

# **Coastal Access Report – Hampshire Highcliffe to Calshot**



## **Full representations with Natural England's comments**

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### **1. Introduction**

This document records the representations Natural England has received on this report from persons or bodies whose representations must be sent in full to the Secretary of State. It also sets out any Natural England comments on these representations.

### **2. Background**

Natural England's report setting out its proposals for improved access to the coast between Highcliffe and Calshot was submitted to the Secretary of State on 14<sup>th</sup> March 2018. This began an eight week period during which formal representations and objections about the report could be made. A representation about the report could be made during this period by any person on any grounds and could include arguments either in support of or against Natural England's proposals.

In total Natural England received 140 representations, of which 32 were made by organisations or individuals whose representations must be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These 'full' representations are submitted in their entirety here together with Natural England's comments where relevant. A summary of the 108 representations made by other individuals or organisations, referred to as 'other' representations, has been submitted separately.

Before making a determination in respect of a coastal access report, the Secretary of State must consider both documents relating to 'full' and 'other' representations.

<b>Representation number</b>	MCA\Highcliffe to Calshot\R\85\HCS1610 New Forest Access Forum - Overview
<b>Organisation/ person making representation</b>	New Forest Access Forum
<b>Report chapter</b>	Highcliffe-Calshot Overview, Maps E, F and K
<b>Route section(s)</b>	HCS-5-S022 to S037

#### **Representation in full**

The New Forest Access Forum would like to show their support for the majority of the route and acknowledge the amount of work that has been put in by Natural England to propose a route they are generally in agreement with.

Four other representation forms are attached which relate to Chapters 2, 3, 4 and 5, however the Forum would also like to make the following representations in relation to the maps in the Overview document:

#### **Map E and Map F proposed long term access exclusion: unsuitable salt marsh and flat (S25A)**

The Forum wish to see the exclusions for these areas extended to Section 25 for Public Safety and Section 26 for Nature Conservation.

#### **Map K Proposed direction under S26(3)(a) Nature Conservation, report p50**

The Forum wish to see this land as permanent exclusion. The ranging practice of the dairy farm at Park Farm could lead to unintentional safety issues to walkers using fields adjacent to the farm as spreading room. It is felt unfair to expect the farmer to change their farming practices. Year-round exclusion under S24 is needed because high health status dairy cattle are grazed on the land.

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

##### **Proposed long term access proposals: Unsuitable salt marsh and flat S25A**

In a situation where there is more than one reason to restrict or exclude access our practice is to make a direction according to the need that is most restrictive. Where we decide that an area of salt marsh or mud flat is substantially unsuitable to be used by the general public, we exclude access all year round. Thus in most cases, this need is the most restrictive and will be the grounds cited in the direction. Should circumstances change resulting in the revocation of the S25A direction, then NE would have a responsibility to carefully consider whether a section 26(3)(a) direction is required in its place.

N.B. Natural England cannot use a S25(1)(b) direction to exclude access for safety issues arising from natural features or processes.

#### **Park Farm: Map K Proposed direction under S26(3)(a) Nature Conservation, report p50**

HCS-3-S041 is aligned through a strip of trees running alongside Park Lane near to where it meets the road called St Leonards Cottages. A fence on the eastern side of the trail separates walkers from Park Farm Fields and the dairy cows. HCS-4-S002 runs parallel to St Leonards Cottages Road to its seaward side and will

have a dog proof fence to channel walkers between it and the landward hedgerow. This will separate walkers from the dairy cows.

Under our proposals land belonging to Park Farm already falls under a seasonal s26(3)(a) nature conservation direction to exclude access from 1st September to 15th March each year. This is to prevent disturbance to overwintering Brent Geese (please see Map K of the Overview report). Our HRA review established that the period for this direction is too long as dark bellied brent geese normally start to arrive later in the season. **We ask the Appointed person to note that we have amended the duration of the direction to exclude access from 1st November to 15th March each year.**

In our response to [redacted]'s objection (MCA\Highcliffe to Calshot\O\36\HCS1677) and the NFU's representation (MCA\Highcliffe to Calshot\R\77\HCS0012) we have proposed a new direction to exclude access for the purposes of land management (s24) and public safety (s25(1b)). This is in order to prevent disruption to ongoing commercial farming activity and also to protect public safety. The reasons for this relate to the cattle management processes that occur annually throughout the spring and summer months. This direction will be seasonal and will come into effect during the summer (when the s26(3)(a) seasonal nature conservation exclusion does not apply). This has the result of excluding access year-round to Park Farm Fields. A detailed explanation of why the direction is needed, plus a directions map can be found in our comments on [redacted]'s objection.

## Chapter 2

<b>Representation number</b>	MCA\Highcliffe to Calshot\R\106\HCS1611
<b>Organisation/ person making representation</b>	The New Forest National Park Authority ([redacted])
<b>Report chapter</b>	Chapter 2, maps 2a to map 2e
<b>Route section(s)</b>	Sections HCS-2-S001 to S051
<b>Representation in full</b>	
<p>The New Forest National Park Authority (NFNPA) is the access authority, under the Countryside and Rights of Way Act 2000, for the New Forest National Park. The NFNPA is making representations on Natural England's proposals for that part of the England Coast Path and associated coastal margin that lies within the New Forest National Park. That proposals for land outside the National Park are not commented on should not necessarily be taken to indicate that the NPA supports those proposals.</p>	
<b>Natural England's comment</b>	
<p>Natural England acknowledges this representation and will respond to points raised about specific locations as they arise within each representation.</p>	

<b>Representation number</b>	MCA\Highcliffe to Calshot\R\86\HCS1610 New Forest Access Forum (Ruth Croker) - Chapter 2
<b>Organisation/ person making representation</b>	New Forest Access Forum – [redacted]
<b>Report chapter</b>	Chapter 2, Map 2e
<b>Route section(s)</b>	HCS-2-S043 Gosport Road HCS 2 S051 RD Lymington Bridge
<b>Representation in full</b>	
<p>The New Forest Access Forum would like to show their support for the majority of the route and acknowledge the amount of work that has been put in by Natural England to propose a route they are generally in agreement with.</p> <p>The group identified three main areas of concern that they would like to make representation on.</p> <ol style="list-style-type: none"> <li>1) Safety of walkers due to on road sections</li> <li>2) Unauthorised and inappropriate parking to access the ECP route</li> <li>3) Spreading room &amp; magenta wash on OS maps</li> </ol>	

## 1) On-road sections

The Forum have concerns over the safety of walkers where the route follows sections on the road and there is no protection to users.

27% of the reported route is proposed on road, a distance of 15.1km and accounts for the second largest status of section following public footpaths which account for 30.5%, and distance of 17.2km.

Specific sections of concern within this Chapter are:

**HCS-2-S043 Gosport Road:** This is an unsuitable route as busy with traffic. Suggestion to route an alternative path down Mill Lane and across proposed Redrow railway crossing bridge. We understand that a route on another stretch of the coast path has been proposed pending a new crossing point being developed.

**HCS 2 S051 RD Lymington Bridge:** The Junction on corner of B 3054 and Undershore Rd is very busy and a formal crossing point is desirable for pedestrians using the pavement on the north side of the causeway.

**2) Parking: no specific comments relating to this Chapter**

**Spreading room: no specific comments relating to this Chapter**

## **Natural England's comments**

### **On-road sections: HCS-2-S043 Gosport Street**

We considered the alignment in this area with the Hampshire County Council Highways team. Our initial thought was to align the trail along Mill Lane and Waterloo Road and the Council's Road Safety Audit confirmed that these were safe options. However, HCC advised us that Gosport Street would be a safer option for walkers, especially those who are unfamiliar with the area and likely traffic patterns. This is because Mill Lane leading into Waterloo Road is narrow in places, with no pavement and parked cars serve to narrow it further. We have aligned the path along the pavement on Gosport Street.

[80 Gosport St - Google Maps](#)

[39 Waterloo Rd - Google Maps](#)

[4 Mill Ln - Google Maps](#)

The proposals for a footbridge linking to the development have recently been granted planning permission (Ref. No: 18/10780, 1<sup>st</sup> August 18) however at the time of writing construction works have not begun and we are not aware of a start date. In the event that a more suitable route presented itself through the construction of a new bridge, it would be open to Natural England to produce a report to vary the approved proposals if we felt that doing so would be of public benefit.

[Redrow refused consent to scrap Lymington Shores bridge plan | Daily Echo](#)

### **HCS 2 S051 RD Lymington Bridge**

We considered the safety of this road crossing and asked the Hampshire County Council to assess it as part of the Road Safety Audit. The Council advised that this was safe for use by the ECP, and it gave the following comments:

“At the western end of Bridge Road there are no pedestrian facilities within the signalised junction at Almansa Way, however there is a point just west of the level crossing where visibility is good and this would be an appropriate place to cross, but pedestrians may have difficulty crossing during peak traffic periods.”

In the absence of other viable routes, Natural England has proposed this alignment. The route is safe enough for a National Trail, however we acknowledge that it doesn't provide the perfect walking experience for the user.

[Undershore Rd - Google Maps](#)

## Chapter 5

<b>Representation number</b>	MCA\Highcliffe to Calshot\R\42\HCS1612
<b>Organisation/ person making representation</b>	The Ramblers ([redacted])
<b>Report chapter</b>	Chapter 5, maps 5d, 5e, 5f.
<b>Route section(s)</b>	Route sections HCS-5-S017 to HCS-5-S029
<b>Representation in full</b>	
<p>The Ramblers consider this part of the proposal for the Coast Path to be inappropriate because segments S018RD, S019RD and S020RD utilise a narrow, sometimes busy, public road with no pavements. The Calshot end of Stanswood Road is surrounded by mature woodland. Light levels will be adversely impacted so there will be difficulties for motorists seeing walkers on this stretch where there is no footway/pavement or suitable verge. This road is likely to become much busier as a result of the planned creation of 1400 homes on the former power station site at Calshot. As a consequence, segments HCS-5-S017 (part) and S018RD, S019RD and S020RD do NOT constitute a coast path (for the most part it is a kilometre from the sea). Taking this route also means that the path omits the historic WWII Mulberry Harbour construction site.</p>	
<p>We recognise that there are many complicating factors along this section, but it is our belief that with a certain amount of ingenuity, flexibility (on behalf of all parties) and a willingness to spend a bit of extra money on infrastructure there could be a massive improvement to the experience of walking this section of the Coast Path. There is already public access along the top of the beach for about 1km beyond the end of S016 (shown in green on the map below). The critical length of route concerned is for about 1 kilometre continuing from this point. Creating a route here would remove the need for over 2km of what we consider to be dangerous road walking, as well as about 1km of section 5-S017, which is not a coastal path.</p>	
<p>We believe that wildlife can be suitably accommodated. As stated in our overview representation and as is mentioned in the Approved Scheme text, if people stay on a designated route and dogs are under control, birds do become habituated to them. This is very apparent west of Lymington, where the extremely popular coastal footpath passes along the top of the sea wall, and there are managed reserves on both sides of the path. A route with dog-proof protection (and appropriate restrictions) should be capable of being equally effective in this area.</p>	
<p>Potential opportunities are difficult for us to identify because the area is not accessible to us, but by looking at OS and aerial mapping it would appear that there could be opportunities to utilise sections of path at the back of the beach but seaward of the 'Park and Garden' of Cadland House, following approximately along the red routes shown on the map below. It may be necessary eventually to revert inland to pass behind properties close to Calshot and rejoin the proposed route at an appropriate point.</p>	

As stated above, an improvement such as this would drastically improve the walkers' experience by removing the dangerous sections of road from the route.



