

Coastal Access – Kimmeridge to Highcliffe

Representations with Natural England's comments

August 2018

Overview

Full representations

Representation number

MCA\Kimmeridge Bay to Highcliffe\R\32\LCH0016

Organisation/ person making representation

Open Spaces Society [redacted]

Report chapter

Kimmeridge Bay to Highcliffe Overview Report, Chapter 9 Poole Harbour (pages 29-32).

Route section(s)

Representation in full

The Open Spaces Society requests the Secretary of State to ask Natural England to draw up proposals to include a route around Poole Harbour as part of the England Coast Path from Kimmeridge Bay to Highcliffe. Natural England has already proposed something similar for nearby Christchurch Harbour – see chapter 10 of the Overview. The trail should go through or round Wareham, where there is the first bridging points of the Rivers Frome and Piddle.

At this stage it would seem better to proceed with the rest of the ECP from Kimmeridge Bay to Highcliffe and publish a later report about Poole Harbour - in much the same way as has already been decided for the Lulworth Ranges.

The Collins Concise English Dictionary defines an estuary as: *'the widening channel of a river as it nears the sea'*. Poole Harbour is far more than this; it is a natural harbour and is widely regarded as being one of the largest natural harbours in Europe

About 2½ miles to the east of Wareham is the confluence of the Rivers Piddle and Frome. They join together to form Wareham Channel. This channel forms the far western end of Poole Harbour. It has many of the features of an estuary, but otherwise Poole Harbour hasn't many of the typical characteristics of an estuary. Much of it feels and is much more maritime than this. It shouldn't be treated just as an estuary by Natural England.

Poole Harbour is more than 5 miles across and occupies some 14 square miles. It is some 43 miles around the harbour edge. It was created at the end of the Ice Ages when melting waters flooded the estuaries of several rivers and the land between them to form the harbour. Today ten or so rivers and streams flow into the harbour; the biggest of these are the River Frome, the River Piddle, Corfe River and Sherford River. Poole Harbour also includes at least 9 named islands plus a number of smaller ones. The largest and best known island in the harbour is Brownsea Island.

At the points between Sandbanks and South Haven is the entrance to Poole Harbour, which is tidal and has a depth of water to several metres, allowing for commercial shipping vessels (including ferries to France and the Channel Islands) to pass in and out of the Harbour entrance. i.e. the waters do not dry out.

In light of the nature of Poole Harbour, the Open Spaces Society believe Natural England should not be using its discretion, as outlined for estuaries in chapter 10 of the Coastal Access Scheme, to include use the ferry from South Haven to Sandbanks. Instead the ECP should go round the Harbour as part of a truly continuous national trail from Kimmeridge Bay to Highcliffe. In any event the ferry service between South Haven and Sandbanks does not run 24 hours a day, nor does it run for 365 days every year. It is privately owned and the company can choose when it wants or doesn't want to provide a service. Most years it is out of action for several weeks for overhaul and maintenance. In addition it is also known to break down from time to time, as it did two summers ago, when it was towed off to Southampton for repairs lasting about 3 weeks.

The Society feels strongly that an ECP round Poole Harbour should NOT be closely based on the existing Poole Harbour Trails. Major parts of these are distant from the coastline of Poole Harbour and do not give sea views or a coastal experience. This was because the trails had to be on existing public rights of way.

At present, access to many parts of Poole Harbour is very poor or non-existent, whether using the Poole Harbour Trails or not. Parts that do give good access such as the quayside at Poole, RSPB Arne, Poole Park, and Hamworthy Park are very popular with local residents and visitors alike. An ECP round Poole Harbour would also be very popular and would be welcomed by potential users.

Natural England's comments

Natural England's reasons for proposing the route using the Poole Harbour Ferry rather than going around Poole Harbour are covered in detail in part 10 of the Overview to the report.

We maintain that the proposed route, incorporating the ferry at the harbour mouth, fulfils the core objective of the legislation – to create a continuous route around the coast – in a simple and cost effective way. We do not consider the periodic suspension of the ferry service – whether for routine maintenance or unscheduled repairs - to justify the substantial additional cost that a route around the harbour would entail.

As noted in part 10 of the Overview, if in the future the chain ferry should cease to operate, or there were a significant change to the frequency of the service, we would consider the case for re-routing the trail around the harbour, using a coastal access variation report (see part 8 of the Overview). Should this happen, we would assess all the available options, including the Poole Harbour Trails, against the criteria in the Coastal Access Scheme.

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\17\LCH1450

Organisation/ person making representation:

[Redacted] – local Councillor and resident Fishermans Bank

Route section(s):

Overview Report Chapter 10 Christchurch Harbour

Summary of representation

In principle residents' concerns are not about the 'Coastal route' (option 2) but about the diversion and recommendation from Natural England for a 'circular route' around Christchurch (option 1) and specifically that which includes their freehold land called **Fishermans Bank**.

This natural area was given 'common' status in 1971 but without common rights.

"A search of the register of common land and Town or Village Greens held by Dorset County Council under the provision of the Commons Registration act 1965 confirms that the registration of Fishermans Bank as common land became final on 16th December 1971. The search also confirmed that none of the land was subject to rights of common. However Fishermans Bank is crossed by footpath F22 and members of the public are therefore entitled to pass and repass over the public footpath which extends along the full length of the registered common land" (Davis Arnold and Cooper)

Residents note that the decision to recommend the 'circular route' stems from the brief (if any) discussions with a ferry operator whose service links Hengistbury Head (Mudford Spit) to Mudford Harbour and therefore access to the route to Highcliffe.(a journey time of 10 minutes or less).

The ferry operating times are published and available to all. It is inconceivable that path walkers would not avail themselves of and arrange ferry times and service levels.

NE concluded that contrary to other areas the ferry service issue required them to divert the route from that agreed in 2016 from the acceptable 'coastal route' and forms a proposal for a 'circular route' (10km to 12km) including Christchurch town centre and existing highways. This circular route includes the freehold properties of residents of Fishermans Bank and Stanpit.

This decision is contrary with subsection (7) of the Marine and Coastal path act 2009 which states"
Subsection (7) sets out what constitutes a journey by ferry for the purposes of the first objective, and makes it clear that the ferry does not have to be operating at all times of the day or year."

The decision is inconsistent with that taken for Poole Harbour and is opposed by the Member of Parliament for Christchurch. (Chris Chope, see attached)

The **Priory Quay Residents Association** objected to this decision (option 1), their concerns mirrored those that follow in this representation. As a result of intense pressure NE conceded in respect of the projected path impinging residents properties.

This is a further example of inconsistency from NE in that no such dispensation was even considered for the residents of Stanpit and Fishermans Bank.

Due diligence.

NE has not conducted 'due diligence' determining the route along FB. Their introduction says 'discussions about options in detail' this is patently untrue. Only random residents advised in Sept 2016.

NE attended a meeting in June 2017 only following pressure from residents and appeal to NE for dialogue.

It was clear that at that last minute meeting with only a handful of residents that the 'circular route' decision had already been made with scant regard to residents anguish concerning the future of their property and disregard of the alternatives available.

Claims of discussions with various parties by NE were proved to be false; these only took place following resident's intervention.

In the hastily arranged meeting with some residents NE confirmed that their report was already completed and **had been sent to SOS**. This prior to any discussions with residents showing a complete lack of empathy on behalf of NE and a disregard of their own stated principles of working to ensure a '**fair balance**' between users and landowners.

Further the initial approach in September 2016 from NE to a random number of residents, was to obtain contact details and no further information was proffered by NE until and following a 'freedom of information' request as to what was 'going on' and challenging statements made about NE involvement with Council Officers and organisations. Consideration must be given to conducting a '**judicial review**' of the decision-making process leading to the preferred option without due diligence.

Discrimination

Using just part of the FB as the route is discriminatory considering the footpath passes to Coastguard Way and this was not known by NE until residents 'hand held' them on a walk which included the full extent of the footpath.

The report had already been written and passed to SOS. No regard was given to residents concern about potential changes to their land use.

Excepted land.

Only scant reference to FB being excepted land under Crow 2000/2010.

NE had no understanding that the FB ownership to MHW is **resident's gardens**.

NE report refers to 'enabling access and picnics', also to 'secure statutory rights of public access'. This is not compatible with owner's rights.

In establishing 'the **fair balance** between owners of land and users of the path; there are no benefits to owners. Again the process is discriminatory.

As a simple statement land on Fishermans Bank is 'excepted land' and this has not in any way part of NE decision in diverting the 'coastal path' to a 'circular route'.

SSSI

The report is not consistent in its approach to SSSI regions and contrary to CROW 2000/2010 that states "Of particular relevance to nature conservation, the Act introduces powers enabling the diversion of rights of way to protect SSSIs". The harbour shoreline along FB is SSSI.

Problems already exist regarding human affects on flora and fauna. The use of FB as the main route will further exacerbate the demise of the SSSI.

The same reasons we used to persuade NE not to include Stanpit Marsh apply to FB.

Security

J1. Residents fears put to NE appears to have been dismissed by as irrelevant, they have ignored the issue of the resulting angst to residents who are concerned about their property being under constant scrutiny. This leads to a **Health and Wellbeing issue.**

The introduction of the associated coastal path 'circular route' conditions in respect of 'dog walking' 'cycling' et al (see page 49) will be impossible to manage and give freeholders huge relationship problems with users.

It places extra and onerous responsibilities on property owners and the local **Christchurch Borough Council** who will ultimately responsible for executing control in accordance with the Marine and Coastal Act 2009 and CROW 2000! (see page 49)

Further proposals to improve access rights.

This as stated in the report gives no solace to residents that promises made by NE in regard to the rights of owners in managing their land.

Walkers' safety

Photos of FB following successive gales show that in certain cases walkers could be at risk.

Natural England: See our comments about walkers' safety below. No photographs were attached to the representation.

Night time walkers.

No provisions exist to ensure that FB is not used after dark!

Human rights

Its owners over the last century or more, in order to create gardens and to protect the area from erosion due to ingress from the tidal affects in the estuary, constructed FB!

Residents maintain and care for their gardens, residents are threatened by this proposal in light of the loss of their 'human right' to enjoy their property; this is not accepted as a **'fair balance'** between users and owners referred to as paramount in the objectives set for NE.

Natural England: see our comments in section 6.2.2 above.

NE options

Option 1 (see page 34)

The ability to walk around Christchurch harbour via PROW and roadways is already established. It does not require extra signage etc. at the expense of the ratepayer.

This so-called 'circular route' is inconsistent with the aims of the 2009 act and the aforementioned issue regarding the ferry service.

It is not an innovation, it is an imposition outside the remit of NE under the 2009 act.. (See Chris Chope "ridiculous" comment to the New Milton Advertiser)

Option 2 (see page 34)

This was the obvious and initial route agreed as the preferred route in May 2016. **Residents would support this as the preferred route.**

Conclusion

Circular route (option 1)

Residents of Stanpit and FB challenge and object to the decision taken by NE with consultation as claimed, to make the main route that, which circumnavigates the estuary.

The reference to the 'circular route' indicates the expectation of this becoming a separate entity and not the coastal path as initiated in 2009. This is outside NE remit.

Their disregard of the guidance in respect of ferry service and reluctance to engage with the provider to discuss potential changes to the ferry times to ensure year round usage gives the indication that Christchurch 'circular route' was their clear objective outside of any consultation with affected landowners.

The path should be as originally objected in the Marine and Coastal Path act 2009 i.e. A COASTAL PATH. (Option 2)

SSSI

The potential effect on the SSSI has not been dealt with consistently.

