for ease of reference is referred to as 'the trail' or 'the England Coast Path' in this report.

224. The second objective is that, in association with the England Coast Path, a margin of land along the length of the English coast is accessible to the public for the purposes of its enjoyment by them in conjunction with the coastal route or otherwise. This is referred to as the coastal margin.

225. Section 297 of the 2009 Act provides that in discharging the coastal access duty NE and the Secretary of State must have regard to:

- (a) The safety and convenience of those using the trail,
- (b) The desirability of that route adhering to the periphery of the coast and providing views of the sea, and
- (c) The desirability of ensuring that as far as reasonably practicable interruptions to that route are kept to a minimum.

226. They must also aim to strike a fair balance between the interests of the public in having rights of access over land and the interests of any person with a relevant interest in the land.

Conclusion

227. In light of the circumstances described in paragraph 3, I consider the objection to be withdrawn.

228. The Secretary of State is not required to make a determination if the proposals set out in Report AHS4, section SO67, as proposed by Natural England, strike a fair balance in respect to the admissible objections.

[redacted]

APPOINTED PERSON