### Natural England's comments

#### Road safety

S018RD, S019RD and S020RD are aligned along Stanswood Road which was considered within the Hampshire County Council Safety Audit and was given a RAG safety rating of green with the comments 'generally has good forward visibility except for at a few tight bends where care must be taken. Pedestrians will walk in the carriageway but can step into the verge if a vehicle is approaching.' S017 aligns along Lepe Road which was also given a RAG safety rating of green.

There is an application pending to redevelop Fawley Power station to include 1,500 homes, 96,500 square metres of commercial, civic and employment space, a canal dock and boat stack, and other community infrastructure projects such as a school. We understand that access to this site will be from the B3053 (this is the main road serving Calshot).

Stanswood Road joins the B3053 at Ower. The proposed ECP does not take walkers on to the B3053 – it turns off the Stanswood Road before it reaches Ower at HCS-5-S021, heading across fields towards the coast. We have been in dialogue with the developers to ensure that the Waterside development and the England Coast Path can co-exist. However, should traffic become an issue on Stanswood Road in future it would be open to Natural England to produce a variation report to propose a change in the route of the trail.

#### [Stanswood Rd - Google Maps](#)

#### A more coastal alignment

We did receive several objections as well as this representation that questioned the fact that our proposed route for the trail passes a significant distance inland resulting in the creation of around 700 acres of coastal margin. Whilst much of this land is either excluded by direction or excepted land, portions of it will still be technically available for public access.

We share the Ramblers frustration that we have not been able to find a more seaward route in the Cadland area. During the preparation of our proposals, in consultation with the Estate we looked hard for a more seaward alignment in this area but proposed our route for the following reasons:

1. There are sensitive conservation sites and species in the more seaward areas that needed to be avoided. For instance an area of pristine vegetated shingle in front of Cadland House (see our Habitats Regulations Assessment). See Overview Maps P & Q for details of proposed s26(3)(a) directions to exclude access in the area.
2. Farming and land management practices such as the use of mobile high pressure watering systems and commercial forestry made it hard to find a viable alignment in those areas.
3. A commercial shoot takes place on a number of areas seaward of the proposed trail. Pheasant pens are positioned at a number of woodland locations.
4. The potential route options are meandering and complex.
5. Jugglers Moor is low lying with unsafe boggy areas and drainage channels.
6. A shoreline alignment using this shingle beach for any distance would be uncomfortable for walkers. Also a beach alignment was discounted as high tides and winds would force walkers to the toe of the bank where they would potentially attempt to scale the unstable bank/cliff. There is a possibility of accidental trespass should walkers clamber over the bank into adjacent land.

Whilst the Approved Scheme recognises the desirability of sticking to the periphery of the coast where practicable, in line with the steer in section 297(2)(b) of the 2009 Act, it does contemplate scenarios such as this one at paragraph 4.5.4 where it says “Significant detours from the periphery of the coast may occasionally be necessary in order to take account of other uses of the land, or of wildlife sensitivities”. This is the case in this area where excepted land, land management practices and wildlife sensitivities make it impossible for us to propose a more seaward route.

The Ramblers’ submitted a modified proposal. Its proposed route would pass through an area that would under our proposals be subject to a direction to exclude access, year round, under S26(3)(a) Nature Conservation. The proposed modification to the route is therefore impossible.

Further details can be found on map Q in the Overview and our published Habitats Regulations Assessment provides an in depth analysis of the environmental sensitivities in the area.

[N.B. Upon the receipt of objection MCA\Highcliffe to Calshot\O\40\HCS0560 we have reviewed the extent of the s26(3)(a) direction at Cadland Shore and propose to increase its size for the reasons that follow.

The direction has been mapped to the boundary of the registered park and garden (green line on the attached map) which is excepted land. This meant that the upper part of the beach fronting Cadland House has not been included in the direction because no access rights apply to it by virtue of it being excepted land.

We agreed with the objector that including all of the shingle beach in the direction would provide more clarity for access users, even though in practice that part of the direction would have no legal effect because there would be no access rights to exclude. We have provided a new directions map alongside our comment on the objection.]



<b>Representation number</b>	MCA\Highcliffe to Calshot\R\89\HCS1610 New Forest Access Forum ([redacted]) - Chapter 5	
<b>Organisation/ person making representation</b>	New Forest Access Forum – [redacted]	
<b>Report chapter</b>	Chapter 5, Maps 5a,d, f	
<b>Route section(s)</b>	<b>Map 5a</b> HCS-5-S001 HCS-5-S002 HCS-5-S003 HCS-5-S004-S006  <b>Map 5d:</b> HCS-5-S018 HCS-5-S019  <b>Map 5f:</b> HCS-5-S021 HCS-5-S030 HCS-5-S034-S037	
<b>Representation in full</b>		

The New Forest Access Forum would like to show their support for the majority of the route and acknowledge the amount of work that has been put in by Natural England to propose a route they are generally in agreement with.

The group identified three main areas of concern that they would like to make representation on.

1. Safety of walkers due to on road sections
2. Unauthorised and inappropriate parking to access the ECP route
3. Spreading room & magenta wash on OS maps

### **1) On-road sections**

The Forum have concerns over the safety of walkers where the route follows sections on the road and there is no protection to users.

27% of the reported route is proposed on road, a distance of 15.1km and accounts for the second largest status of section following public footpaths which account for 30.5%, and distance of 17.2km.

Specific sections of concern are:

#### **Map 5a**

HCS-5 S001 and S002 perhaps could be routed from the bend at Lower Exbury House on the western side of the road to the entrance to the Inchmery Hard at the beginning of HCS 5 S005. This would give a better view of the sea than is proposed avoiding the narrow downhill section of the road.

HCS-5-S003 RD at Inchmery past the house Three Stones is dangerous as it is narrow with no pedestrian refuge. The Forum are surprised highways approved this section.

#### **Map 5d**

HCS-5-S018 Dangerous road, especially bend in the road at Old Keepers Cottage. Narrow road with points where there is no pedestrian refuge.

HCS-5-S019 RD Stanswood Road. The double bend at Stanswood Copse at the start of this section is dangerous for pedestrians. This road passes Stanswood Farm and used by the large farm machinery during seasonal busy periods.

#### **Map 5f**

HSC 5 S037 If the stretch from Calshot Spit to the Fawley Power Station Dock bridge is not useable due to high tides, an alternative route could be Fawley FP 5 from the end of HCS- 5- S021 along Elmfield Lane to the B3053. Then Fawley FP 4 from B3053 to the Power Station Dock bridge to Fawley FP 46. Unfortunately the splitting up of the sections of the ECP means that this will have to be determined in a separate proposal by English Nature. Regrettably these two routes cannot now be considered together. However we would like it noted that if there is prior warning that the next section of the ECP up to the Power Station Dock bridge cannot be used, it would be preferable for walkers to change course before walking the length of Calshot Spit and having to return to Fawley FP 4.

### **2) Unauthorised and inappropriate parking *no specific comments relating to this Chapter***

**3) Spreading room and magenta wash no specific comments relating to this Chapter**

The Forum feel the magenta wash is not helpful to walker or landowner. 70% of the route will not be accessible due to excepted land or restrictions but will be shown as magenta wash on OS maps.

The Forum would urge Natural England to reconsider how OS are representing spreading room with the magenta wash. It is felt the general public will look at the map and come to the wrong conclusion about the right of way it confers and so not look further for information on excluded and excepted areas of land.

The following illustrate the discrepancy between the magenta marked coastal margin landward of the route on the proposal maps, and what will appear as a magenta wash on the OS maps. These sections currently show minimal coastal margin, but in practice the coastal margin areas which will be shown on OS maps will be significantly greater than this and could cause problems of trespass, stock management and wildlife disturbance:

**Map 5a:** HCS-5-S004-S006

**Map 5f:** HCS-5-S034-S037

**Additional Comments**

**Map 5f** HCS-5-S030. The Forum have concerns over flooding during high tides and inaccessibility of this route with walkers having to retrace their steps back along Calshot spit into Calshot Village. They suggest an alternative route from the end of S021 to follow the public footpath adjacent to Bus Drove which would take the path to rejoin the next section of the ECP (Calshot Spit to Gosport) at the Power Station Dock Bridge.

**Natural England's comments**

**Road Safety**

**HCS-5-S001 Inchmery Lane**

We considered aligning the trail along the road and around the 'S' bends at this location, however we opted for the proposed route because we concluded that overall it struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme.

We were uncomfortable aligning the ECP on the road through this 'S' bend. We looked at an alignment seaward of the road but there are trees and other vegetation growth in this area which mean for the most part there would not be significantly better views.

Our proposed alignment is made with the support of the landowner. It provides a good off road walking surface, but does reduce views of the water for a short distance until the ECP re-joins the road at HCS-4-S003.

**HCS-5-S003 Inchmery Lane**

Inchmery Lane was given a RAG safety rating of green and is described as a narrow two-way road that is very rural in nature. It is subject to a 40mph speed limit and there is good forward visibility except for around a couple of bends where

care must be taken. There are areas of grass verge that pedestrians can walk along but they will generally walk along the carriageway.

#### [HCS-5-S003 - Google Maps](#)

#### **HCS-5-S018 and HCS-5-S019 Stanswood Road**

The Stanswood Road section was given a RAG safety rating of green by Hampshire CC's Highways Safety Audit with the comments 'generally has good forward visibility except for at a few tight bends where care must be taken. Pedestrians will walk in the carriageway but can step into the verge if a vehicle is approaching.'

The 'S' bend at Old Keepers Cottage has a verge and at the apex widens which affords walkers a good view of approaching traffic.

A similar situation exists at the bends near to Stanswood Cottage and the entrance drive to Cadland House continuing past Jugglers Moor. Widening verges in part at the bends allow forward visibility over the road which is situated at a lower level especially where the road passes Jugglers Moor.

#### [Stanswood Rd - Google Maps](#)

#### **HCS-5-S030 to HSC-5-S037 Calshot Spit to Fawley Powerstation**

Natural England's report Calshot to Gosport 1, includes details of an optional alternative route that will operate as an optional diversion from the ordinary route between HCS-5-S021 and CCG-1-S002 at high tides. CCG 1 was approved by the Secretary of State on 11 November 2021.

#### **Spreading room & magenta wash on OS maps**

Please refer to our comments regarding the Ordnance Survey mapping in our supplementary note on this subject.