Fair balance

This has not been achieved especially in light of the claims of consultation that did not take place before the presentation of the report to the SoS. There are no benefits to land owners only extra concerns and responsibilities.

Discrimination and human rights

Residents and landowners of FB have been discriminated against and their human right to 'enjoy their property' have been ignored by NE.

Health and Safety

The anguish this issue has caused to residents as a result of lack of due diligence and their lack of consistency in dealing with complaints, compounded by the level of uncertainty as to what the affect a decision to include FB as the circular route has seriously affected the wellbeing of the landowners. No regard has been taken for the safety of walkers in extreme inclement weather putting the burden of care and attention on to residents and the local authority.

Natural England's comments:

[Redacted] disagrees with our proposed route around the harbour (option 1 in the overview to the report, which he refers to as 'the diversion' or 'circular route'). He prefers a route using the ferry across the harbour mouth (option 2, which he calls the 'coastal route'). He argues that the ferry service is adequate for coastal walkers and that it is therefore unnecessary and inappropriate for Natural England to exercise its discretion to propose a coast path around the harbour.

He raises a number of detailed concerns about feared impacts of our proposed route along a public footpath crossing a common known as Fishermans Bank (route section LCH-6-S060). He argues that the inclusion of this footpath as part of the coast path would unfairly affect local residents who own the common. He also raises concerns about the potential impact of directing coast path users along Fishermans Bank to wildlife on the adjacent area of Christchurch Harbour Site of Special Scientific Interest (SSSI). He argues that use of the coast path would be detrimental to the harbour wildlife.

These views are common to several other representations in this group. We comment about them in detail in sections 6.2.1 to 6.2.3. We maintain for the reasons given there that:

- *the proposed route around the harbour is both necessary and appropriate to avoid interruption to the coast path when the ferry is not running.*
- *any effects on land owners at Fishermans Bank would be minimal and overall the proposal strikes a fair balance between public and private interests.*
- *The proposals would not interfere with conservation objectives for Christchurch Harbour SSSI.*

Below we repeat his specific points and respond to them in italics, referring to our earlier comments where appropriate in order to avoid repetition. Subheadings are those used by [redacted], except those in italics towards the end of our comments.

In principle residents' concerns are not about the 'Coastal route' (option 2) but about the diversion and recommendation from Natural England for a 'circular route' around Christchurch (option 1) and specifically that which includes their freehold land called Fishermans Bank.

[Redacted] presents his views as those of local residents. We take this to mean specifically residents who made representations and/or objections about our proposed route over land they own at Fishermans Bank. The references to option 1 and option 2 we take to mean the options described on page 34 of the Overview to the report.

This natural area was given 'common' status in 1971 but without common rights.

"A search of the register of common land and Town or Village Greens held by Dorset County Council under the provision of the Commons Registration act 1965 confirms that the registration of Fishermans Bank as common land became final on 16th December 1971. The search also confirmed that none of the land was subject to rights of common. However Fishermans Bank is crossed by footpath F22 and members of the public are therefore entitled to pass and repass over the public footpath which extends along the full length of the registered common land" (Davis Arnold and Cooper)

We believe this advice is incomplete, because it does not consider the statutory reservation of fishing rights made in the 1827 Inclosure of Rushford Common– see paragraphs 6.2.2.7 to 6.2.2.19 above.

Residents note that the decision to recommend the 'circular route' stems from the brief (if any) discussions with a ferry operator whose service links Hengistbury Head (Mudeford Spit) to Mudeford Harbour and therefore access to the route to Highcliffe.(a journey time of 10 minutes or less).

We summarise discussions with the ferry operator at paragraph 6.2.1.13 above.

The ferry operating times are published and available to all. It is inconceivable that path walkers would not avail themselves of and arrange ferry times and service levels.

We disagree. We expect walkers following the England Coast Path will take advantage of the proposed route around the harbour for several reasons, both on days when the ferry is running and on days when it is not running, as we explain in paragraphs 6.2.2.24 to 6.2.2.26 above.

NE concluded that contrary to other areas the ferry service issue required them to divert the route from that agreed in 2016 from the acceptable 'coastal route' and forms a proposal for a 'circular route' (10km to 12km) including Christchurch town centre and existing highways. This circular route includes the freehold properties of residents of Fishermans Bank and Stanpit. This decision is contrary with subsection (7) of the Marine and Coastal path act 2009 which states" Subsection (7) sets out what constitutes a journey by ferry for the purposes of the first objective, and makes it clear that the ferry does not have to be operating at all times of the day or year."

The decision is not contrary to this provision, as we explain at paragraph 6.2.1.13 above.

The decision is inconsistent with that taken for Poole Harbour and is opposed by the Member of Parliament for Christchurch. (Chris Chope, see attached)

We explain our Poole Harbour proposal at paragraph 6.2.1.17 above. We have not received any correspondence from Christopher Chope MP.

The Priory Quay Residents Association objected to this decision (option 1), their concerns mirrored those that follow in this representation. As a result of intense pressure NE conceded in respect of the projected path impinging residents properties. This is a further example of inconsistency from NE in that no such dispensation was even considered for the residents of Stanpit and Fishermans Bank.

See our comments about 'Priory Quay' below.

Due diligence.

NE has not conducted 'due diligence' determining the route along FB. Their introduction says 'discussions about options in detail' this is patently untrue. Only random residents advised in Sept 2016.

NE attended a meeting in June 2017 only following pressure from residents and appeal to NE for dialogue. It was clear that at that last minute meeting with only a handful of residents that the 'circular route' decision had already been made with scant regard to residents anguish concerning the future of their property and disregard of the alternatives available. Claims of discussions with various parties by NE were proved to be false; these only took place following resident's intervention.

In the hastily arranged meeting with some residents NE confirmed that their report was already completed and had been sent to SOS. This prior to any discussions with residents showing a complete lack of empathy on behalf of NE and an disregard of their own stated principles of working to **ensure a 'fair balance' between** users and landowners.

Further the initial approach in September 2016 from NE to a random number of residents, was to obtain contact details and no further information was proffered by NE until and following a 'freedom of information' request as to what was 'going on' and challenging statements made about NE involvement with Council Officers and organisations. Consideration must be given to conducting a 'judicial review' of the decision-making process leading to the preferred option without due diligence.

See our account of the 'Consultation with residents' below.

Discrimination

Using just part of the FB as the route is discriminatory considering the footpath passes to Coastguard Way and this was not known by NE until residents 'hand held' them on a walk which included the full extent of the footpath. The report had already been written and passed to SOS. No regard was given to residents concern about potential changes to their land use.

See our account of the 'Consultation with residents' and our comments regarding 'Coastguard Way' below.

Excepted land.

Only scant reference to FB being excepted land under Crow 2000/2010. NE had no understanding that the FB ownership to MHW is resident's gardens. NE report refers to 'enabling access and picnics', also to 'secure statutory rights of public access'. This is not compatible with owner's rights. In establishing 'the fair balance between owners of land and users of the path; there are no benefits to owners. Again the process is discriminatory. As a simple statement land on Fishermans Bank is 'excepted land' and this has not in any way part of NE decision in diverting the 'coastal path' to a 'circular route'.

Our view (see our earlier comments in section 6.2.2) is that the whole of Fishermans Bank is subject to access rights conferred by the Law of Property Act 1925. As such, the CROW excepted land provisions do not apply there and are not relevant to the Secretary of State's considerations.

SSSI

The report is not consistent in its approach to SSSI regions and contrary to CROW 2000/2010 that states "Of particular relevance to nature conservation, the Act introduces powers enabling the diversion of rights of way to protect SSSIs". The harbour shoreline along FB is SSSI. Problems already exist regarding human affects on flora and fauna. The use of FB as the main route will further exacerbate the demise of the SSSI. The same reasons we used to persuade NE not to include Stanpit Marsh apply to FB.

We disagree – see section 6.2.3 above.

Security

Residents' fears put to NE appears to have been dismissed by as irrelevant, they have ignored the issue of the resulting angst to residents who are concerned about their property being under constant scrutiny. This leads to a Health and Wellbeing issue.

Our view is that fears about security are unfounded – see paragraphs 6.2.26 and 6.2.27.

The introduction of the associated coastal path 'circular route' conditions in respect of 'dog walking' 'cycling' et al (see page 49) will be impossible to manage and give freeholders huge relationship problems with users. It places extra and onerous responsibilities on property owners and the local Christchurch Borough Council who will ultimately responsible for executing control in accordance with the Marine and Coastal Act 2009 and CROW 2000! (see page 49)

Our view is that these fears are unfounded because new users will normally behave reasonably and responsibly – see paragraph 6.2.2.35. With respect to management and maintenance of the route we confirm that no new responsibility attaches to Christchurch Borough Council as a result of our proposals.

We take the reference here to ‘page 49’ to refer to page 49 of the Overview to the report, which includes the list of the general restrictions on coastal access rights set out in Schedule 2 to CROW. These general restrictions would in our view not apply to the common at Fishermans Bank because it is subject to access rights conferred by different legislation – see paragraphs 6.2.2.7 to 6.2.2.19.

Further proposals to improve access rights.

This as stated in the report gives no solace to residents that promises made by NE in regard to the rights of owners in managing their land.

Walkers’ safety

Photos of FB following successive gales show that in certain cases walkers could be at risk.

See our comments about ‘Walkers’ safety’ below. No photographs were attached to the representation.

Night time walkers.

No provisions exist to ensure that FB is not used after dark!

We take this to be a reference to concerns outlined elsewhere in the representation about residents’ security and we refer the Secretary of State to our earlier comments about that at paragraphs 6.2.26 and 6.2.27. The public already have rights to walk along Fishermans Bank at night. There are no powers to limit those rights under the coastal access legislation.

Human rights

Its owners over the last century or more, in order to create gardens and to protect the area from erosion due to ingress from the tidal affects in the estuary, constructed FB!

Residents maintain and care for their gardens, residents are threatened by this proposal in light of the loss of their ‘human right’ to enjoy their property; this is not accepted as a **‘fair balance’** between users and owners referred to as paramount in the objectives set for NE.

See our earlier comments in section 6.2.2 above.

NE options

The references below to option 1 and option 2 we take to mean the options described on page 34 of the Overview to the report.

Option 1 (see page 34): The ability to walk around Christchurch harbour via PROW and roadways is already established. It does not require extra signage etc. at the expense of the

ratepayer. This so-called 'circular route' is inconsistent with the aims of the 2009 act and the aforementioned issue regarding the ferry service. It is not an innovation, it is an imposition outside the remit of NE under the 2009 act.. (See Chris Chope "ridiculous" comment to the New Milton Advertiser)

See our comments in section 6.2.1 above.

Option 2 (see page 34): This was the obvious and initial route agreed as the preferred route in May 2016. Residents would support this as the preferred route.

Conclusion

Circular route (option 1)

Residents of Stanpit and FB challenge and object to the decision taken by NE with consultation as claimed, to make the main route that, which circumnavigates the estuary. The reference to the 'circular route' indicates the expectation of this becoming a separate entity and not the coastal path as initiated in 2009. This is outside NE remit. Their disregard of the guidance in respect of ferry service and reluctance to engage with the provider to discuss potential changes to the ferry times to ensure year round usage gives the indication that Christchurch 'circular route' was their clear objective outside of any consultation with affected landowners. The path should be as originally objected in the Marine and Coastal Path act 2009 i.e. A COASTAL PATH. (Option 2)

See our comments at section 6.2.1 above.

SSSI

The potential effect on the SSSI has not been dealt with consistently.

See our comments at section 6.2.3.

Fair balance

This has not been achieved especially in light of the claims of consultation that did not take place before the presentation of the report to the SoS. There are no benefits to land owners only extra concerns and responsibilities.

See our account of the 'Consultation with residents' below and our earlier comments in section 6.2.2 about fair balance.

Discrimination and human rights

Residents and landowners of FB have been discriminated against and their human right to 'enjoy their property' have been ignored by NE.

We take this to be a reference to issues which we comment on earlier in section 6.2.2 and under 'Coastguard Way' and 'Priory Quay' below.

Health and Safety

The anguish this issue has caused to residents as a result of lack of due diligence and their lack of consistency in dealing with complaints, compounded by the level of uncertainty as to what the affect a decision to include FB as the circular route has seriously affected the wellbeing of the landowners. No regard has been taken for the safety of walkers in extreme inclement weather putting the burden of care and attention on to residents and the local authority.

See our account of the 'Consultation with residents' and comments about 'Walkers' safety' below.

Consultation with residents

[Redacted] criticises our consultation with Fishermans Bank residents as inadequate. Here we respond to his criticism by giving an account of our consultation with Fishermans Bank residents before publishing our proposals.

In order to comply with the Scheme, we must take reasonable steps to consult people who own or occupy land that might be affected so that we can take their views, if any, into account before publishing our proposals.

We first wrote to land owners at Fishermans Bank in September 2016 explaining our then initial thinking that the coast path should follow the public footpath as now proposed. Our letter asked them to confirm their contact details. It also included a map of the proposed route and an invitation to share their views on it with us.

[Redacted] suggests we wrote to 'random' land owners at this stage. In fact we wrote to all 21 people who are registered as owners of any part of the bank crossed by the proposed route. We did not write to people who are not registered as owners of the bank. We now understand that some people who own part of the bank were not contacted because their ownerships of the bank are not registered (and we could not therefore know that they owned it).

We received reply slips from a number of registered owners but no views on the proposed route. It is not unusual for land owners to express no views on the routing of the coast path on their land where the proposal is to follow an established footpath. Sometimes land owners simply want to be kept informed as the proposals progress and send us contact details for this reason. We concluded, wrongly as we now understand, that the owners we wrote to had no strong views about the proposal. We were not contacted by any of the owners of Fishermans Bank at any stage to request a meeting.

Later in the Autumn we had a telephone call from [redacted], who asked various questions about gardens in the coastal margin which we answered during the conversation. He did not refer to Fishermans Bank. We did not offer a meeting to discuss the matters further and he did not request a meeting.

On 20th January 2017 he submitted a request for information about our decision-making and consultations about the option to go round the harbour or use the ferry, which we responded to on 10th February 2017. His information request did not refer to Fishermans Bank.

On 5th April 2017 [redacted] and others held discussions with Christchurch Borough Council officials about the option to propose a route around the estuary. We met the council officers to discuss the matter on 19th April 2017. At the meeting Council officers explained that some Fishermans Bank residents felt that they had not been consulted. As a result we contacted [redacted] and suggested a meeting.

He agreed to meet us on 22nd May 2017. At the meeting we discussed his concerns about privacy, security and his desire to maintain the peaceful ambience of the bank. We walked along Fishermans Bank and spoke to a number of residents who expressed similar views and concerns. We agreed to review the route options at Fishermans Bank in light of their concerns. Our proposals had not at that stage been submitted to the Secretary of State.

We then held detailed discussions with Natural England specialists to consider the residents' concerns. On balance and for the reasons set out in section 6.2.2 we decided that the proposed route along the existing public footpath which follows the bank would strike a fair balance between public and private interests. During this period we also exchanged correspondence with several Fishermans Bank residents including Councillor [redacted], one of those who had not received our initial letter because she was not a registered owner of the bank.

We wrote to residents on 7th June 2017 to explain our intention to propose that route. This time we wrote to residents of all the houses adjacent to Fishermans Bank, whether or not they were registered as owners of the bank. We addressed the letter to "the occupier" of 6 properties for which there was no registered owner.

We published our proposals on 21st June 2017 and invited the same residents to make representations or objections about them. Only at this stage did we submit our proposals to the Secretary of State.

To summarise, we sought the views of Fishermans bank residents at an early stage but, unfortunately, were not aware of them until we met [redacted] and others in May 2018. We then gave them detailed consideration before submitting our proposals to the Secretary of State and invited them to make representations or objections as the law requires. We therefore say that we have taken reasonable steps to consult owners and occupiers of Fishermans Bank about our proposals.

In investigating [redacted]'s criticisms of our consultation, we discovered that a number of other local land owners were not invited to submit representations or objections on 14th June 2017. These people own land between Fishermans Bank and Mudeford Quay that would be coastal margin under our proposals. We have since contacted those people and, after holding initial discussions with those who requested it, we gave them the same opportunity to submit representations or objections as previously given to residents at Fishermans Bank. In our view the error has now been addressed satisfactorily.

Coastguard Way

[Redacted] considers that we were not even-handed in our treatment of private interests around the harbour, because we propose that the route:

- a. should approach Fishermans Bank via Argyle Road (route section LCH-6-S061 on map 6e), rather than via Coastguard Way further along the public footpath to the southwest.
- b. Should follow Convent Walk (route section LCH-6-S038 on map 6d) rather than take in the existing circular route through the Priory Quay development.

We say that the circumstances in each case are different and that in each case the proposal is fair.

Coastguard Way is a public highway and can be seen on map 6e of the report which is included at **Annex Q**. At the harbour end it turns into a privately owned vehicle track which leads to several

residential properties and to Mundeford Sailing Club. At the end of the track is a short path to the Fishermans Bank common where the public footpath runs along the harbour edge. The track and the linking path are not public rights of way. We rejected this option for several reasons:

- It is a more convoluted route than the route we proposed, doubling back on itself before returning to Stanpit;
- It includes sections of track and footpath that are not an existing public right of way; and
- This path section passes very close to the doorway of a private house.

Priory Quay

Priory Quay is a residential development on the harbourside which includes a Council-owned circular walking path that is signposted for public use. The circular walk incorporates a viewpoint across the harbour. We wrote to the Priory Quay Management Company in Autumn 2016 suggesting the circular route as part of the England Coast Path. On the Company's advice we also wrote to the 38 residents. We received a number of responses to our proposals and as a result decided to propose a different route along Convent Walk at the rear of the development. The reasons for this are described in table 6.2.2 of the report. In particular, access across the marina lock gates is interrupted frequently to allow boats to pass, for maintenance purposes or when the electronic mechanism fails.

Walkers' safety

[Redacted] raises concerns about the risk to walkers during exceptional weather conditions. [Redacted] in his objection about our proposals (MCA\Kimmeridge Bay to Highcliffe\O\5\LCH1438) describes in more detail (with photographs) how the bank can flood during exceptional weather conditions and how flood debris can block the path until it is cleared.

We asked Christchurch and East Dorset Council's engineer how often this occurs. There are no official records of flood incidence on Fishermans Bank but he estimates it occurs twice a year on average. Such occasional flooding is not unusual on the coast path as a whole and, for example, on the promenade along the open coast nearby.

Our view is that such flooding is not a significant or unusual risk to path users. It is possible to assess conditions from either end of Fishermans Bank before setting out along it, and it is straightforward to walk along Stanpit when the path is blocked.

The issue can be effectively managed by signposting the alternative along Stanpit, so that users can assess the conditions themselves and decide which route to follow. We do not think it necessary to designate Stanpit as an official alternative route because flooding is infrequent.

We have no further comments to make about this representation.

Chapter 6

Full representations

Representation number

MCA\Kimmeridge Bay to Highcliffe\R\11\LCH1508

Organisation/ person making representation

[Redacted], *Environment Agency*

Report chapter

Chapters 3, 5, 6 and 7

Route section(s)

Maps 3a, 5a-h, 6a-b, 7b-c

Representation in full

See first occurrence of this representation under Chapter 3.

Natural England's comments.

See Natural England's comments at the first occurrence of this representation under Chapter 3.

Representation number

MCA\Kimmeridge Bay to Highcliffe\R\30\LCH1577

Organisation/ person making representation

[Redacted], Hampshire RoamAbility & Disabled Ramblers (rambling groups for disabled people using mobility scooters)

Report chapter

Chapter 6 Maps 6a & 6b

Route section(s)

Land adjoining LCH-6-S008 and LCH-6-S015

Representation in full

Chapter 6, Section 6.1.8 – Accessibility

The steps on the Coast Path at the junction of Routes LCH-6-S007 FP and LCH-6-S008, and also the steps on Route LCH-6-S010 FP, prevent access to Hengistbury Head itself, for disabled and less able-bodied people, as well as parents with pushchairs. There is an accessible route which should be signposted as an Alternative Accessible Route to by-pass the steps.

Shown in green on the attached Map 6b, it is a tarmac path which goes from Route LCH-6-S015 up the hill to Route LCH-6-S009, going between Warren Hill and a pond. This gives full access to the top of Hengistbury Head for everyone, including pushchairs, disabled and less able people.

Annex E to this document is Document 2 provided by Miss Pettet – a copy of Map 6b showing accessible tarmac path marked in green (shows up as black on the map).

Natural England's comments

Natural England agrees with the suggestion to 'signpost' the 'green route' from the middle of route section LCH-6-S015 to the junction of LCH-6-S008 and LCH-6-S009 as a route to Hengistbury Head suitable for mobility scooters and avoiding the steps at the junction of LCH-6-S007 & LCH-6-S009 and those at route section LCH-6-S010. We will discuss this with Bournemouth Council with a view to including it in our programme of establishment works, should the Secretary of State approve this part of the route.

Other representations**Representation number:**

MCA\Kimmeridge Bay to Highcliffe\R\2\LCH1572

Organisation/ person making representation:

[Redacted] Local resident - Stanpit

Route section(s):

Chapter 6 Map 6A & 6F

Route sections LCH-6-S058FW, LCH-6-S060, LCH-6-S061FW

Summary of representation:

[Redacted] expresses support for the route – especially through Stanpit, Fishermans Bank and along Argyle Road. She remarks on the excellent views from Stanpit Marsh and Fishermans Bank across the harbour to Hengistbury Head.

She says that to try and re-route it via the ferry between Mudeford Spit and Mudeford Quay 'is a nonsense'. It would be tidal reliant, ferry operative dependent, and seasonal. The ferry crossing costs can be prohibitive. The coastal walk should be access for all! This includes taking walkers on the most beautiful parts of the coast without incurring financial hardships. The town will benefit from walkers all year round due to tourism increase. Bypassing the historic part would be 'a nonsense'.

She asks that the route proposed be the official route without the fear of hindrance of local MP's and local land owners.' She believes in the England Coastal Path and that it is for ALL to enjoy not just for now but for evermore. She lives directly on the route proposed and welcomes walkers to enjoy the view she gets to see every day.

She attaches the following newspaper cuttings:

- **Annex H** a story from the Daily Echo about Natural England's coast path proposals, highlighting the potential cost of extending the ferry operating season and the opposition of some local land owners to a round harbour route.
- **Annex I:** a story from the Christchurch Times about the price of a special late evening ferry service at the harbour mouth

Natural England's comment:

We note that [redacted] is a local resident who supports our proposal for a route around the harbour in general.

In particular she is in favour of the proposed route at Fishermans Bank (route sections LCH-7-S059 to S061). She lives near Fishermans Bank, but does not own land that would be affected by the proposal. We agree with [redacted] that there are excellent views across the harbour to Hengistbury Head from Fishermans Bank and Stanpit Marsh.

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R14\LCH1334

Organisation/ person making representation:

[Redacted] - Bournemouth Coast Path Guide author

Route section(s):

Chapter 6 Map 6e.