<b>Representation number</b>	MCA\Highcliffe to Calshot\R\118\HCS1611
<b>Organisation/ person making representation</b>	The New Forest National Park Authority ([redacted])
<b>Report chapter</b>	Chapter 5  Map 5a
<b>Route section(s)</b>	HCS-5-S003  HCS-5-S005-S007
<b>Representation in full</b>	
The NFNPA strongly supports the key principles of alignment as described in paragraph 4.1.1 of the Coastal Access Approved Scheme. For this reason, the NFNPA has strong concerns about the alignment of the coast path along HCS-5-S003 as it is considered that this does not make adequate provision for the safety	

of people using the route - both as walkers and as vehicle drivers. The risks associated with alignment of the coast path on a public road are acknowledged in paragraph 4.2.4 of the Approved Scheme, where the example given is that "the trail need not be aligned along a road used regularly by motor vehicles if there is another suitable route". This section is very narrow with no defined footway or verges, and so pedestrians will be walking on the carriageway, the risks of aligning the trail along this section of road are increased substantially.

Paragraph 4.3.1 of the Approved Scheme states that "For the route to be convenient, it should be reasonably direct and pleasant to walk along". It is further stated in paragraph 4.3.4 that the trail should enable two people to walk comfortably abreast. It is considered that the on-road section S003 would not be pleasant to walk along, since for safety reasons walkers would have to walk in single file and would have no refuge whenever motor vehicles passed by. This would be especially hazardous for many of those who have disabilities and for people with reduced mobility, including those with pushchairs.

The National Trail Quality Standards in England document ("The New deal" NE426) provides a series of Key Indicators and associated Quality Standards for National Trails. One of the Quality Standards for the Key Indicator "quality of the trail corridor" is the presumption that routes will be traffic free. The NFNPA considers that too many of the proposed sections do not meet this standard because they are located on carriageways, many of which have no footway.

It is believed that NE relied on Hampshire County Council's (HCC's) safety assessments of the proposed on-road sections of the coast path, and that NE has not undertaken its own safety assessments nor used any safety assessment method designed for promoted walking routes. HCC's assessments do not appear to take into account the likely increase in use of the roads by pedestrians that would follow their promotion as part of the England Coast Path. Furthermore, HCC did not take into account any traffic flow or speed data nor any data relating to near misses or to accidents that were not reported to the Police; instead HCC relied solely on data relating to reported injuries resulting from accidents that were reported to the Police. It seems likely that the actual risk to the safety of walkers following this on-road section of the Coast Path has been underestimated. The HCC safety assessment for this section of road states 'Inchmery Lane is a narrow two-way road that is very rural in nature. It is subject to a 40mph speed limit and there is good forward visibility except for around a couple of bends where care must be taken. There are areas of grass verge that pedestrians can walk along but they will generally walk along the carriageway'. The NFNPA have significant concerns as to the validity of the safety assessment for section HCS-5-S003 as it is one of the sections mentioned where the road bends and there is little or no forward visibility and no verge for pedestrians to take refuge.

The NFNPA are supportive of the coast path being aligned along sections HCS-5-S005 to S007 as the route is positioned on the periphery of the coast and offers exceptional views of the sea during all but high tides when the alternative route shown on map 5c, section HCS-5-A001 will need to be used by walkers. The stretch already forms part of the Hampshire County Council promoted walking route, the Lepe Loop and is regularly used by walkers with no known problems.

With lengthy detours from the periphery of the coast elsewhere on the coast path, these sections will provide opportunities for the public to enjoy one of the designated Special Qualities of the National Park i.e. "the unspoilt coastline with views of the Solent and the Isle of Wight" (from page 5 of the Special Qualities booklet)

[http://www.newforestnpa.gov.uk/downloads/file/268/special\\_qualities\\_booklet](http://www.newforestnpa.gov.uk/downloads/file/268/special_qualities_booklet).

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

Natural England does not undertake its own formal road safety assessments. We rely on expert advice from the highways authority in order to help us form an opinion about the suitability of alignment along a road. This assessment, along with our walking the course, are significant factors in our alignment decisions.

Inchmery Lane is a very quiet lane that was given a RAG safety rating of green by the Highways Authority Road Safety Assessment. We consider it safe to walk along and it will be a pleasant walking experience for ECP users.

#### [Inchmery Ln - Google Maps](#)

As described in the National Trails Quality Standards or NT there is a presumption in favour of the trails being traffic free, however it is just that, a 'presumption' and not a guarantee. There are a number of instances where, due to lack of a viable alternative, stretches of National Trail follows a road and as with this stretch of the ECP, our prime interest would be in walker/user safety. In this instance the highway authority has rated this stretch as 'green' for walker safety therefore we have considered it the most appropriate alignment for this part of the stretch.

<b>Representation number</b>	MCA\Highcliffe to Calshot\R\119\HCS1611
<b>Organisation/ person making representation</b>	The New Forest National Park Authority ([redacted])
<b>Report chapter</b>	Chapter 5
<b>Map</b>	Map 5b
<b>Route section(s)</b>	Sections HCS-5-S008 to S016
<b>Representation in full</b>	
The NFNPA are supportive of the coast path being aligned along sections HCS-5-S008 to S016 as the route is positioned on the periphery of the coast and offers exceptional views of the sea. With lengthy detours from the periphery of the coast elsewhere on the coast path, these sections will provide opportunities for the public to enjoy one of the designated Special Qualities of the National Park i.e. "the unspoilt coastline with views of the Solent and the Isle of Wight" (from page 5 of the Special Qualities booklet)	
<a href="http://www.newforestnpa.gov.uk/downloads/file/268/special_qualities_booklet">http://www.newforestnpa.gov.uk/downloads/file/268/special_qualities_booklet</a> .	

Sections HCS-5-S008 to S013 already form part of the Hampshire County Council promoted walking route, the Lepe Loop and are regularly used by walkers with no known problems.

Section HCS-5-S016 passes through Lepe Country Park which will be one of very few vehicular access points to the England Coast Path within the proposed route and will offer parking, toilets and refreshments.

**Natural England's comments**

This representation in support of our proposals is acknowledged.

<b>Representation number</b>	MCA\Highcliffe to Calshot\R\120\HCS1611
<b>Organisation/ person making representation</b>	The New Forest National Park Authority ([redacted])
<b>Report chapter</b>	Chapter 5 Maps 5d & 5e
<b>Route section(s)</b>	HCS-5-S017 to S020

**Representation in full**

The NFNPA strongly supports the key principles of alignment as described in paragraph 4.1.1 of the Coastal Access Approved Scheme. For this reason, the NFNPA has strong concerns about the alignment of the coast path on public roads, as it is considered that this does not make adequate provision for the safety of people using the route - both as walkers and as vehicle drivers. The risks associated with alignment of the coast path on a public road are acknowledged in paragraph 4.2.4 of the Approved Scheme, where the example given is that "the trail need not be aligned along a road used regularly by motor vehicles if there is another suitable route". Where there is no defined footway, and so pedestrians will be walking on the carriageway, the risks of aligning the trail along a road are increased substantially.

The NFNPA has significant concerns regarding the alignment of the coast path as shown on maps 5d & 5e, sections HCS-5-S018 to S020. The NFNPA considers that members of the public following the England Coast path should not be required to walk on a public carriageway. Paragraph 4.3.1 of the Approved Scheme states that "For the route to be convenient, it should be reasonably direct and pleasant to walk along". It is further stated in paragraph 4.3.4 that the trail should enable two people to walk comfortably abreast. It is considered that the on-road section map 5d, section HCS-5-S018 would not be pleasant to walk along, since for safety reasons walkers would have to walk in single file and would have to try and find refuge on the very narrow verge with steep sided ditches on each side whenever motor vehicles passed by. This would be unmanageable for many of those who have disabilities and for people with reduced mobility, including those with pushchairs.

The NFNPA feel there are other suitable routes which were dismissed and consideration should be given to reviewing these, in particular 'Aligning the trail on some sections of land seaward of Stanswood Road' (Section 5.2.3 Other options considered, Highcliffe to Calshot report).

Map 5d, Section HCS-5-S018 could follow seaward side of hedge from Stone Farm Cottages to Old Keepers Cottage. This option was considered but not proposed as "alignment avoids walkers having to constantly switch between off road and on road walking, resulting in more clarity for walkers". However, this has been done in a number of other places such as Map 4a HCS-4-S002 to S009, Map 4h HCS-5-S035-S036 for a shorter distance than that proposed here. A route within the field boundary would cover a significant distance (550m) and would greatly improve walker's safety taking people off the road.

An additional section of 180m on road walking could be avoided at the beginning of HCS-5-S018 by rerouting path along track (from section HCS-5-S017) and roadside boundary of hedge to the west of Stone Farm. This will reduce the need for a bridge over the ditch if taken along the hedge seaward of the road and could link to the NFNPA's additional proposed route towards Old Keepers Cottage identified above, saving total of 720m of on road walking. The NFNPA believe the taking the route off the road and to the seaward side of the hedge would strike a better balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme.

The Keyhaven - Calshot stretch of the England Coast Path will be a National Trail in a National Park. This means that the quality of the experience for members of the public through the New Forest National Park should be second to none. Where the Coast Path is situated in a National Park the most diligent efforts should be made to ensure that the key principles for the alignment of the Coast Path and the Quality Standards for National Trails are met. This section of the route is not:

- safe and convenient (NE Coastal Access Approved Scheme, paragraph 4.1.1)
- traffic free ("The New deal" NE426, page 8)

It is believed that NE relied on Hampshire County Council's (HCC's) safety assessments of the proposed on-road sections of the coast path, and that NE has not undertaken its own safety assessments nor used any safety assessment method designed for promoted walking routes. HCC's assessments do not appear to take into account the likely increase in use of the roads by pedestrians that would follow their promotion as part of the England Coast Path. Furthermore, HCC did not take into account any traffic flow or speed data nor any data relating to near misses or to accidents that were not reported to the Police; instead HCC relied solely on data relating to reported injuries resulting from accidents that were reported to the Police. The NFNPA feel that the actual risk to the safety of walkers following these on-road sections of the Coast Path has been underestimated. Stanswood Road (Site 37 in HCC's Safety Assessment) is given a RAG rating of 'green' even though it is recorded as 'a narrow two-way road with a 40 mph speed limit and tight bends where care must be taken. Pedestrians will walk in the carriageway but can step into the verge if a vehicle is approaching'. The NFNPA have significant concerns as to the validity of the safety assessment for sections HCS-5-S018 and S019 in particular as they both have sections as mentioned where the road bends and there is little or no forward visibility and limited or no verge safe for pedestrians to take refuge.

The NFNPA would like to see Natural England to take considerations to alternative safer routes further inland possibly through Stanswood Common and Spratsdown Plantation linking to the right of way which meets the junction of HCS-5S020 and S021.

**[N.B. The representation references the following documents but these were not submitted alongside the representation form.**

- Photos of the road & verges
- Map showing alternative proposed route]

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

Natural England does not undertake its own formal road safety assessments. We rely on expert advice from the highways authority in order to help us form an opinion about the suitability of alignment along a road. This assessment, along with walking the course, are significant factors in our alignment decisions.

#### [Stanswood Rd - Google Maps](#)

We looked hard for a more seaward alignment in this area and this is discussed in greater detail in our response to Alan Marlow (Ramblers) representation *MCA\Highcliffe to Calshot\R\42\HCS1612*.

The other options for alignments that we considered for this section are discussed within our published Overview Report. We believe that Stanswood Road (HCS-5-S018) is suitable to align along due to its RAG safety rating of green, and description: 'generally has good forward visibility except for at a few tight bends where care must be taken. Pedestrians will walk in the carriageway but can step into the verge if a vehicle is approaching.'

Aligning seaward of the hedge here would offer no additional sea views. We chose to align on the road as it provides the most direct route back towards the coastline and avoids alignment on and off road especially where visibility along straight stretches of road is good. We also felt that if given the choice in this location, many walkers would choose to stay on the road rather than divert on and off of it.

<b>Representation number</b>	MCA\Highcliffe to Calshot\R\121\HCS1611
<b>Organisation/ person making representation</b>	The New Forest National Park Authority ([redacted])
<b>Report chapter</b>	Chapter 5 Map 5f
<b>Route section(s)</b>	HCS-5-S022 to S037

## **Representation in full**

The NFNPA supports Natural England's proposal for the coast path to be aligned on the route from sections HCS-5-S021 to S037 provided the ongoing coast path alignment through the next section at the start of the Calshot to Gosport stretch is suitable and appropriately linked. It is the Authority's assumption that the route will follow its current direction and head north west towards Fawley. Whilst this section is out of the remit of this report it must be noted that the likely linking path floods at high tides. If this is the case then alternative proposed routes could take walkers north east from section HCS-5-S021 to linking rights of way which would mean walkers on the current Highcliffe to Calshot stretch either doubling back on themselves in the event of high tide or sections HCS-5-S022 to S037 becoming redundant and established by Natural England and the National Park Authority unnecessarily.

## **Natural England's comments**

### **Flooding along the end of the stretch**

Natural England is aware that the path between Calshot and Fawley Powerstation (part of the Calshot-Gosport stretch) can become partially inundated at times of high tide.

Natural England's report Calshot to Gosport 1, includes details of an optional alternative route that will operate as an optional diversion from the ordinary route between HCS-5-S021 and CCG-1-S002 at high tides. CCG 1 was approved by the Secretary of State on 11 November 2021.

## Other representations – whole report

<b>Representation ID:</b>	MCA\Highcliffe to Calshot\R\98\HCS0093
<b>Organisation/ person making representation:</b>	[redacted], New Forest District Council Coastal Group
<b>Name of site:</b>	Chapters 1 & 2 (plus Overview sections 6&8)
<b>Report map reference:</b>	1e & 2a
<b>Route sections on or adjacent to the land:</b>	HSC-1-S050, HSC-1-S052 & HSC-1-S055 HSC-1-S002
<b><u>Summary of representation:</u></b>	
<b>Map 1e</b>	
HSC-1-S055: This bridge is owned and maintained by NFDC. Will the maintenance of this become part of the maintenance of the Coastal Access Path. If it is still the obligation of NFDC, there is the possibility that it may need to be closed for short periods if maintenance is required. This would apply to all other similar NFDC structures.	
HSC-1-S052: The access path appears to run along the path at the top of the rock revetment, this is a coastal protection defence and maintenance of this may be required from time to time. This would apply to all other similar NFDC coastal defences.	
HSC-1-S050: The access path appears to run along the back of the seawall; during storms waves frequently overtop the wall, discharging water (together with shingle at times) onto the land behind. This also applies to adjacent stretches of the access path to the west.	
<b>Map 2a</b>	
HSC-1-S002RD: Floodgates are located at the north-eastern end of this section and flooding is possible during high tide and storm surge events.	
Overview Report Chapter 6 (d) Does the report need to mention the recent loss of the public right of way along the cliff-top between Milford and Barton on Sea, or does this mean the right of way is re-instated? Does it need to mention the permissive path – in relation to the privately owned section? Does it need to mention possible future closures when erosion occurs and the space between the fence and the path is reduced to a width below 4m or to a width that is unsafe to use due to the proximity of the cliff? If temporary closures have to be applied who will undertake and manage the closure and who will manage the information signage, before roll-back can be undertaken?	

## Overview Report Chapter 8

The proposed maintenance figure of £27,755.72 doesn't appear to be written correctly (i.e. dot between first & second 7's).

Also the figure of £27K for maintenance appears quite low, the amount of roll back needed may be significant along the Milford to Barton-on-Sea frontage may on its own require investment annually?

Also, the wording indicates that the figure of £27K was derived from the contribution to other trails. In this context what is defined as a 'contribution'? Does it infer that the landowner continues the majority of any maintenance that is required with the contribution for additional specific items as necessary?

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

#### **Map 1e: HCS-1-S055 and HCS-1-S052**

Ownership and maintenance of the bridge remains with the NFDC. Should its closure be required for maintenance then the access authority in liaison with NFDC can close the path for maintenance as they do now (it is a PRoW so directions to exclude access under the CROW Act would not be required).

After the rights commence, where the route needs to be closed for reasons that were not specified in the report, the local authority should ensure that management measures such as signs and fencing makes this clear on the ground and that another walkable route is available. Another walkable route can be either an informal temporary route using existing rights of access elsewhere, e.g. a road or other PROW, or a formal temporary route where NE will need to make a direction to close the ordinary route and create rights of access elsewhere, e.g. across a field. NE will determine whether a direction is necessary, e.g. for public safety reasons, to close the ordinary route and/ or margin according to the particular circumstances. We cannot use directions to close the ordinary route where it uses a PROW as highways are excepted land. Where the temporary route creates a long diversion (in terms of distance), the local authority should show this on the National Trails website.

#### **Map 1e & Map 2a: HCS-1-S050 & HSC-1-S002RD**

We do not believe that walking along the path here presents a hazard in normal conditions, however users of the ECP are expected to take responsibility for their own care and make decisions on the suitability of walking a route in extreme weather events.

#### **Clifftop between Milford and Barton on Sea**

The cliff at this location is vulnerable to erosion and slumps have occurred in the area. We undertook a site visit on the week commencing 18 April 2022 to check that our proposed route is still available. We found that all of the proposed trail but the section shown on the aerial photograph below, is still in place.

#### **Aerial photograph showing trail sections that have been lost to erosion.**



Our originally proposed path is shown in red and pink on the aerial photograph. The overlaid blue line shows the recorded walked GPS line in 2018. The blue line to the north is the newly recorded walked GPS line in 2022.

This new line is already walked by the public and the local authority has already agreed this new informal line of the PRoW with the necessary local landowners. These landowners are aware that Natural England intends to use this new walked route as the line of the England Coast Path and are in agreement with this.

**We therefore ask the Secretary of State to approve this modification to our original proposals as set out in the attached map and table.**

The introduction of the ECP will not replace these 'lost' PROW rights, instead new access rights over the trail will come into force as a result of the Part 1 of the CROW Act.

Where the trail is aligned on an existing PROW, ECP users will be on that land by virtue of PROW access rights. However, if the trail is aligned on a permissive path, in these circumstances new coastal access rights on the trail will be created. This gives a formal right of access under the CROW Act for ECP users to be on that land.

The legislation gives Natural England the power to implement roll back (where it has been approved in a report). As part of the normal national trail funding agreement, access authorities take responsibility for the ongoing maintenance of the ECP and this would include the practical management of roll back as it occurs

locally in consultation with NE, this will also include signage and diversion information.

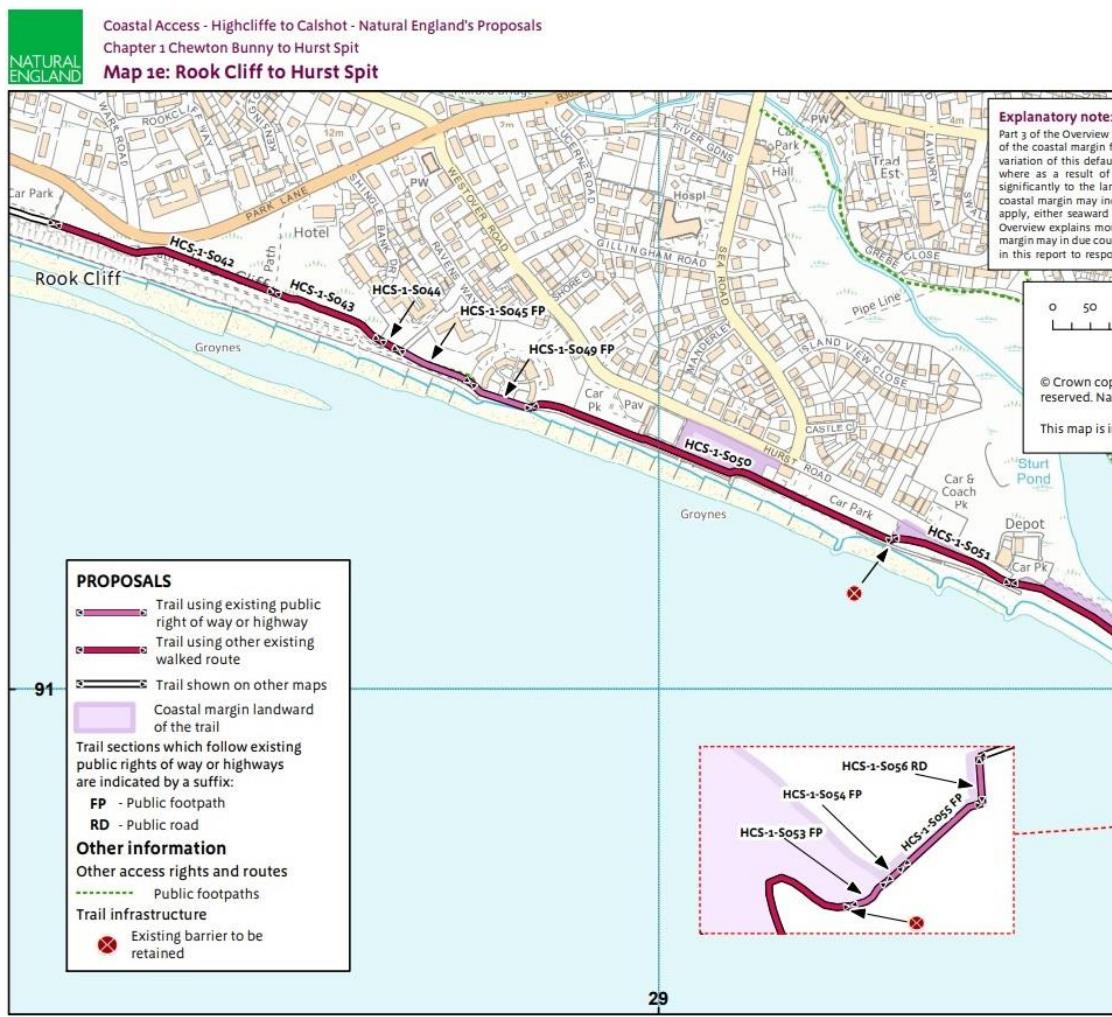
### **Overview Report Chapter 8**

The dot in section 8 'Maintenance of the path' should have been a comma e.g. £27,755.72 instead of the written '£27.755.72'.