Summary of representation:

[Redacted] suggests that it would be better to stay by Christchurch Harbour beyond Argyle Road turning inland further on at Coastguard Way to re-join Mudeford (Road).

Natural England's comment:

We infer that [redacted] agrees that the coast path should go around Christchurch Harbour in general, although his suggestion is confined to Fishermans Bank. He suggests that at the junction of route section LCH-6-S060 and Argyle Road, the route should instead continue further along the bank to the southwest following the existing public footpath until it meets an existing linking path to Coastguard way, where it should turn inland.

Natural England initially considered this route as an option. We rejected it for several reasons:

- it takes a potentially confusing route past private garages and the backs of houses, where there are no views of the harbour;*
 - between Coastguard Way and Fishermans bank, it follows a private road and path with no existing access rights;*
 - the proposed route, along Argyle Road, is an existing highway with harbour views and is a more direct route back to Stanpit.*
-

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\7\LCH1273

Organisation/ person making representation:

[Redacted], Head of Community and Leisure, Christchurch Borough Council

Route section(s):

Chapter 6. Maps 6b, 6d, 6e, 6f

Summary of representation:

The following comments are taken from a single representation giving the Council's views on both chapter 6 and chapter 7 of the proposals. Its views on chapter 7 are set out later in this document with our comments on them.

The Council comments relate mainly to land in Council ownership, with the exception of the final remark where indicated and to general comments about the desirability of a route around the harbour as proposed.

The Council welcomes the proposal to include the harbour as the proposed route as this will support a number of the Council's corporate objectives:

- GE2 Maintain an adequately resourced Growth Plan to positively influence the local economy in our area
- GE3 - Enhance our reputation as being a place which is "open for business"
- EC1 - Focus on collaboration and partnership in the delivery of services
- EC2 - Deliver services more efficiently
- SC2 - Promote healthy and active lifestyles
- ME1 - Work with partners to maintain clean and green public spaces

The proposed route will give certainty to walkers as the ferry is seasonal, and it will also bring people into the town where they are likely to add to the local economy. In addition the way-marking of this route as a 10km harbour walk will improve opportunities for healthy living for residents and visitors.

The council notes and welcomes the recognition of the harbour as a high quality natural environment which should not be disturbed and welcomes the fact that the areas of mudflat and saltmarsh will be excluded for access to avoid the establishment of new routes and the risk from a rising tide. The Council also note that such exclusions do not impact on fishermen or formal or informal established

uses of the harbour side. The Council supports the proposed route across Stanpit Recreation Ground rather than Stanpit Marsh LNR as the latter is subject to seasonal flooding.

The Council welcomes the proposal for 'shortcuts' to be signed at Mundeford Spit.

The Council welcomes provision within the Act for enhanced maintenance of the route and waymarks, interpretation etc. and wishes to make it clear that no additional responsibilities for such works will fall upon the Borough Council as a result of the proposal.

The Council asks that if there are any additional signs and/or interpretation panels at key locations that their officers are involved to ensure compatibility with other interpretation panels/signs.

The Council makes a specific comment on route sections LCH-6-5058 to LCH-6-5062 (Fishermans Bank), which it does not own.

The Council is aware that local residents adjacent to this section of the proposed route have expressed concern about increased footfall, disturbance, security and anti-social behaviour. Whilst the Council has no ownership stake in this section, the Council asks that the concerns of residents be given careful consideration by the Secretary of State.

Natural England's comment:

We draw attention to the Council's support for a route around the harbour and the reasons given for it. Natural England's reasons for proposing a route around the harbour are explained in part 10 of the Overview to our report.

We note the Council's request that the Secretary of State give careful consideration to the concerns of Fishermans Bank residents. This refers to residents' concerns about the part of the proposed route at Fishermans Bank, rather than their opposition about the harbour route in general. We refer the Secretary of State to our comments about the representations from Fishermans Bank residents at 6.2.

With respect to maintenance of the route we confirm that no new responsibility attaches to Christchurch Borough Council as a result of our proposals. We also confirm that Dorset County Council intends to maintain the England Coast Path through the Borough and will be eligible for a central government contribution towards the maintenance costs of the Path under current grant aid allocations for National Trails.

With respect to signs and/or interpretation panels at key locations we confirm that we will consult Council officers before finalising locations and designs.

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\33\LCH1576

Organisation/ person making representation:

[Redacted] Mundeford resident

Route section(s):

Whole of Chapter 6

Summary of representation:

[Redacted] is generally in favour of the proposed route through the Borough of Christchurch. She specifically asks for consideration to be made of a more 'coastal' path following/ hugging the coast

in the Stanpit/Mudeford corner of Christchurch Harbour, in preference to the proposed route along roadsides between Chichester Way and Argyle Road.

Instead of leaving the water at the top of Chichester Way where it narrows considerably, she suggests the path should go across Bure Brook and continue to hug the coast past Iridium, Mudeford Harbour Cottage, Christchurch Harbour Hotel, past those houses which overlook the harbour. She adds that Fishermans Bank must have protected access of sorts as it remains open to the general public - although she says she is aware that "locals are never pleased when it's used". The path could then continue as is proposed to Stanpit Marsh.

She realises the area maybe considered by the houses she mentions as their private property but is unsure of the exact ownership. She suggests a boardwalk or similar may need to be constructed from Mudeford to Fishermans Bank.

She writes as a resident who really would love to see this beautiful area enhanced by a Coastal Path. She considers that the small stretch she refers to is worth at least considering. To reach Stanpit Marsh by a true Coastal Path would, she says, be truly magnificent.

Natural England's comment:

[Redacted]'s representation is about chapter 6 of our proposals. However, she expresses support for the route through the Borough of Christchurch which we take to be a reference to the proposed route described in both chapters 6 and 7 of the proposals.

[Redacted] makes particular reference to the route we have proposed between Fishermans Bank (at the junction of route sections LCH-6-S060 to LCH-6-S061) and Chichester Way (at the junction of route sections LCH-6-S070 and LCH-6-S071). Our proposal is to follow the pavements of Argyle Road, Stanpit, Mudeford and Chichester Way. We understand from the description that she prefers a route along the harbourside, seaward of the residential roads and buildings in that area. This is not an option we had previously considered.

We agree that such a route would be preferable to our proposed route in certain respects. It would be more direct, closer to the sea and afford more views of the harbour and the open sea beyond. As such we agree it would be a very attractive walking route and a good fit with the relevant recreational criteria for the route which Natural England is required to consider (see chapter 4 of the Scheme). However, there are also a number of potential drawbacks.

Only the first 170 metres are already convenient for access on foot, from Argyle Road as far as the southeastern end of the public footpath along Fishermans Bank visible on map 6f of the report.

From there to Chichester Way there are many private gardens which extend to the foreshore. This means that the only practical way to implement a convenient walking route would be some kind of raised walkway, as [redacted] suggests.

Such a structure would be challenging to design and expensive to build. There are at least two deep water channels to bridge and the exposed location would entail a much more carefully engineered and robust structure than a conventional boardwalk to protect it from tide and wave action.

Such a structure may be opposed the residents of harbourside properties, who currently enjoy a greater degree of privacy because there is currently no safe or convenient existing walking route along the harbour's edge.

It would require a detailed assessment of the implications for wildlife, in particular the potential for increased disturbance to wildfowl.

In view of the above, and mindful that the proposed route is an existing route that is reasonably safe, direct and cost effective to implement, we maintain that our proposed route strikes the best balance between public and private interests.

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\35\LCH1578

Organisation/ person making representation:

[Redacted]

Long-term resident of Christchurch, business owner and former President of the Christchurch Chamber of Trade and Commerce.

Route section(s):

Chapter 6

Route sections LCH-6-S015 to LCH-6-S075

Summary of representation:

[Redacted] wishes to register strong support for the proposal that the path include a signposted route around Christchurch Harbour.

He is dismayed to see that the local MP has indicated he opposes that option.

As a long term resident of Christchurch and keen walker he believes such a route around the harbour would be a great attraction and greatly appreciated - as well as being essential for when the seasonal ferry is not in operation

As a business owner and former President of the Christchurch Chamber of Trade and Commerce, he considers the proposed route would be of considerable benefit to the town.

Natural England's comment:

We agree with [redacted] that the proposed way-marked route around the harbour would bring significant benefits to local residents and businesses, in particular when the ferry service is not in operation. The representation from Christchurch Borough Council makes similar points about the potential social and economic benefits of a round harbour route.

6.2 Representations from residents of Fishermans Bank (map 6e)

The following representations are from people who own part of a common known as Fishermans Bank which the proposed route crosses (see map 6e of the report):

- MCA\Kimmeridge Bay to Highcliffe\R\8\LCH1461 [redacted]
- MCA\Kimmeridge Bay to Highcliffe\R\16\LCH1422 [redacted]
- MCA\Kimmeridge Bay to Highcliffe\R\17\LCH1450 [redacted]
- MCA\Kimmeridge Bay to Highcliffe\R\19\LCH1438 [redacted]

- MCA\Kimmeridge Bay to Highcliffe\R\34\LCH1398 [redacted]
- MCA\Kimmeridge Bay to Highcliffe\R\26\LCH1399 [redacted]
- MCA\Kimmeridge Bay to Highcliffe\R\37\LCH1564 [redacted]
- MCA\Kimmeridge Bay to Highcliffe\R\39\LCH1564 [redacted]

All these representations oppose the proposed route around the harbour. In particular they oppose that part of the proposed route which would follow the existing public footpath across the common (route section LCH-6-S060). Some also raise concerns about the impact which access users might have on Christchurch Harbour Site of Special Scientific Interest (SSSI), with particular reference to the part of the SSSI adjacent to Fishermans Bank. To avoid repetition, we comment on these 3 issues under the subheadings below:

6.2.1 Christchurch Harbour route options

6.2.2 Private interests at Fishermans Bank

6.2.3 Wildlife considerations at Fishermans Bank

We then comment on each representation in turn, where we present our views on any residual issues not covered in section 6.2.1 to 6.2.3 and refer back to them wherever relevant.

6.2.1 Christchurch Harbour route options

6.2.1.1 The choice at Christchurch Harbour is between a route around the harbour that would be continuous at all times and a route using the harbour mouth ferry, which would be continuous only when the ferry service operates. Part 10 of the Overview to the report explains why we proposed a route around the harbour, rather than relying on the ferry service as these representations would prefer.

6.2.1.2 Several of the representations describe their preferred route' as 'the coastal route' and Natural England's proposed route as 'the circular route' or 'diversion'. They argue that there should be no coast path around Christchurch Harbour because Christchurch Harbour is not part of the coast. This is a misunderstanding of the coastal access legislation. What matters in this context is:

- the way that the English Coast is defined in the Marine and Coastal Access Act 2009 ("The 2009 Act")
- how that definition applies to river estuaries such as Christchurch Harbour;
- how Natural England has chosen to exercise its discretion at Christchurch Harbour; and
- whether that proposal strikes a fair balance between public and private interests.

6.2.1.3 Section 300(1) of the 2009 Act defines the English Coast as the coast of England adjacent to the sea. Section 301 applies in any case where the English Coast is interrupted by a river. Christchurch Harbour falls within the scope of section 301, being the estuarial waters of the Rivers Avon and Stour.

6.2.1.4 At river estuaries, section 301(2) provides for Natural England to exercise its functions as if the sea included the relevant upstream waters of the river. Section 301(3) explains that the relevant upstream waters of the river means:

(a) the waters from *the seaward limit* of the estuarial waters of the river upstream to *the first public foot crossing*, or

(b) if Natural England so decides, the waters from the seaward limit of the estuarial waters of the river upstream to such limit, downstream of the first public foot crossing, as may be specified by us.