The maintenance figure for stretches of the England Coast Path are calculated using a formula derived to reflect the factors involved in trail maintenance and their various funding requirements. The existing National Trail managing authorities, including those with England Coast Path responsibilities, participated in the process to agree this formula. One of the components of the current formula aims to account for the number of major incidents that may occur, for example where roll back might prove necessary.

The use of the word 'contribution' reflects the fact that Natural England makes a contribution towards the maintenance of National Trails, the balance of which is made up from local sources e.g. primarily highway authority funding, but also other partner contributions, commercial funding, locally generated income. It does not and should not infer that the landowner shoulders the majority of any maintenance; landowner contributions normally follow pre-existing local agreements.

## Natural England's Proposed modification



**Map 1e: Rook Cliff to Hurst Spit- HCS-1-S043 to HCS-1-S045 (Updated)**

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 (See maps)	Reason for landward boundary proposal	Explanatory notes
HCS 1e	HCS-1-SO43	Other existing walked route	Yes - Normal	No	Landward edge of path	Clarity and Cohesion	
HCS 1e	HCS-1-SO44	Other existing walked route	Yes - Normal	No	Landward edge of path	Clarity and Cohesion	
HCS 1e	HCS-1-SO45	Public footpath	Yes - Normal	No	Landward edge of path	Clarity and Cohesion	

## Chapter 2

### Chapter 2 - Summary of 'other' representations making similar or identical points, and Natural England's comments on them

Representation ID	Organisation/ person making representation:
MCA\Highcliffe to Calshot\R\1\HCS0173	[redacted]
MCA\Highcliffe to Calshot\R\2\HCS1172	[redacted]
MCA\Highcliffe to Calshot\R\3\HCS1029	[redacted]
MCA\Highcliffe to Calshot\R\4\HCS0361	[redacted]
MCA\Highcliffe to Calshot\R\13\HCS0146	[redacted]

MCA\Highcliffe to Calshot\R\14\HCS0052	[redacted], Fishermans Quay Management Company Limited/Saveideal Limited
<b>Name of site:</b>	Chapter 2
<b>Report map reference:</b>	2a to 2e
<b><u>Summary of representation:</u></b>	
These six representations all support the proposals in chapter 2. In addition, [redacted] states that due consideration to road safety has been given and the route captures the essence of Lymington.	
<b><u>Natural England's comment:</u></b>	
Natural England acknowledges these representations which are supportive of our proposals.	

Representation ID	Organisation/ person making representation:
MCA\Highcliffe to Calshot\R\124\HCS1826	[redacted]
MCA\Highcliffe to Calshot\R\126\HCS1826	[redacted]
<b>Name of site:</b>	Lymington
<b>Report map reference:</b>	2d - 2e.
<b>Route sections on or adjacent to the land:</b>	HCS-2-S034 to HCS-2-S038 and HCS-2-S043
<b><u>Summary of representation:</u></b>	
Both these representations suggest alternative routes to the alignment within Lymington.	
Within representation number 124 [redacted] asks why the Solent Way has not been followed for sections seaward of HCS-2-S034 to HCS-2-S038, on the existing walked line through the boatyard.	
Within representation number 126 [redacted] suggests following Station Street and Waterloo Street instead of the proposed alignment along Gosport Street at HCS-2-S043. This would provide easier links across the 'promised bridge over the railway into the Lymington Shores development' and would link the trail directly with the Lymington Town Railway Station.	
<b><u>Natural England's comment:</u></b>	
The Solent Way was incorrectly shown on Ordnance Survey maps as going through the boatyard. This has now been updated by OS.	
Natural England felt that aligning the trail inland of Berthon Boatyard would strike the fairest balance between the rights of walkers to have access over land and the operational needs of	

the boatyard. In this case our proposed alignment achieves this by navigating around the landward side of the site in question along Bath Road.

**Photo: ECP is aligned along pavement. The boatyard is behind the high hedge/fence**



The site is already closely managed, being wholly enclosed with access gates and security in place at the entrance points.

**Photo: Entrance to the boatyard**



The site would fall within the coastal margin but it is our intention that no coastal access rights will be created over the site. Map G of the Overview report shows our original proposal to exclude access under land management S24 and public safety S25(1)(b)(all year round) over the Berthon Boatyard. However, the Secretary of State should note the owners of the boat yard's objection to this exclusion - MCA\Highcliffe to Calshot\O\72\HCS0033. As a

consequence of this objection, we propose to withdraw our proposal to exclude access to the site.

Our proposed alignment at HCS-2-S043 follows Gosport Street. We considered three different road alignments in this area and concluded that Gosport Street was the safest option.

- Station Street has a pavement and would take walkers closer to the estuary, however this would also require walkers to use Waterloo Road which is less suitable.
- Waterloo Road does not have a pedestrian walkway and we believe that the mix of residential and business properties generates a notable level of traffic
- Gosport Street has a pavement for pedestrians to use.

Neither Waterloo Road nor Gosport Street offer views of the estuary, and both routes are similarly direct, therefore it was considered that Gosport Street was the more suitable alignment as it has a pavement.

The proposals for a footbridge linking the development have recently been granted planning permission (Ref. No: 18/10780, 1<sup>st</sup> August 18) however at the time of writing construction works have not begun and we are not aware of a start date. If a more suitable route becomes available through the construction of a new bridge, it would be open to Natural England to produce a report to vary the approved route

[Redrow refused consent to scrap Lymington Shores bridge plan | Daily Echo](#)

## **Chapter 2- Summary of ‘other’ representations making non-common points, and Natural England’s comments on them**

<b>Representation ID:</b>	MCA\Highcliffe to Calshot\R\125\HCS1826
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	Near Town Slip
<b>Report map reference:</b>	2e.
<b>Route sections on or adjacent to the land:</b>	HCS-2-S040 and HCS-2-S041
<b><u>Summary of representation:</u></b>	This representation questions whether the depiction of the landward spreading room correlates with the description in table 2.2.1.
<b><u>Natural England’s comment:</u></b>	Within the Chapter 2 report, section 2.2.1 ‘section details’, HCS-2-S040 is described as a ‘Public footway (pavement) with a surface of ‘tarmac’. HCS-2-S041 is described as a ‘public highway’ with a surface of ‘tarmac’ which were confirmed

during site visits. Both have a 'default' landward boundary of 2m from the line of the trail.

We can confirm that the landward boundary of the coastal margin is correctly represented on 'Map 2e: Waterford Marina to Lymington Bridge'. The inset is shown at a larger scale than the rest of the map, which is why the thin strip of margin appears there. The coastal margin is too thin to appear on the small scale mapping shown elsewhere on this map.

## **Chapter 5 - Summary of any similar or identical points within 'other' representations, and Natural England's comments on them**

<b>Representations containing similar or identical points</b>	
<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
[redacted]	MCA\Highcliffe to Calshot\R\16\HCS1786
[redacted]	MCA\Highcliffe to Calshot\R\103\HCS1676
<b>Name of site:</b>	Stanswood Road
<b>Report map reference:</b>	5d and 5e
<b>Route sections on or adjacent to the land:</b>	HCS-5-S018 to HCS-5-S020

### **Summary of points: Stanswood Road**

[redacted] supports the alignment along Stansore Point to Stanswood Road via Stone Farm (HCS-5-S017) although he is concerned about the alignment along Stanswood Road (HCS-5-S018-S020) as he says this is a single track road which can get busy, particularly during the summer months, with visitors and agricultural traffic. He is concerned that there are two sharp bends which offer almost no forward visibility for drivers. There is no verge along this road, which he says is needed, as well as a deviation in the proposed route in order to avoid the double right angled bend. He suggests that this safety issue could be solved by a 20-yard path the other side of the hedge from the road.

[redacted] concurs that this section of road is often used by traffic and the road is narrow. He says that there is a tight 'kink' near Stanswood Copse with poor visibility and vehicles approaching at speed. He would like Natural England to provide a footway or off-road alternative.

He goes on to suggest that while the route proposed is reasonably direct, this section of road is busy, especially in summer and is known locally as an area in which to take care when on foot or bike. Vehicles travel fast in both directions, many are

travelling to and from Calshot Activities Centre, Lepe Country Park and the Beaulieu/Exbury attractions - so many drivers are unfamiliar with the roads. The road is narrow, and when the hedges are in full growth there is virtually no space at the edge of the road for pedestrians to wait for vehicles to pass comfortably.

This stretch of road would be very unpleasant to walk along, which he suggests is not consistent with the Approved Scheme which says that "the route should be reasonably direct and pleasant to walk along". Walkers using the road would have to do so in single file, and children would be at risk. He suggests that a footway, or an off-road alternative should be provided. The road passes between fields here, so a suitable off-road route could be created. The fields and small areas of woodland on the southern edge of the road are, he says, large enough to accommodate a narrow-fenced access strip to facilitate this off-road access.

He suggests that it is unlikely that the Highway Authority has any or many reported incidents involving pedestrians on this road to date, but that this should not be the only factor in determining its safety or the user experience. The National Trails Quality Standards in England from April 2013 identify a presumption in favour of National Trail routes being traffic free. He believes that this section of the proposed route fails to meet this quality standard.

[redacted] points out that there is a duty to strike a fair balance between public and private interests. Given that Natural England's proposals avoid most of the Cadland Estate, he says, it is not unreasonable to expect the Estate to provide alternative off-road access between Lepe and Calshot. This will partly compensate the public interest for losing access to the coastal views.

Natural England does not undertake its own formal road safety assessments. We rely on expert advice from the highways authority in order to help us form an opinion about the suitability of alignment along a road. This assessment, along with walking the course, are significant factors in our alignment decisions.

#### [Stanswood Rd - Google Maps](#)

We looked hard for a more seaward alignment in this area and this is discussed in greater detail in our response to [redacted] below.

The other options for alignments that we considered for this section are discussed within our published Overview Report. We believe that Stanswood Road (HCS-5-S018) is suitable to align the ECP along due to its RAG safety rating of green, and description: 'generally has good forward visibility except for at a few tight bends where care must be taken. Pedestrians will walk in the carriageway but can step into the verge if a vehicle is approaching.'

We share the frustration expressed in several representations that we have not been able to find a more seaward route in the area, however, we must emphasise that land owners are under no obligation to change their land management practices/arrangements in order to accommodate a more seaward alignment.

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<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA\Highcliffe to Calshot\R\52\HCS1803	[redacted], Cadland Shoot Partnership
MCA\Highcliffe to Calshot\R\54\HCS1804	[redacted], Manor of Cadland Farms
MCA\Highcliffe to Calshot\R\68\HCS0561	[redacted], Cadland Estate
<b>Name of site:</b>	Cadland Estate
<b>Report map reference:</b>	5d to 5f
<b>Route sections on or adjacent to the land:</b>	HCS-5-S017 to HCS-5-S027
<b><u>Summary of point: coastal access rights</u></b>	
There is no discrimination between areas of coastal margin with and without coastal access rights. Walkers will be confused as to which land they can and cannot access.	
<b><u>Natural England's comment:</u></b>	
It has been suggested that it is unfair that such a large area of coastal margin is shown on the Ordnance Survey's Explorer Series maps, without discrimination between those areas of coastal margin that can be used by the public (spreading room) and those that can't (land subject to directions or excepted land). The implication is that the public will not know which areas of the coastal margin they are legally able to access and this might result in trespass, putting sensitive species at risk and impacting on work operations.	
In our experience, deliberate trespass is rare. Where it does occur, factors that influence this can be identified and preventative measures put in place.	
Walkers do not like conflict with land owners and consequently a well waymarked path such as the ECP is an attractive prospect. For that reason we expect that the vast majority of people using coastal access rights in the area will stick to the line of the trail. Experience on national trails and other footpaths has shown that careful positioning of waymarker arrows at key locations on the trail greatly encourages walkers to stay on the path.	
In our experience, the vast majority of people will only deliberately detour from the path if: <ol style="list-style-type: none"> <li>it is easy;</li> <li>they feel that their actions aren't causing any harm;</li> <li>the landowner doesn't really mind.</li> </ol>	

The nature and extent of coastal access rights at a particular location is not shown on the Ordnance Survey maps as explained in our supplementary note.

Our detailed appraisal relating to the protection of sensitive features in the area can be found in our published HRA. Our proposals are designed to avoid damaging impacts on these sensitive features.

<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA\Highcliffe to Calshot\R\52\HCS1803	[redacted], Cadland Shoot Partnership
MCA\Highcliffe to Calshot\R\54\HCS1804	[redacted], Manor of Cadland Farms
MCA\Highcliffe to Calshot\R\68\HCS0561	[redacted], Cadland Estate
MCA\Highcliffe to Calshot\R\57\HCS1805	[redacted], Cadland Estate
MCA\Highcliffe to Calshot\R\51\HCS1802	[redacted]
<b>Name of site:</b>	Cadland Estate
<b>Report map reference:</b>	5d to 5f
<b>Route sections on or adjacent to the land:</b>	HCS-5-S017 to HCS-5-S027
<b><u>Summary of point: Natural England could propose the inland route as an alternative route</u></b>	
They say that the legislation provides for an alternative route.	
<b><u>Natural England's comment:</u></b>	
None of these representations elaborate, but we point the Secretary of State towards [redacted]'s objection MCA\Highcliffe to Calshot\O\40\HCS0560 which makes various legal arguments about how Natural England might employ an alternative route without ever opening the ordinary route of the ECP. This would have the effect of reducing the amount of coastal margin over Cadland Estate. We expect that this is what these representations are referring to. We have reproduced our response to that objection below:	
It is suggested by some objectors that to avoid creating substantial areas of coastal margin in places where it has proved necessary to divert the proposed path significantly inland on the open coast or an estuary, Natural England should use the device of classifying the proposed route as an "alternative route" under section 55C of the National Parks and Access to the Countryside Act 1949 (NPACA 1949). Under the terms of the 2010 Order, an alternative route does not by default generate seaward margin. Some objectors argue that in order to justify classifying the intended route in this way, Natural England should also have proposed a	

seaward “ordinary route”, while acknowledging that the public could never in practice be allowed to use that route for the reasons set out in its report.

In our view such an approach would not be tenable in law. It would rely for its claimed effectiveness on Natural England proposing a seaward alignment which there was no prospect of the public ever being allowed to use. Natural England maintains that it would be an offence against common sense, and common parlance, to call such an illusory alignment the ordinary route of the ECP.

Yet without employing this artificial device – a legal conjuring trick – it would plainly be impossible to characterise the intended route as what section 55C calls “an alternative route which is to operate as a diversion from the ordinary route, or part, during one or both of the following –

- (a) any specified period (or periods), and
- (b) any period during which access to the ordinary route or part is excluded by reason of a direction under Chapter 2 of Part 1 of the CROW Act (exclusion or restriction of access). ”

The route in question would not in fact be a diversion at all, but the permanent route of the ECP through the area in question.

In our view the statutory language “period (or periods)” above only makes sense in relation to temporary, not permanent, circumstances. It would make no sense to describe a route that could never be used as the ECP as its “ordinary route”; or to describe what is actually the permanent ECP route as a “diversion”.

As is set out at para.4.4.4 of the Scheme, which has binding force:

“Our route proposals avoid altogether any places where long-term or permanent local exclusions would affect the route... However, temporary or seasonal restrictions or exclusions may from time to time be necessary on the trail locally. Wherever possible we anticipate this in our report, proposing alternative routes to enable people to continue their journey along the coast **at such times.**” (Our emphasis)

Some objectors argue that Natural England, despite permanent issues that prevent any actual creation of coastal access rights along a more seaward route, should nonetheless propose a trail that traverses those areas. It would then be necessary, on their argument, permanently to exclude access along the trail we had just proposed, and provide instead an alternative route under s.55C of NPACA 1949 to be used all year round. Such an approach is strained and offends against the language used by the legislation.

Representation ID	Organisation/ person making representation:
MCA\Highcliffe to Calshot\R\52\HCS1803	[redacted], Cadland Shoot Partnership

MCA\Highcliffe to Calshot\R\68\HCS0561	[redacted], Cadland Estate
MCA\Highcliffe to Calshot\R\57\HCS1805	[redacted], Cadland Estate
<b>Name of site:</b>	Cadland Estate
<b>Report map reference:</b>	5d to 5f
<b>Route sections on or adjacent to the land:</b>	HCS-5-S017 to HCS-5-S027

**Summary of points: Directions to exclude access**

S26 Directions are drawn far too tightly to offer any realistic prospect of protection when the entire area will be covered in magenta wash and marked as access land. Poorly considered mapping will fail to protect such a sensitive site that includes a key sanctuary site for shingle nesting birds, rare lichens and shore plants.

One representation would like to have a direction excluding access for the entire area seaward of the path.

**Natural England's comment:**

We are confident that there will be no likely significant effect on the sensitive features within the land in question. Our Habitats Regulations Assessment explains our analysis in detail. We do not believe that it is necessary to propose any further mitigation measures including directions to exclude access in this area.

**Please refer to section 3.2J Stansore Point to Calshot of the HRA.**

[redacted] suggests that Natural England should have proposed the use of a s26(3)(a) direction for nature conservation more liberally in the area. The implication here is that using a direction to exclude areas of land near to sensitive sites, even if there is no sensitive feature present on that site, would safeguard the sensitive sites by removing any ambiguity about what land is excluded. In other words the rationale is that if a walker was clear that all land in the area is excluded, they are less likely to attempt to enter sensitive sites or other land that is excluded or excepted.

We do not agree with this approach. We have thought very carefully about where directions to exclude access are necessary and we are confident that the species in question are sufficiently protected by our proposals. The Approved Scheme is clear that our suggested access management measures should follow the principle of the 'least restrictive option' that works. As the relevant authority we are not able to grant a direction where it is not necessary and it is clear from wider experience that restrictions are most likely to be complied with where they are seen to be proportionate to the need, and a clear rationale for them is explained.

<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA\Highcliffe to Calshot\R\54\HCS1804	[redacted], Manor of Cadland Farms
MCA\Highcliffe to Calshot\R\68\HCS0561	[redacted], Cadland Estate
MCA\Highcliffe to Calshot\R\51\HCS1802	[redacted]
<b>Name of site:</b>	Cadland Estate
<b>Report map reference:</b>	5d to 5f
<b>Route sections on or adjacent to the land:</b>	HCS-5-S017 to HCS-5-S027
<b><u>Summary of points: Extensive coastal margin</u></b>	
<p>[redacted] is appalled that Natural England has interpreted the legislation to require 700 acres of non-coastal land to be shown as Coastal Margin on the Ordnance Survey Maps. The magenta wash on the Ordnance Survey maps will encourage access, even though much of it will be excepted or excluded land.</p>	
<p>[redacted] say that Natural England should rethink the implications for coastal margin seaward of the path, the mapping of land which is not coastal.</p>	
<p>[redacted] says that it cannot be right that because the path heads in land for conservation purposes that all land automatically becomes Coastal Margin. It cannot have been the intention of parliament to all woodlands to have open access.</p>	
<p>[redacted] lives just to the north of the proposed coastal path on the Stanswood Road and is in agreement with the route along Stanswood Road and then along the existing footpath to Calshot. However, she feels the seaward coastal margin in this area is too extensive, including private property and undisturbed ecological areas. It doesn't strike a fair balance between landowners, the natural environmental and the rights of the public to have access over the land. This section of coast between Lepe and Calshot, has combined more than 500,000 visitors per year.</p>	
<b><u>Natural England's comment:</u></b>	
<p>Please see our supplementary note on Ordnance Survey mapping.</p>	
<p>These representations questioned the fact that our proposed route for the trail passes a significant distance inland resulting in the creation of around 700 acres of</p>	

coastal margin. Whilst much of this land is either excluded by direction or excepted land, portions of it will still be technically available for public access.

During the preparation of our proposals, in consultation with the Estate we looked hard for a more seaward alignment in this area but proposed our route for the following reasons:

7. There are sensitive conservation sites and species in the more seaward areas that needed to be avoided. For instance an area of pristine vegetated shingle in front of Cadland House (see our Habitats Regulations Assessment). See Overview Maps P& Q for details of proposed s26(3)(a) directions to exclude access in the area.
8. Farming and land management practices such as the use of mobile high pressure watering systems and commercial forestry made it hard to find a viable alignment in those areas.
9. A commercial shoot takes place on a number of areas seaward of the proposed trail. Pheasant pens are positioned at a number of woodland locations.
10. The potential route options are meandering and complex.
11. Jugglers Moor is low lying with unsafe boggy areas and drainage channels.
12. A shoreline alignment using this shingle beach for any distance would be uncomfortable for walkers. Also a beach alignment was discounted as high tides and winds would force walkers to the toe of the bank where they would potentially attempt to scale the unstable bank/cliff. There is a possibility of accidental trespass should walkers clamber over the bank into adjacent land.

Some representations have made the point that it cannot have been the intention of Parliament to include such large areas of coastal margin. Whilst we understand their position, we cannot agree with this assertion. The Approved Scheme recognises the desirability of sticking to the periphery of the coast, however it also contemplates scenario such as this one at 4.5.4 where it says “Significant detours from the periphery of the coast may occasionally be necessary in order to take account of other uses of the land, or of wildlife sensitivities”.

It is implied that Natural England should remove some of these areas of coastal margin from our proposals. Seaward coastal margin is an automatic consequence of the position of the trail. We do not have the power to remove areas of land from it. However, the legislation builds in protections in the form of excepted land and the CROW directions regime to ensure that the provision of any new access rights is compatible with established land uses. The powers to give directions excluding public access must be used within the constraints of the governing legislation (Part

1 Chapter II of the CROW Act), and what Chapters 6 to 8 of the Scheme say about our approach to using these powers, both overall and in particular situations. Within these parameters, we have had lengthy discussions with legal interests and others to ensure appropriate use of directions in this area.