6.2.1.5 *The seaward limit* derives from provisions under the Water Framework Directive (see section 309 of the 2009 Act) and is often an arbitrary point from the perspective of public access. We therefore use our discretion frequently to extend the coast path up an estuary to a more convenient point – see paragraph 10.1.4 the Coastal Access Scheme.

6.2.1.6 *The first public foot crossing* means the first bridge (or tunnel) over which there is a public right of access enabling the public to cross the river on foot (section 301(8) of the 2009 Act).

6.2.1.7 The seaward limit of Christchurch Harbour and the first public foot crossings over the Rivers Avon and Stour, being the extent of the estuary discretion, are marked on map F of the Overview to the report.

6.2.1.8 It is possible to cross some estuaries, such as Christchurch Harbour, by means of a ferry service located between the seaward limit and the first bridge. Map F shows the route and embarkation points of the ferry service across the mouth of Christchurch Harbour. Weather permitting, it operates every day during British Summer Time and on weekends and holidays at other times.

6.2.1.9 The 2009 Act requires us to have regard to the existence of such a ferry service in deciding what route to propose [Section 301(4)(g)]. It also provides that the English coastal route may make use of ferry services [Section 296(2)], even if the ferry is only available at certain times or for certain periods [section 297(7)]. But whatever its availability, Natural England may instead propose that the route extends further upstream - if it concludes that doing so would strike a fair balance in all the circumstances.

6.2.1.10 In this case we have chosen to exercise our discretion to propose that the route should extend upstream from the seaward limit as far as the bridges that are the first public foot crossings. The proposed route passes the ferry embarkation points on either side of the harbour mouth so that, when the ferry is running, walkers can choose whether to use the ferry service or follow the proposed route around the harbour. Signs will be installed at both points to make this choice clear.

6.2.1.11 In part 10 of the Overview to the report we explain why we have chosen to exercise our discretion in terms of the criteria in section 301(4) of the 2009 Act, to which we must have regard. In particular we explain why we consider it necessary, because the ferry service is part-time, to propose a route upstream of the ferry embarkation points. This would avoid frequent interruptions to the route between late October and late March and so adhere to the core national objective of a continuous route around the English coast.

6.2.1.12 The proposed route would also link existing walked routes around the harbour into a way-marked trail for the first time, which we expect to bring significant recreational benefits for both locals and tourists. It would incorporate views over a tidal landscape with characteristically coastal land including extensive tracts of flat and saltmarsh, albeit interrupted in places by areas of excepted land. It would pass many features of both historic and natural interest.

6.2.1.13 In response to concerns from Fishermans Bank residents about our proposal for a round harbour route, Christchurch Borough Council held discussions with the ferry operator to explore the possibility of extending the ferry service year-round. It is the Council rather than Natural England that holds the necessary powers to make an agreement with the ferry operator for this purpose (paragraph 10.3.4 of the Scheme). The ferry operator offered to extend the service year-round (subject to demand) in exchange for an annual subsidy. The Council rejected this offer on affordability grounds and because such an arrangement would not guarantee a year round service in perpetuity.

6.2.2.14 We estimate the cost of establishing the proposed route between the ferry embarkation points to be £14,500, chiefly to purchase and install signs. This would be a one-off cost met by Natural England. We would not expect any significant new maintenance costs arising from the proposals in chapter 6 of the report because the proposed route follows existing paths throughout. The great majority of these are public rights of way or roads and so the local highway authority is already under a duty to maintain them. If the route is approved the local highway authority would under current rules become eligible for central government grant aid to maintain it to published National Trail standards, which exceed the standards that apply to ordinary public rights of way.

6.2.1.15 We maintain that this proposal is in keeping with the approach set out in the Scheme, in particular:

- paragraphs 10.1.5 and 10.1.6 which explain why we aim, so far as is reasonably practicable, to keep interruptions to the trail to a minimum.

- paragraphs 10.3.2 and 10.3.3, which explain how we weigh cost and public benefit in deciding whether to propose that a ferry service should form part of the coastal route or to propose that the coastal route should extend further upstream.

6.2.1.16 We remain of the view that the trail should extend around Christchurch Harbour as far as the bridges upstream, in particular so that walkers may continue their journey along the coast conveniently at times when the ferry does not operate.

6.2.1.17 Several of those who oppose our use of the estuary discretion at Christchurch Harbour also question why we have taken a different approach at Poole Harbour, where the proposed route crosses the harbour mouth by means of the ferry service there. Part 9 of the Overview explains our assessment of the options at Poole Harbour and our proposal there, in terms of the criteria in section 301(4) of the 2009 Act. The circumstances of the two harbours are different in several significant respects:

- The Poole Harbour mouth ferry service aims to operate every day albeit it is normally suspended for two weeks in alternate years for refit. The service therefore better meets the core aim of keeping interruptions to the trail to a minimum, in a simple and cost effective way.
- There are existing walked routes around Poole Harbour, but these involve extensive detours from the harbour edge which is very convoluted and over 43 miles (70 kilometres) long.
- In places around Poole Harbour there are already extensive restrictions on shoreline access to consider alongside the practical considerations above, including controls for wildlife protection, public safety, industrial/port/marina use and privacy. This suggests there would be significant challenges to the aspiration for a more coastal route closer to the harbour's edge.
- The additional local benefits of a round harbour route at Poole are potentially significant, but in our view – given the existence of the regular ferry service across the mouth - would not justify the substantial additional cost to the national implementation programme.

6.2.1.18 For these reasons we maintain that a different approach at Poole harbour is justified and fair.

6.2.1.19 Finally, we note that there is no indication in other representations or objections that a route around Christchurch Harbour would be unfair to private interests. On the contrary there is significant support for it in principle among organisations and individuals who made representations about the proposals (see 6.1 above). We say therefore that the concerns about the impact of the proposed route on private interests are confined to Fishermans Bank and have no bearing on the overall choice as to whether the coast path route should go on paths around the harbour or by ferry across the harbour mouth. We now turn to those more localised concerns, about the effect of the access proposals on private interests at Fishermans Bank.

6.2.2 Private interests at Fishermans Bank

6.2.2.1 Some of the representations from Fishermans Bank residents describe fears that additional public use along Fishermans bank would adversely affect the residents' security, privacy or enjoyment of the land. They say that our proposals therefore fail to strike a fair balance between public and private interests. To remedy this, they argue that it would be better to avoid Christchurch Harbour altogether by choosing a route using the harbour mouth ferry.

6.2.2.2 Should the Secretary of State determine that our proposed route at Fishermans Bank is unfair to private interests, this could be remedied more simply by modifying the route to follow the roadside pavement to the landward side of the houses between route sections LCH-6-S058 and LCH-6-S062 (maps 6e and 6f respectively).

6.2.2.3 We maintain that no modification is necessary, because any impact from our proposals on private interests at Fishermans Bank will be minimal:

- The layout of the land limits the potential for change;

- In our view there are existing public access rights to the common land seaward of the enclosed land which would in our view be unchanged by the proposals; and
- New users, following the England Coast Path, would not affect residents' privacy, security or enjoyment of the land to any significant extent.

6.2.2.4 We explain these points in more detail below.

Layout of the land

6.2.2.5 Most of the registered freeholds in question at Fishermans Bank extend from the road called Stanpit to mean high water - see **Annex J**: Registered titles at Fishermans Bank. Towards the road, they are clearly separated from each other - and from the bank itself - by walls and fences that enclose each house, garden and other land forming the curtilage of the buildings.

6.2.2.6 These enclosed areas would not form part of the coastal margin, so walkers would not physically encroach on them as a result of our access proposals and there would be minimal, if any, impact on privacy, security or enjoyment of the enclosed land. We return to privacy, security and enjoyment of the enclosed land again in more detail later.

6.2.2.7 Seaward of the enclosed areas is the strip of unenclosed land known as Fishermans Bank where we have proposed our route along an existing public footpath, separated from the rest of each enclosed area by a fence or wall. The ownership of the open bank is divided into small plots, each associated with the enclosed area immediately landward of the corresponding garden wall or fence. Each of the houses owns the corresponding plot seaward of their physical boundary with it.

6.2.2.8 Since the individual holdings within the bank are not enclosed, it has the general appearance of a small open space. The open bank therefore does not have the characteristics of a secure private area, in particular given the existing public access rights there - to which we turn next.

Existing public access rights

6.2.2.9 There is already a public footpath along the unenclosed bank. We understand that this is not disputed and that the footpath is regularly used by local walkers. We have proposed that the England Coast Path should follow the public footpath along the bank as far as Argyle Road (route sections LCH-6-S059 and LCH-6-S060). The effect of this is that the rest of the bank would form part of the coastal margin.

6.2.2.10 In 1971 the whole of the unenclosed bank between the foreshore and the garden walls and fences (including the public footpath) was registered as common land under the 1965 Commons Registration Act, its provisional registration having become conclusive because it was not disputed within the prescribed period - despite the lack of registration of any rights of common. As we understand it, the objectors do not dispute this.

6.2.2.11 Under the Countryside and Rights of Way Act 2000 (CROW), such registered common land became subject to the right of access on foot conferred by section 2(1) of CROW, unless:

- it fell into a category of 'excepted land' types listed in Schedule 1 to CROW; or
- it was already subject to rights of access under other enactments listed in CROW section 15 which continue to apply in place of the rights that would otherwise be conferred by CROW section 2(1).

6.2.2.12 Several residents refer in their representations to the unenclosed plots of bank as part of their garden. As such, some argue that the common cannot presently be subject to CROW access rights because land used as a garden is one of the excepted land categories. They have said that they enforce this rule when they encounter members of the public straying off the public footpath and on to the surrounding common.

6.2.2.13 We believe that the Fishermans Bank is an 'urban common', subject to a public right of access for 'air and recreation' under section 193 of the Law of Property Act 1925 – one of the enactments listed in CROW section 15 which override CROW rights. This is significant because the section 193 right is not

subject to the access exceptions listed in CROW Schedule 1, notably the exception from access rights of land used as a garden. Irrespective of how the land is used, residents would therefore be mistaken to tell members of the public that they cannot stray from the path because the whole bank is subject to the access right conferred in 1925. Below we explain the evidence that the bank is an urban common under section 193 of the 1925 Act.

6.2.2.14 Section 193 applies to land if:

- in 1974, any part of it fell wholly or partly within the boundaries of what was then an urban district or borough; and
- in 1925, it was either a common or manorial waste.

6.2.2.15 **Annex K** is a map of the Borough of Christchurch in 1974, on which we have drawn the approximate position of Fishermans Bank. It shows conclusively that Fishermans Bank was within the Borough in 1974.

6.2.2.16 In relation to condition 2, we enclose a copy of relevant parts of the 1827 Inclosure Award for Rushford Common, of which the land in question had formed a part, and associated maps (**Annexes L, M and N**).

6.2.2.17 Under the Award, the whole common, including the land in question, was allotted to a number of private individuals. However, the grant to the three individuals that included the bank was in each case “subject to a fishing bank of the breadth of thirty feet on the west side...adjoining the River Avon”.

6.2.2.18 It is worth noting that the fishing bank marked in the 1827 Inclosure Award map at **Annex N** corresponds well with the extent of the common conclusively registered under the 1965 Act (**Annex O**), suggesting that the reservation of the fishing bank under the 1827 Inclosure was a consideration when the common was registered.