<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA\Highcliffe to Calshot\R\54\HCS1804	[redacted], Manor of Cadland Farms
MCA\Highcliffe to Calshot\R\58\HCS1806	[redacted], Cadland Estate
<b>Name of site:</b>	Cadland Estate
<b>Report map reference:</b>	5d to 5f
<b>Route sections on or adjacent to the land:</b>	HCS-5-S017 to HCS-5-S027

#### **Summary of points: Land management**

Some representations suggest that it is not a fair balance to classify 700 acres of private land as coastal margin. Within the coastal margin is a commercial farm, where the arable fields are irrigated with very powerful, high pressure rain guns, in particular but not exclusively from May to August. They say there is also a commercial shoot, with birds released from July and shot from September to end of January and commercial forestry without the resources and manpower of the Forestry Commission to implement similar health and safety precautions.

Some representations say that they cannot be sure that walkers won't walk onto crops. Other fields such as House Field contain livestock including a bull. From May to October cattle roam through Jugglers Moor which contains drainage ditches into which cattle could fall if scared by walkers and dogs.

The Estate has experience of fires in our coastal woodland, the damage magnified by the peat soil and poor access for fire engines. These risks will increase if it is mapped as coastal margin.

The proposed mitigation measures are inadequate and there are not the resources to maintain signage, fences etc.

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

Where the proposed route for the Coast Path follows Stanswood Road the Coastal Margin includes farmland and woodland between the road and the shore. Much of this area will be excepted land, either because it is land used as a park or garden

or is arable. Walkers should not therefore come into contact with the irrigation equipment.

However, coastal access rights would be created over some areas, leading to the possibility that new desire lines could develop. In evidence provided to Natural England by Cadland Manor Estate, the Estate has identified two possible areas where desire lines might develop because of coastal access rights being created. We understand from discussions with the Estate that these routes are not currently in use and that they do not intend to waymark or promote any of these routes or make accommodation for pedestrians where there are existing field boundaries or other obstacles.

One possible route is from where access along the beach from Lepe/ Stansore Point ends at the NNR boundary, inland via Allwood and Stanswood Copses to the Stanswood Road. Walkers might make use of coastal access rights in this way to create circular routes from the parking and facilities at Lepe Country Park. Whether such desire lines would develop is uncertain. Most visitors to the Country Park come to spend time at the beach and stay close to the car park, café and other facilities and this existing spatial distribution and intensity of visits to the Country Park is unlikely to be affected by the access proposals.

Only a minority of visitors make use of the 5 mile circular walk (the Lepe Loop) that is already promoted from the Country Park. Some visitors walk east along the shore within the Country Park as far as the D-Day remains and memorial on the beach beyond Stansore Point, which is a promoted destination. The suggested desire line is likely to be infrequently used, if at all, since most people would not undertake a long walk over farmland without some visual cues to indicate a route. Further, the boundary of the Country Park is fenced and the wooded cliffs a walker would need to climb are densely vegetated.

The second area where the Estate suggested a new desire line might develop is through Nelson's Lodge Plantation, on the east side of Jugglers Moor. We have proposed that a new section of path is created between Stanswood Road and Calshot beach HCS-5-S019 to HCS-5-S028. The farmland seawards of this proposed section would be within the default Coastal Margin, but it will not be available to the public as spreading room because of the newly proposed s24/s25 direction to exclude access in connection with grazing water buffalo<sup>1</sup>. The proposed route will be a direct and convenient pedestrian path around the edge of the fields, following well defined linear features and people are unlikely to deviate from such a route into the fields themselves. The largest field in this area is arable and therefore excepted land for purposes of the access proposals.

We believe that because of the likely low level of use of the areas where the shooting and forestry take place, there is not a case for a direction to restrict or

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<sup>1</sup> See NE's comments on [redacted]'s objection MCA\Highcliffe to Calshot\O\50\HCS1811. This can be found in NE's Comments on Objections – Cadland Area document

exclude access and that the activities can continue to be managed by standard informal management techniques.

<b>Representation ID</b>	<b>Organisation/ person making representation:</b>
MCA\Highcliffe to Calshot\R\68\HCS0561	[redacted], Cadland Estate
MCA\Highcliffe to Calshot\R\51\HCS1802	[redacted]
<b>Name of site:</b>	Cadland Estate
<b>Report map reference:</b>	5d to 5f
<b>Route sections on or adjacent to the land:</b>	HCS-5-S017 to HCS-5-S027
<b>Representation ID:</b>	MCA\Highcliffe to Calshot\R\68\HCS0561
<p><b><u>Summary of representation:</u></b></p> <p>Natural England should not expect mitigation measures, such as directions to exclude access, signage and fences to work effectively whilst simultaneously requiring Ordnance Survey to map the entire area seaward of the ECP as Coastal Margin</p> <p>Fences and signs will be very intrusive, ineffective, difficult to manage and maintain and will urbanise the very beautiful but fragile landscape which has been conserved and preserved for so long.</p> <p>“Natural England is well aware that, sadly, large numbers of people do not treat national nature reserves with the respect these environments deserve and often ignore signage restricting access and almost never signs that request dogs to be kept on leads. People will want to explore further and will feel free to so”.</p> <p>One representation objects to the magenta wash on OS maps because areas of excepted land within it will be difficult to police. The limited protection measures proposed by Natural England will fail to protect the environment and this will conflict with what she understands to be Natural England’s main purpose.</p>	
<p><b><u>Natural England’s comment:</u></b></p> <p>Contrary to the claim in the some of the representations and objections, Natural England is not suggesting that all boundaries of excluded areas should be made safe by fences when they are shown as magenta wash. In this area, the extent of</p>	

the excluded area is already demarcated on the ground by existing barriers. At implementation stage, and prior to commencement of new rights, new notices could be added to the existing structures to confirm that coastal access rights are excluded. This would further discourage people from entering the excluded area from along the beach.

Below is a series of photographs that show how access to the areas that we propose to cover with s26(3)(a) conservation exclusions is currently managed on the ground.

**Photo: Cadland Beach from Lepe**



**Photo: Cadland Beach from Calshot**



**Photo: Fence at Stone Marsh**



**Photo: Metalled road at Stone Marsh**



We explain in our response to [redacted] and [redacted] (summary point: land management) why we do not think that there will be many, if any occurrences of people trying to gain access to the shoreline from Stanswood Road. For these reasons we are not suggesting that new fences are erected along the inland boundary of the excluded land, as a combination of the remoteness of the excluded area from the trail, the presence of existing barriers and obstacles (such as excepted land) and the availability of shoreline access in the adjacent country park will be sufficient to discourage people from the area. However, landowners may erect signs indicating the extent of the excluded or excepted area, should they wish to.

The implication that the presence of the magenta wash on the OS maps will encourage deliberate trespass is, we think, an erroneous one. There is currently no formal access to the areas that will be subject to an exclusion and we are not aware of a current significant trespass problem. The access management

measures that are in place to deter trespass will remain, and will not lose effectiveness because of the commencement of the ECP.

[redacted] believes that mitigation measures won't be effective because the OS mapping gives the impression that the excluded area is available for public access. We do not believe this to be accurate statement for the following reasons:

- We do not expect there to be demand for access to these excluded areas.
- The key that accompanies the OS mapping clearly explains that not all coastal margin is available for public access.
- In concluding there will be no likely significant effect, our HRA considers the presence of exclusions, taken together with other factors that will limit public access such as proximity to the trail, existence of physical features on the ground, and other planned informal management measures.
- People's awareness of the legal status of the access rights they are using is often low. To understand where they can or cannot go, they tend to rely on visual cues on the ground, such as waymarks, fences and other barriers.

In conclusion, for the reasons set out elsewhere in this document, we believe that walkers will generally avoid the coastal margin seaward of Stanswood Road. We expect that the mitigation measures put in place (see the HRA document) will be effective in ensuring that there is no significant detrimental effect on sensitive features in the area. We do not feel that this particular situation requires the provision of wardens or additional fencing.

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

<b>Representation ID:</b>	MCA\Highcliffe to Calshot\R\52\HCS1803
<b>Organisation/ person making representation:</b>	[redacted], Cadland Shoot Partnership
<b>Name of site:</b>	Cadland Estate
<b>Report map reference:</b>	5d to 5f
<b>Route sections on or adjacent to the land:</b>	HCS-5-S017 to HCS-5-S027
<b><u>Summary of representation:</u></b>	[redacted] is the head gamekeeper at the Cadland Estate. The Estate is unable to run a commercial shoot over the northern part of the Estate because the extent of public access which disturbs the birds, would conflict with the walkers and pose significant health and safety risks.

He says that if the coastal margin is to encourage access into the main shoot area then he will have to stop the shoot at Cadland. He cannot manage a shoot where walkers are present in the woods, hedgerows and pasture land. The risks of people appearing when not expected and the disturbance to the birds is too great. Currently where walkers are confined to foot paths, the shoot can be managed around them as they know where they are. They deliberately don't operate within the CROW land to avoid this issue. He has to control the roe deer population and he says to do this in an area where members of the public may be at any time is not acceptable.

The shoot is a major part of the local community and provides, a full time job for [redacted], as well as beaters, picker uppers, a cook, waitresses. It also provides income to local suppliers and game breeders and dealers. This will cease, being of severe detrimental economic and social consequences to the local area.

**Natural England's comment:**

Please refer to our Summary Point: Land management above.

We believe that because of the likely low level of use of the areas where the activities connected with the shoot take place, there is not a case for a direction to restrict or exclude access and that the activities can continue to be managed by standard informal management techniques.

<b>Representation ID:</b>	MCA\Highcliffe to Calshot\R\57\HCS1805
<b>Organisation/ person making representation:</b>	[redacted], Cadland Estate
<b>Name of site:</b>	Cadland Estate
<b>Report map reference:</b>	5d to 5f
<b>Route sections on or adjacent to the land:</b>	HCS-5-S017 to HCS-5-S027

**Summary of representation:**

The Estate has set out its objections in detail around the Appropriate Assessment, why has this not been carried out properly?

**Natural England's comment:**

The recent European case law People Over Wind and another v Coillte Teoranata (Case C-323/17) EU (12 April 2018) (normally cited as People over Wind) meant that following the publication of our proposals, we had to adjust our approach to assessing sensitive features. For further details of how this has been achieved see [England Coast Path Scheme Technical Memorandum 2019.pdf](#)

As part of updating the HRA we checked with the Cadland Estate whether it was aware of any new data or evidence relevant to the assessment. Together with the Beaulieu Estate, Cadland Estate sent to us a letter by Jonathan Cox.

In carrying out this assessment we have considered the evidence provided by the Estate and other relevant evidence concerning possible impacts of the proposals on European protected sites. A copy of the updated HRA has been provided to the Appointed Person. We conclude that because of the way the proposals are designed neither the proposed route for this section of the England Coast Path nor creation of coastal access rights will have an appreciable effect upon qualifying features of the sites concerned.

<b>Representation ID:</b>	MCA\Highcliffe to Calshot\R\143\HCS1826
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	Cadland Estate
<b>Report map reference:</b>	5d to 5f
<b>Route sections on or adjacent to the land:</b>	HCS-5-S017 to HCS-5-S028

**Summary of representation:**

[redacted] states that this section of the route takes the alignment too far from the periphery of the coast and does not have views of the sea. Instead the ECP could be aligned along the low cliffs using existing tracks such as Tannycroft Row. The ECP could also be aligned along the beach for those stretches where the beach is a better route than the cliff top and a s26(3)(a) exclusion is not proposed. i.e. seaward of Eaglehurst and between Lepe Country Park and Allwoods Copse. The Cadland curtilage could be avoided by aligning the ECP immediately landward of the Mean High Water Line (i.e. outside the proposed s.26 exclusion area). This would provide a route that meets the ECP criteria of adhering to the periphery of the coast and providing views of the sea. It would have the look and feel of a coast path.