6.2.2.19 So far as we are aware, the ‘statutory reservation’ on the freehold tenure of the bank has applied since the inclosure award, and forms part of the root title of each property. Clearly from the outset in 1827 the new freehold owners of the land, and their guests, would have had the right to use the land as a fishing bank themselves, without the provision in the Award. Logically then, and in the absence of any more limiting words in the Award, the purpose of the words inserted by the Inclosure Commissioner must have been to grant such rights to a wider group of people than the new owners, such as the public at large.

6.2.2.20 In view of the continued reservation of these rights over the fishing bank, it seems likely that it would in 1925 have been regarded as common or alternatively, despite the Inclosure Award, as “open, uncultivated, unoccupied land” – which is the generally accepted definition of “manorial waste”. As noted above, manorial waste was one of the categories of land made subject to access rights in such areas by the 1925 Act.

6.2.2.21 Registration of the bank as common under the 1965 Act process was not challenged at that time. Common land was defined under the 1965 Commons Registration Act as land subject to rights of common, or waste land of a manor not subject to such rights. The absence of any objection to registration of the land in 1971 as common under these criteria lends support to the view that the land would have been regarded as common in 1925 under the very similar criteria then applying.

6.2.2.22 In summary, our view is that the existing public footpath rights would clearly remain in force under our proposals and that open access rights already exist over the wider common which have applied since 1925 and would not change as a result of our access proposals. Any change would stem rather from the presence of new users attracted by the coast path rather than a change in the nature or extent of existing access rights over the bank.

New users

6.2.2.23 We know from speaking to residents and from visiting the site several times ourselves that Fishermans Bank is a popular local walk. The 1975 report by the then Commons Commissioner into the

ownership of the bank (**Annex P**) shows that it was also popular then: “The whole of the Unit land is easily accessible to the public on foot and is a pleasant and interesting place for a walk or picnic....Clearly it is a valuable amenity for those living nearby.” (Third paragraph, page 2).

6.2.2.24 Clearly the association of the bank with the England Coast Path would attract some new users, if our proposals are approved. We would expect these people to be a mixture of long-distance walkers and local people following the coast path around the harbour.

6.2.2.25 When the ferry is running, some long-distance walkers are likely to prefer it to the full route around the harbour; the proposed route passes the ferry landings on either side of the harbour mouth and the ferry service would be clearly signposted for them. Other long-distance walkers would choose the route around the harbour for various reasons: out of interest or an ambition to complete the entire route; to stay the night in Christchurch or to use the town centre facilities; to start or finish a long-distance walk from the town centre (e.g the railway station); because they miss the last ferry; or because the ferry service is cancelled due to bad weather.

6.2.2.26 The ferry service does not operate on weekdays between November 1st and Easter except school holidays, so on these days long-distance walkers would follow the route around the harbour. This is a time of year when the number of outdoor visits is lower –evidence from the South West Coast Path indicates that only twenty percent of visits occur between November 1st and March 31st.

6.2.2.27 We also expect some local people to use the proposed route to walk around the harbour when the ferry is running. This is a pleasant circular walk but a significant undertaking – the full route takes approximately three and a half hours at normal walking pace allowing for short stops.

6.2.2.28 We can be confident from the analysis above that the number of new users at Fishermans Bank would be much lower than on the open coast. Some will stop to rest, picnic and enjoy the view from the Bank, but it will not become a recognised destination because of its proximity to larger and better-known open spaces such as Hengistbury Head and the local beaches with their marketed attractions and facilities. This is the context in which we consider residents’ concerns about privacy, security and enjoyment of the land below.

Security

6.2.2.29 We know that some residents park their boats and cars on the strip of bank between the footpath and the harbour. Some of them have told us that they have seen people walking along the footpath at night with torches and looking over the garden fences and walls. They also told us that there has been theft of equipment from the gardens and/or garden sheds behind the fences and walls.

6.2.2.30 These experiences seem to be at the root of their fears that the coast path will encourage more theft. It is also possible that new users may deter potential thieves because they would be more likely to be seen by law-abiding walkers. We are not aware of any evidence of either connection. However, we are certain that our access proposals would not make theft any easier because we are not proposing any physical changes to the land.

Privacy

6.2.2.31 In our view the bank between the garden walls/fences and the harbour cannot reasonably be regarded as an entirely private space for the sole use of the residents who jointly own it. It has the look and feel of an open space; it is registered as common land and is crossed by the public footpath; it has existing open access rights under the 1925 Act; and most particularly the individual property ownerships have all been acquired subject to the 1827 statutory reservation of quasi-public rights to use the land.

6.2.2.32 The feared loss of privacy must therefore relate to the potential for passing walkers to look over the garden walls and fences of the dwellings adjoining the bank into the private spaces behind them.

6.2.2.33 As we have already described, these walls and fences are clear boundaries between the common and the private spaces around each house. However, the position of the existing footpath must inevitably mean that from time to time members of the public glance over the walls and fences.

6.2.2.34 Although we do not expect a dramatic increase in use, we acknowledge that this may happen a little more often if the footpath becomes the coast path. However, we would expect the great majority of long-distance walkers to be responsible and respectful of residents' privacy and focussed on the harbour views. We have offered to install signs at either end of the bank to promote this behaviour.

6.2.2.35 Overall then, we do not agree that any impact on privacy would be significant or outweigh the desirability of affording views of the sea referred to in the coastal access legislation (see section 4.6 of the Coastal Access Scheme).

Enjoyment of the land

6.2.2.36 Some residents have told us in person that they regard the part of the open bank which they own as part of their garden and some refer to the open bank as garden in their objections and in previous correspondence with us. Although the open bank does not have the traditional appearance or character of a garden, there are signs of private ownership: most of the bank is mown regularly; there are a few bushes that appear to have been planted; at one place there is a low wall delineating the public footpath from the land seaward of it; there are several benches between the path and the walls/fences which we presume have been put there by residents for their own use. We have therefore thought carefully about the effect our proposals would have on their enjoyment of the open bank as well as the enclosed land to the rear of the bank.

6.2.2.37 Residents told us that most people who walk the footpath are familiar with and respectful of their wishes. They also told us that there are nevertheless concerns sometimes about existing public use of the bank. For example, they tell us that people sometimes stop to have picnics - and some of them light barbecues or leave litter - and walkers do not always pick up after their dogs. As we noted under 'layout' above, there are enclosed spaces in close proximity to the existing path that are clearly used as gardens. Residents using them must be able to see and/or hear members of the public using the footpath. They could be disturbed by a particularly noisy individual or group. Their fear is that these things will happen much more regularly if the footpath is part of the coast path.

6.2.2.38 Our view is that the coast path would not affect residents' use of the bank significantly, as they fear it may. We expect the increase in use to be much lower than on the open coast - as we explained above under 'new users'. We also expect that new users will be on a planned walk along the coast or around the harbour. We would expect organised walkers to behave responsibly and maintain the existing tranquil character of the bank. The signs we have offered (see paragraph 6.2.2.34 above) would help to ensure that new users understand this expectation.

6.2.2.39 Such a change would be in keeping with the existing public right of access over the common for air and recreation and the statutory reservation of the land as a public fishing bank. We say that that it is fair, given the views afforded from the route and its proximity to the sea.

6.2.3 Wildlife considerations at Fishermans Bank

6.2.3.1 Some Fishermans Bank residents have raised concerns in their objections that increased use of the public footpath would damage the Christchurch Harbour Site of Special Scientific Interest (SSSI). They do not explain how this damage might happen. To address their concerns we have reviewed the conclusion of our published Access and Sensitive Features Appraisal with respect to the route at Fishermans Bank.

6.2.3.2 Natural England has a legal duty to act for the benefit of SSSIs. Our duty in this context is to take reasonable steps, consistent with the proper exercise of our functions, (in this instance, our coastal access duty), to further the conservation and enhancement of the notified features of the SSSI.

6.2.3.3 Among the notified features of the SSSI, only migratory and wintering shorebirds (primarily wading bird species and waterfowl) could be affected by increased public use of the bank, because they can be vulnerable to disturbance by walkers or their dogs. A range of shorebirds occur regularly on Stanpit Creek, in numbers estimated to be significant in terms of the population of the SSSI. Other notified features do not occur at this location or are not sensitive to access.

6.2.3.4 In the Appraisal we concluded that the access proposals complied with our duty with respect to the SSSI. We maintain that the conclusion is correct, for the reasons given below.

6.2.3.5 Fishermans Bank has been a popular local walk for many years. There are reports that walkers sometimes throw sticks into the Creek to exercise their dogs and stop to have picnics and barbecues, although the residents discourage this. This informal public recreation takes place alongside the activities of the local land owners (see, for example, paragraphs 6.2.2.29 and 6.2.2.36) the sailing club, and other boat owners with moorings there.

6.2.3.6 As we explain in section 6.2.2 of our comments, we expect the number of new users at Fishermans Bank would be much lower than on the open coast. Walkers that follow the coast path around the harbour are likely to do so for the reasons set out in section 6.2.2.22. Those that undertake a circular walk around the harbour may also use the path at Fishermans Bank, on days when the ferry is running. Most will stick to the public footpath, but some will stop to rest, picnic and enjoy the view from the Bank, especially in warmer weather. In winter, when birds are more vulnerable to disturbance, we expect use of the coast path to be lighter, in line with trends on the South West Coast Path (see paragraph 6.2.2.23) and engagement with the natural environment more generally. Overall, we foresee only a small increase in visits to Fishermans Bank if our proposals are approved, especially in the more sensitive winter period. Such a change is not a conservation concern, given the long history of public access and other human activity along the Creek.

6.2.3.7 Whilst there have been concerted efforts to raise public awareness of the conservation importance of nearby Stanpit Marsh, it appears that the value of Fishermans Bank to birds is poorly understood. We see an opportunity through the England Coast Path to raise awareness of its significance and so positively influence the behaviour of both new and existing users. We could include this kind of information on the signs we have offered to install for residents (see paragraph 6.2.2.31 of our comments). Signs would encourage walkers to keep their dogs on leads, both to reduce disturbance to birds and out of respect for residents' wishes.

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\8\LCH1461

Organisation/ person making representation:

[Redacted], local resident (Fishermans Bank)

Route section(s):

Chapter 6 Maps 6(b) to 6(f)

Summary of representation:

[Redacted] suggests that the route between LCH-6-S023 at Wick (map 6b) and LCH-6-S075 at Mudeford Quay (map 6f) be omitted to avoid the SSSI and buildings in Stanpit and Mudeford.

He states that there is an alternative route using the frequent ferry between the spit and Mudeford Harbour.

He states that, as in the case of Poole Harbour, the Coastal Path should run across the entrance to Christchurch Harbour obviating the suggested route infringing on the SSSI at Stanpit Marsh, the 'garden land' behind the Fishermans Bank and the houses at Stanpit and Mudeford.

Natural England's comment:

[Redacted] disagrees with our proposal for a route around Christchurch Harbour, preferring instead that the route should cross the harbour mouth using the seasonal ferry service. His reasons for this are unspecified impacts on:

- the Stanpit Marsh Nature Reserve (part of Christchurch Harbour Site of Special Scientific Interest which is seaward of route sections LCH-6-S052 to LCH-6-S059); and*
- the private interests of land owners and residents at Fishermans bank, Stanpit and Mudeford, which we take to refer in particular to route sections LCH-6-S058 to LCH-6-S072.*

His route preference and the related concerns are common to several other representations in this group. We comment in detail about them above. In order to avoid repetition, we refer the Secretary of State to those comments.

We maintain, for the reasons given there, that the proposed route around Christchurch Harbour described in chapter 6 of the report strikes a fair balance between public and private interests.

We have no further comments to make about this representation.

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\16\LCH1422

Organisation/ person making representation:

[Redacted] Local resident - Stanpit

Route section(s):

Chapter 6 Map 6e

Route section LCH-6-S060FP – land seaward of wall ([redacted]).

Summary of representation:

[Redacted]'s concerns are not about the Coastal Path as such but about the recommendations from Natural England for a route around Christchurch Harbour – which he refers to both as a 'diversion' and as a 'circular route' - and specifically including freehold land at Fishermans Bank. He does not consider the Natural England's proposed route to be a coastal route because, he says the coast is approximately 1 mile from Fishermans Bank across various creeks, salt marsh, the Rivers Stour and Avon, a road to Hengistbury Head and extensive sand dunes.

He points out that there is also a direct ferry service from Hengistbury Head to Mudeford Harbour with operating times readily available to any coastal walkers. He understands (with reference to the Marine and Coastal Access Act 2009) that a ferry does not have to operate at all times of the day to form part of the coast path.

He also refers to documents attached to a separate objection form as proof of his ownership of part of Fishermans Bank. His view is that enabling access and picnics to Fishermans Bank is not compatible with owners' rights.

He also makes reference to the categories of land that are excepted from coastal access rights, including land used as a garden and the curtilage of buildings.

Natural England's comment:

[Redacted] disagrees with our proposal for a route around Christchurch Harbour, preferring instead that the route should cross the harbour mouth using the seasonal ferry service. His reasons for this are that:

- *the proposed route around the harbour leads walkers away from the open sea; and*
- *the ferry service is adequate for coastal walkers*

He also says that the access proposals are not compatible with his private ownership of the bank. We take this to mean that he regards the bank as part of his private garden, since private ownership is not of itself a bar to public use of land.

These views and the related concerns are common to several other representations in this group. We comment in detail about them above. In order to avoid repetition, we refer the Secretary of State to those comments.

We maintain, for the reasons given there, that the proposed route described in chapter 6 of the report strikes a fair balance between public and private interests.

We have no further comments to make about this representation.

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\19\LCH1438

Organisation/ person making representation:

[Redacted]

Local resident – Fishermans Bank

Route section(s):

Chapter 6 Maps 6a and 6b

Route sections LCH-6-S008 to LCH-6-S013

Summary of representation:

[Redacted] describes himself as a supporter of the benefits of healthy outdoor activities.

He reasons that as the Marine and Coastal Act 2009 states that a 'ferry does not have to be operating at all times of the day or year' (subsection 7), he supports a route incorporating the excellent sea and harbour views from the Hengistbury Headland to Mudeford Spit & the direct (seasonal) ferry crossing to Mudeford Quay - avoiding any SSSI, marshland, mudflat and localised residential issues.

Natural England's comment:

[Redacted] disagrees with our proposal for a route around Christchurch Harbour, preferring instead that the route should cross the harbour mouth using the seasonal ferry service.

This route preference and the references to the Site of Special Scientific Interest (SSSI) and 'localised residential issues' are common to all the representations in this group. We comment in detail about them in sections 6.2.1 to 6.2.3 above. In order to avoid repetition, we refer the Secretary of State to those comments.

[Redacted] refers to "avoiding...marshland, [and] mudflat". We would point out that:

- *the proposed route for chapter 6 does not pass directly over any marshland or mudflat;*
- *in particular we chose not to propose that the route should follow certain existing public footpaths across Stanpit Marsh Local Nature Reserve, as we explain in table 6.2.2 of chapter 6 of the report (fifth row); and*
- *we propose to exclude new access rights to areas of saltmarsh and flat in Christchurch Harbour that would form part of the coastal margin – see paragraph 6.3.53 of chapter 6 and part 11 of the Overview.*

We have no further comments to make about this representation.

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\26\LCH1399

Organisation/ person making representation:

[Redacted]

Local resident - Stanpit

Route section(s):

Part 10 of the Overview, Map F and Map G. Map 6a to 6f

Summary of representation:

[Redacted]'s representation relates to the choice between a route around the estuary of Christchurch Harbour (Natural England's proposal) or via the ferry (his preference).

He includes detailed descriptions of the proposed route to support his view that the round harbour route does not meet the criteria of a coast path (in particular in his view because it offers few sea/estuary views). He attaches annotated maps and photos of views around Christchurch Harbour (see **Annex R**).

Below we set out his arguments fully. We have divided his remarks into subsections (in bold) for ease of reference and refer to these subsections again in our comments which follow.

Consultation with [redacted] and with other local land owners

[Redacted] is an owner of land at Fishermans Bank across which Natural England propose to route a section of the coastal path, Map 6e LCH-6-S060 FP. He makes a number of opening remarks about the extent of Natural England's consultation with land owners at Fishermans Bank:

- Contrary to the requirements of the Marine and Coastal Access Act 2009, Natural England did not seek or consider his views on the proposals before preparing its report.
- Some neighbours were sent a copy of the report, and maps, inviting representations and objections, but others were not.
- Natural England states in the report that they have discussed their initial proposals with a long list of organisations including council officers, interest groups and affected land owners, but have not discussed them with [redacted] – an affected land owner.

- A few landowners were sent letters by Natural England in late 2016 requesting contact details. These were provided. Subsequently, there has been no discussion prior to the Report being prepared by Natural England and issued by them to the Secretary of State.
- In June 2017, he heard about the imminent issue of the report from neighbours. He emailed NE noting that no discussion had yet taken place. Natural England replied but it was all too late, the report had been issued to the Secretary of State.
- The Marine and Coastal Access Act 2009, Natural England's website and their report describe a process of sharing initial thoughts and discussions with possibly affected owners. Natural England did not discuss their proposals with him.
- Without such discussion Natural England will not have been able to consider a 'fair balance' between users and landowners, contrary to the requirement of the Marine and Coastal Access Act 2009.

The Ferry Service

[Redacted] then explains why he prefers that the coast path should use the ferry service at Christchurch Harbour mouth rather than the proposed route around Christchurch Harbour. He begins by summarising Natural England's views:

- Parts 9 and 10 of the Overview describe Natural England's reasons for routing the coastal path around estuaries, or not.
- Part 9 of the Overview outlines why Natural England decided not to route the coastal path around Poole harbour, which is deep and large enough for ocean going liners. The convenient ferry will be used instead.
- Part 10 outlines why they have decided not to use the ferry at Mudeford Quay, but to route the coastal path around shallow Christchurch harbour (the estuary) and through the town centre.
- Natural England state, on page 34 of their report, that the route around the estuary....'is necessary, because of the part time nature of the ferry'. Their suggestion is that the Mudeford Quay ferry does not meet the requirements of the Marine and Coastal Access Act 2009 ([redacted] disagrees with this for reasons given later).
- Natural England note that under the Marine and Coastal Access Act 2009 there is no requirement for the trail to extend up any estuary further than the seaward limit of the estuarial waters – the coast.

He then makes the following points to explain why he disagrees with our analysis:

- The Marine and Coastal Access Act 2009, PART 9 Coastal Access, 296 The coastal access duty, section (2) (a), states '*The first objective is that there is a route for the whole of the English coast which – consists of one or more long-distance routes along which the public are enabled to make recreational journeys on foot or by ferry*'.
- Section (7) of the same Act states '*For the purposes of the coastal access duty, a person is to be regarded as enabled to make a journey by ferry even if that journey can be made at certain times, or during certain periods, only*'.
- The single chain ferry at Poole runs every day from 7.00 to 22.00, except when it is being maintained or repaired, normally for a week or so every two years.
- The two ferries at Mudeford Quay run every day during the summer months, April through October from 9:00 till 22:00. During the rest of the year, November through March, they run every weekend, and every day during school holiday periods. Two ferries offer the benefit of a duty and standby arrangement.

- Neither Poole nor the Mudeford Quay ferry runs 24/7, but the Marine and Coastal Access Act 2009 makes it very clear, as noted above, that a continuous ferry service is not required in relation to recreational use of the Coastal Path. Both ferry companies have websites indicating when ferries are running.
- It is clear that both ferry services meet the requirements of the Marine and Coastal Access Act 2009 and that the minor differences between the Mudeford Quay and Poole Harbour ferry services are not sufficient reason for Natural England's decision to propose the 10km route around the Christchurch Harbour estuary.
- [Redacted] refers to an initial Natural England appraisal, dated May 2016, which he says confirms the adequacy of the Mudeford Quay ferry in relation to coastal path requirements.

Views from the proposed route

[Redacted] next explains, with reference to an annotated map and series of photographs included at **Annex R**, how in his opinion the views of the estuary our proposed route are not sufficient and interrupted extensively by buildings and vegetation. He begins with references to the legislation:

- The Marine and Coastal Access Act 2009, PART 9 Coastal Access, 297 General provision about the coastal access duty states, *'in discharging the coastal access duty, Natural England and the Secretary of State must.....have regard to(b) the desirability of that route adhering to the periphery of the coast and providing views of the sea'*.
- The Marine and Coast Access Act 2009, PART 9 Coastal Access 301 River estuaries, states *'This section applies in a case where the continuity of any part of the English coast is interrupted by a river. Natural England may exercise its functions as if the references in the coastal access provisions to the sea included the relevant upstream waters of the river.....Natural England must have regard to the following matters.....(e) the extent to which the land bordering those waters would, if it were coastal margin, be excepted land.....(g) the existence of a ferry by which the public may cross the river'*. (his emphasis)

Next he makes several observations about the views from the proposed route:

- a significant section of the proposed coastal path (route sections LCH-6-S006 to LCH-6-S008), is routed along the top of Hengistbury Head allowing sea views towards Bournemouth and Old Harry, in one direction, and the Isle of Wight, in the other. It also provides wonderful views over Christchurch Harbour – the estuary.
- As proposed by Natural England, the coastal path takes a U turn at the end of Hengistbury Head, back-tracking along almost the same route, but on the estuary side of the headland. Views of the estuary along its southern edge are less extensive than those experienced from the top of Hengistbury Head and in practice are often restricted by woods and reed beds.
- Also on the south side of the estuary, the proposed route runs roughly parallel to the path on the top of Hengistbury Head, so in relation to estuary views, it is largely a repeat experience.

He refers again to part 10 of the Overview to the report which notes that, on the north side of the estuary, there are *"four extensive areas of excepted land; one the north bank of the Stour below Tuckton Bridge; on the banks of the Avon between the bridges and the main harbour; and in the Stanpit area on the northeast side of the harbour; and Mudeford Spit"*.

He agrees that the majority of the north side of the proposed route around the estuary is excepted land. It is mostly commercial or residential area with very limited or distant views of the estuary.

He observes that Map G in the NE report could easily be misunderstood. It appears that the proposed route is close to the estuary with good views of the water, as required by the Act. The reality is somewhat different. Much of the proposed route has tall bushes and trees on the estuary side of the proposed coastal path.

He attaches a hand-drawn map of Christchurch harbour – see **Annex R** - which shows where bushes, trees and built-up areas which, he says, severely obstruct estuary views. He refers to the photographs attached with the map at **Annex R** which he says show the limitations to views and the nature of the proposed coastal path around the estuary. The location and direction of the photographs is shown on the annotated map in **Annex R**.

Recreational benefits

[Redacted] goes on to explain his views on the expected benefits of the proposed route around the harbour, with reference to other routes.

Natural England identify the proposed circular route, on established paths around the estuary, as a recreational benefit when the ferry is running – a route that will be promoted by its classification and signage as the coastal path. Arguably though, much of the 10km route is somewhat dull, hemmed in by tall trees and bushes, or buildings.