The proposed route is almost entirely on-road. Whilst the road is not particularly busy, it has no footway and is not ideal for a National Trail - especially not a National Trail in a National Park. Any future increase in the vehicular use of the road will result in the proposed alignment becoming even more unsuitable.

Unlike on the Beaulieu Estate, there is no proposed exclusion for the majority of the land seaward of the proposed ECP. This could lead to members of the public trying to get off the road and walk nearer to the coast. Whilst there are two large arable fields (which will not be part of the accessible coastal margin) the public will

be able to walk at will through the woodland and pasture fields between the proposed route and the coast. This is likely to be unpopular with the landowner.

Even if it is decided to not align the ECP with the coast for this section - the ECP should only be aligned on the road when it is necessary to avoid the boggy Jugglers Moor. It is inconceivable that an off-road route following existing tracks and field edges and passing through woodland could not be found. Such a route would be closer to the coastline, and would create less accessible coastal margin - to the benefit of the walker and the landowner.

**Natural England's comment:**

A more coastal alignment

We received several objections and representations that questioned the fact that our proposed route for the trail passes a significant distance inland resulting in the creation of around 700 acres of coastal margin. Whilst much of this land is either excluded by direction or excepted land, portions of it will still be technically available for public access.

We share [redacted]'s frustration that we have not been able to find a more seaward route in the Cadland area. During the preparation of our proposals, in consultation with the Estate we looked hard for a more seaward alignment in this area but the trail to be aligned inland for the following reasons:

1. There are sensitive conservation sites and species in the more seaward areas that needed to be avoided. For instance an area of pristine vegetated shingle in front of Cadland House (see our Habitats Regulations Assessment). See Overview Maps P& Q for details of proposed s26(3)(a) directions to exclude access in the area.
2. Farming and land management practices such as the use of mobile high pressure watering systems and commercial forestry made it hard to find a viable alignment in those areas.
3. A commercial shoot takes place on a number of areas seaward of the proposed trail. Pheasant pens are positioned at a number of woodland locations.
4. The potential route options are meandering and complex.
5. Jugglers Moor is low lying with unsafe boggy areas and drainage channels.
6. A shoreline alignment using this shingle beach for any distance would be uncomfortable for walkers. Also a beach alignment was discounted as high tides and winds would force walkers to the toe of the bank where they would potentially attempt to scale the unstable bank/cliff. There is a possibility of

accidental trespass should walkers clamber over the bank into adjacent land.

Whilst the Approved Scheme recognises the desirability of sticking to the periphery of the coast where practicable, in line with the steer in section 297(2)(b) of the 2009 Act, it does contemplate scenarios such as this one at paragraph 4.5.4 where it says “Significant detours from the periphery of the coast may occasionally be necessary in order to take account of other uses of the land, or of wildlife sensitivities”. This is the case in this area where excepted land, land management practices and wildlife sensitivities make it impossible for us to propose a more seaward route.

[redacted] has made a suggestion about a more seaward alignment in through the estate. Unfortunately, the configuration of proposed section 26(3)(a) directions, excepted land and land management issues make this proposed alignment unviable.

Further details can be found on maps P&Q in the Overview and our published Habitats Regulations Assessment provides an in-depth analysis of the environmental sensitivities in the area.

[N.B. Upon the receipt of objection MCA\Highcliffe to Calshot\O\40\HCS0560 we have reviewed the extent of the s26(3)(a) direction at Cadland Shore and propose to increase its size for the reasons that follow.

The direction has been mapped to the boundary of the registered park and garden (green line on the attached map) which is excepted land. This meant that there is a strip of foreshore that has not been included in the direction because no access rights apply to it by virtue of it being excepted land.

We agreed with the objector that including this strip of foreshore in the direction would provide more clarity for access users, even though in practice that part of the direction would have no legal effect because there would be no access rights to exclude. We have provided a new directions map alongside our comment on the objection.]



### Road safety

S018RD, S019RD and S020RD are aligned along Stanswood Road which was considered within the Hampshire County Council Safety Audit and was given a RAG safety rating of green with the comments 'generally has good forward visibility except for at a few tight bends where care must be taken. Pedestrians will walk in the carriageway but can step into the verge if a vehicle is approaching.' S017 aligns along Lepe Road which was also given a RAG safety rating of green.

### [Stanswood Rd - Google Maps](#)

[redacted] wonders why we did not propose to align the trail in the field edges immediately seaward of Tanners Lane. Creating these off-road routes would have involved passing over some arable and pasture land and crossing a number of field boundaries. We believe that our proposal strikes a fair balance because an off-road route in this area would be an unnecessary imposition on local landowner, given that it would provide no added benefit in terms of convenience, proximity to the sea (both routes being a significant distance inland) and views of the sea. It would also require the installation of additional infrastructure with associated set-up and maintenance costs.

### Use of spreading room

We explain in our response to [redacted] and [redacted] (summary point: land management) why we do not think that there will be many, if any occurrences of people trying to gain access to coastal margin in this area.

<b>Representation ID:</b>	MCA\Highcliffe to Calshot\R\7\HCS1781
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	Chapter 5, Lower Exbury - Calshot
<b>Report map reference:</b>	5d to 5f

**Summary of representation:**

[redacted] says that he thinks the Minister would expect the path to run along the coast. This section seems to include multiple excuses for avoiding routing the coast path through the private estates of Cadland and Eaglehurst. It seems that, despite the intentions of the Minister, every obstacle is being put forward to ensure that the land shall remain exclusive and private. People enjoying walking the coast should not be diverted onto narrow country lanes. Surely this is the very sort of land that the coast path is meant to be opening up?

**Natural England's comment:**

Natural England notes that the westward extent of Map 5d shows HCS-5-S017 so our response discusses HCS-5-S017 to the end of the stretch at Calshot.

We have received several objections and representation that questioned the fact that our proposed route for the trail passes a significant distance inland resulting in the creation of around 700 acres of coastal margin. Whilst much of this land is either excluded by direction or excepted land, portions of it will still be technically available for public access.

We share in their frustration that we have not been able to find a more seaward route in the Cadland area. During the preparation of our proposals, in consultation with the Estate we looked hard for a more seaward alignment in this area but the Estate argued strongly for the trail to be aligned inland for the following reasons:

1. There are sensitive conservation sites and species in the more seaward areas that needed to be avoided. For instance an area of pristine vegetated shingle in front of Cadland House (see our Habitats Regulations Assessment). See Overview Maps P& Q for details of proposed s26(3)(a) directions to exclude access in the area.
2. Farming and land management practices such as the use of mobile high pressure watering systems and commercial forestry made it hard to find a viable alignment in those areas.

3. A commercial shoot takes place on a number of areas seaward of the proposed trail. Pheasant pens are positioned at a number of woodland locations.
4. The potential route options are meandering and complex.
5. Jugglers Moor is low lying with unsafe boggy areas and drainage channels.
6. A shoreline alignment using this shingle beach for any distance would be uncomfortable for walkers. Also a beach alignment was discounted as high tides and winds would force walkers to the toe of the bank where they would potentially attempt to scale the unstable bank/cliff. There is a possibility of accidental trespass should walkers clamber over the bank into adjacent land.

Whilst the Approved Scheme recognises the desirability of sticking to the periphery of the coast where practicable, in line with the steer in section 297(2)(b) of the 2009 Act, it does contemplate scenarios such as this one at paragraph 4.5.4 where it says "Significant detours from the periphery of the coast may occasionally be necessary in order to take account of other uses of the land, or of wildlife sensitivities". This is the case in this area where excepted land, land management practices and wildlife sensitivities make it impossible for us to propose a more seaward route.

<b>Representation ID:</b>	MCA\Highcliffe to Calshot\R\17\HCS1786
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	Footpath through M'Lady's Piece
<b>Report map reference:</b>	5f
<b>Route sections on or adjacent to the land:</b>	HCS-5-SO21FP
<b><u>Summary of representation:</u></b>	[redacted] states that Natural England's report is incorrect when it states the surface type of 'compacted bare soil' for the above section. The section from crossing the driveway to Eaglehurst and the start of S022 has some very muddy sections that can be difficult to navigate as rhododendrons grow along the track. [redacted] would like to see some improvement to this section.
<b><u>Natural England's comment:</u></b>	'Bare compacted soil' in this instance should be taken to mean the absence of tarmac, paving and other hard surfaces.

We'll review the need for surface works when we walk the course as part of the establishment process. We have the available funds to improve this section of path if needed.

<b>Representation ID:</b>	MCA\Highcliffe to Calshot\R\51\HCS1802
<b>Organisation/ person making representation:</b>	[redacted]
<b>Name of site:</b>	Stanswood Road
<b>Report map reference:</b>	5d to 5f
<b>Route sections on or adjacent to the land:</b>	HCS-5-S017 to HCS-5-S027
<b><u>Summary of representation:</u></b>	<p>[redacted] says that she doesn't understand why Natural England want to encourage walkers to potentially disturb natural habitats when their remit is to protect England's nature and landscapes, to promote nature conservation and protect biodiversity. She objects to the 'limited' protection measures proposed by Natural England will fail to protect the environment and conflict with what she understood to be Natural England's main purpose.</p> <p>She says that by adding a coastal margin Natural England seems to be complying not just with their remit to establish a coastal path but also, a right to roam on private and protected land.</p>
<b><u>Natural England's comment:</u></b>	<p>[redacted] is correct that Natural England has dual roles. It has a duty to establish a coastal path and an associated margin of land, and to protect England's nature and landscapes, to promote nature conservation and protect biodiversity. In delivering the England Coast Path we have demonstrated our commitment to both objectives. This is borne out by our comprehensive proposals which are underpinned by a robust Habitats Regulations Assessment (HRA). Our proposals include details of areas where we believe mitigation is necessary, including the use of directions to exclude access.</p> <p>The conclusions of this HRA are approved by a member of Natural England staff who is not a member of coastal access programme team and who has responsibility for protected sites. This ensures appropriate separation of duties within Natural England.</p> <p>We have proposed two section 26(3)(a) directions to exclude access, year round, for nature conservation in this area. The first is adjacent to route section HCS-5-S017 and will be put in place to protect breeding and, passage and overwintering birds from disturbance. The second direction is adjacent to route sections HCS-5-</p>

S018 and HCS-5-S019 and has been proposed in order to protect vegetated shingle from trampling. See map Q of the Overview report, section 5.3.13 of chapter 5 and the published HRA for further details.

The main risk in this area is to non-breeding birds. However, we would also expect that since there are hedgerows, thick vegetation, fences, ditches and gates along much of this route, that there would be low risk of direct disturbance by walkers or dogs as a result of these obstacles.

Please see section 3.2J Stansore Point to Calshot of our HRA for our detailed assessment on the sensitivities in the area and the measures we are taking to ensure these sensitive species aren't damaged.