As an owner who knows the local walks well, he suggests that Natural England have missed the best circular routes entirely:

- While the ridge of Hengistbury Head has the best views, the beach, at the base of the cliffs, is much closer to the sea, arguably more exciting and much more informative about the geology of the headland – without the occasional layers of ironstone, which can be seen sticking out of the sandstone cliffs, the headland would not exist. Then, Christchurch really would be on the coast!
- Similarly, for marsh experience the circular route on the north side of the estuary around the Stanpit Marsh Local Nature Reserve is unbeatable, complete with New Forest ponies. The footpath is occasionally partially flooded by a few inches, during high spring tides, but that is all part of the experience.

He refers again to Natural England's report which explains that the proposed estuary route uses existing footpaths and highways. These will remain whether the coastal path is diverted around the estuary or not. Promoting an increase in footpath and highway use by identifying some as 'coastal path' is using a sledgehammer to crack a nut.

Summary

He summarises his views as follows:

- The Marine and Coastal Access Act 2009 requires – *'the desirability of that route adhering to the periphery of the coast and providing views of the sea (or in this case the estuary)'*.
- The limited views of the estuary provided by the proposed estuary route do not appear to meet the requirement of the Act – much of the route is behind trees, hedges and buildings. The best estuary views are from the coastal route on the ridge of Hengistbury Head.
- The Marine and Coastal Access Act 2009, PART 9 Coastal Access 301 River estuaries, also states "*Natural England must have regard to the following matters(e) the extent to which the land bordering those waters would, if it were coastal margin, be excepted land.....(g) the existence of a ferry by which the public may cross the river'.*"

- A very large proportion of the proposed route runs through built up areas with no or very occasional views of the estuary. The proposed route does not therefore appear to meet the requirements of the act.
- It is clear that the ferry service at Mudeford Quay is more than adequate to meet the requirements of the Marine and Coastal Access Act 2009. It provides a simple link between the proposed coastal path on Hengistbury Head and the continuing coastal path on Mudeford Quay. It provides a much simpler coastal route and avoids a 10km diversion through Christchurch town centre.
- He strongly favours the simple, straightforward ferry route, saving a 10km walk, unnecessary signage and unnecessary complication. Much better estuary walks and circular routes are available for promotion if the requirements of the Marine and Coastal Access Act 2009 do not have to be considered.

Natural England's comment:

Below we respond to each of the main points in [redacted]'s representation, using the subheadings in bold from our summary above for ease of reference.

Consultation with [redacted]

[Redacted] makes detailed criticisms of our consultation with local land owners before publishing our proposals. He points out that before publishing coastal access proposals, in order to comply with the coastal access legislation and Scheme, we must take reasonable steps to consult people who own or occupy land that might be affected so that we can take their views, if any, into account first. Here we respond to his criticisms by detailing our correspondence during this period with [redacted]. We also refer the Secretary of State to our account of the consultation with neighbouring land owners, which can be found in our comments on [redacted]'s representation (MCA\Kimmeridge Bay to Highcliffe\R\17\LCH1450).

We wrote to [redacted] in September 2016 explaining our then initial thinking that the coast path should follow the public footpath along Fishermans Bank, part of which he owns. Our letter included a map of the proposed route. We asked for his views on that option and for him to confirm his contact details. We received a reply slip confirming his contact details but no views either way on the option described.

It is not unusual for land owners to express no views on the routing of the coast path on their land where the proposal is for it to follow an existing footpath. Sometimes land owners simply want to be kept informed as the proposals progress and send us contact details for this reason. We concluded, wrongly as we now understand, that [redacted] had no strong views about the proposal.

In June 2017 we visited a neighbour, [redacted] (R\17\LCH1450) to discuss his concerns with the proposal and walk the footpath along Fishermans Bank. We met a number of other residents during the course of that meeting: we did not take their names and now understand from this representation that [redacted] was not among them.

Following the meeting, and after some consideration of the views we heard, we wrote on June 14th 2017 to all residents of Fishermans Bank including [redacted] to explain our decision to propose a route along the Fishermans Bank footpath. [Redacted] replied at length on 19th June, two days before submission of our proposals to the Secretary of State. We replied on 22nd June explaining his right to make a representation or objection which he has exercised.

We say therefore that we sought [redacted]'s views at an early stage but, unfortunately, were not aware of them until 19th June.

The ferry service

[Redacted] disagrees with our proposal for a route around Christchurch Harbour, preferring instead that the route should cross the harbour mouth using the seasonal ferry service. This route preference and the related points are common to several other representations from people who own land that would be affected by the proposals. To avoid repetition we refer the Secretary of State to our comments about them at 6.2.1 above.

[Redacted] refers in this part of his representation to a Natural England internal discussion paper of May 2016 obtained under the Freedom of Information Act. In it we compared the circumstances of Poole, Christchurch and Portsmouth Harbours in order to decide how best to meet our coastal access duty at each. [Redacted] understands the paper to have confirmed that his preferred route using the ferry was adequate. In fact the paper assesses the option to propose two official routes at Christchurch Harbour – one using the ferry and the other following existing public paths around the harbour. The option to propose two routes was later rejected as unnecessarily complicated. Instead we decided to propose a single route all around the harbour, but passing both ferry points so that walkers would have a choice when the ferry is running.

Views

We thank [redacted] for his detailed assessment of the views from the proposed route around Christchurch Harbour. His map gives a useful indication of where views are interrupted by vegetation or buildings. Our map, attached at **Annex S**, shows which parts of the route give views of the harbour (or river). The assessment was made on 21 September 2017. The route was walked and the presence/absence of a view recorded on a GPS device. The data shows that there are views of the harbour from 56% of the route between the ferry embarkation points on either side of the harbour mouth.

[Redacted] says that views of the harbour from the proposed route are frequently interrupted by vegetation and buildings. We say that the route offers frequent views over the harbour and reasonable proximity to the harbour's edge. To the extent that those views are interrupted, the gaps never exceed a kilometre and are consistent with other parts of the coast path where the coast path makes its way through built up areas and sensitive conservation sites. Where it is set back from the harbour's edge, there are sometimes opportunities for people to approach the harbour's edge more closely by exploring the coastal margin – for example at Priory Quay and Stanpit Marsh (maps 6d and 6e respectively). We also say that overall, and including places where there are no views, it is a safe and convenient route that is direct, easily accessible to most users and pleasant to walk along. We therefore maintain that it is a good fit with the recreational criteria set out in chapter 4 of the Scheme as well as the additional considerations that apply to estuaries (see chapter 10 of the Scheme and part 10 of the Overview to the report).

Recreational benefits

We disagree with [redacted]'s analysis of the recreational benefits of the proposed route and refer the Secretary of State to our analysis of those benefits in part 10 of the Overview to the report.

The main benefit in our view is to provide a continuous walking route along the coast at all times. However, we would argue that [redacted] overlooks or underestimates other benefits from the route, allowing:

- *local people to complete a 10 Km walk on days when the ferry is running*
- *visitors to start or finish a longer walk using Christchurch's rail and bus links or stop in at Christchurch to use the town's accommodation and services*
- *walkers to enjoy the many features of interest around the harbour, including the walk around Stanpit Marsh which he mentions and is easily accessible from the proposed route for those who wish to explore it.*

We strongly disagree with the view that it is unnecessary to waymark the route around the harbour because the paths already exist. We say that it is essential to do so, so that walkers have the confidence to attempt it and do not get lost or stray into sensitive areas.

Photo caption

*[Redacted]'s photo no. 17 (see **Annex R**) has the following caption:- "a bird hide described by Natural England (it seems) as a 'pedestrian gate in satisfactory condition". At the time of the original surveys (summer 2016), there was indeed a pedestrian gate near this location. This has since been removed and a new bird hide/screen erected.*

We have no further comments to make about this representation.

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\34\LCH1398

Organisation/ person making representation:

[Redacted]

Local resident – Fishermans Bank

Route section(s):

Maps 6a to 6f

Part 10 of the Overview (maps F and G)

Summary of representation:

[Redacted] is a local land owner who makes the following points about the 'round harbour' route.

- The proposed coastal path is routed through woods, between high hedges and between buildings. It has relatively few close views of the estuary.
- Coastal path walkers will have a 10km walk much of it through built up areas.
- Benefit to walkers is negligible.
- On the other hand the route through so much built up area means that very many with an interest in the land are affected. The balance is wrong.
- Natural England should propose the ferry at Mundeford Quay as part of the coastal path. It meets the requirements of the relevant Act and arguably is a benefit to both walkers and those with an interest in affected land.

Natural England's comment:

[Redacted] disagrees with our proposal for a route around Christchurch Harbour, preferring instead that the route should cross the harbour mouth using the seasonal ferry service.

This preference and the related concerns about the balance between public and private interests are common to several other representations in this group. We comment in detail about them in sections 6.2.1 and 6.2.2 above.

[Redacted] also makes points about the overall benefit to walkers from our proposed route, including views, which are covered in more detail in the representation by [redacted] and our comments on it. In order to avoid repetition, we refer the Secretary of State to those comments.

We maintain, for the reasons given there, that the proposed route around Christchurch Harbour described in chapter 6 of the report strikes a fair balance between public and private interests.

We have no further comments to make about this representation.

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\37\LCH1564

Organisation/ person making representation:

[Redacted] and [redacted]

Local resident – Fishermans Bank

Route section(s):

Chapter 10 (Overview) Christchurch Harbour

Map 6e LC-6-S060FP – Fishermans Bank

Summary of representation

[Redacted] and [redacted] own two parcels of land on Fishermans Bank, to the southwest of the part of the bank across which route section LCH-6-S060 of our proposed route passes. They identify these on a map included with their representation and attached to these comments at

Annex T.

The following points were made on their representation form:

- Natural England’s letter of 12th July at Stage 4 of their consultations, was the first “notice or written communication” that we have received in terms of any prior “consultation”, and not the statutory 8 week period required. Why was no contact made beforehand at Stages 2 & 3?
- Although not owners of land directly affected by the report, they consider that historically Fishermans Bank has been considered as single physical entity. Fishermans Bank is still classed from searches as “Section 15 Land” where both access rights & restrictions powers under the CROW Act do not apply.

The remaining points below were made in a letter to the Secretary of State which accompanied the representation form. In their letter, [redacted] and [redacted] also commented at length about their concerns relating to water pollution on the River Avon. At the Secretary of State’s request we wrote at length to them on 11 September 2017 on that subject. Since it does not relate to our access proposals we have therefore not included their remarks about it here.

1. CONSULTATION: We own land which can be described as “spreading room”, and this is why we assume that we have been formally consulted on the above document, but not prior to this final round at Stage 4. *Why not before this stage, at 2 & 3?* We also only received our first response from Natural England dated 12th July, *which is well within the statutory 8 weeks consultation period.*

2. CHRISTCHURCH HARBOUR OPTIONS: Firstly, we would like to make a representation in terms of the entire proposals for Christchurch Harbour in terms of the Coastal Path, Options on P34. I would note with respect to your two options the following:

Option 2: This is the true “Coastal” option. There are many other estuaries on the entire West Coast Path that are Tidal or currently have Seasonal Ferry Operations in order to cross: Torridge, Gillan Creek, Helford, River Yealm & Erme, River Avon @ Bigbury, River Teign & Exe, and Sandbanks. Part of the walking experience is timing one’s journey to accommodate these such crossings! *Why should Christchurch be treated any differently?*

Option 1: Combines a “Coastal” route with an “Estuary” one. *In any event, why should an “Estuary Path” part form part of a “Coastal Path”?*

We object to the Christchurch “Estuary” route forming part of the “Coastal Path”. We are in favour of Option 2, and are opposed to Option 1.

3. MANAGEMENT OF FISHERMANS BANK: Secondly, and historically, Fishermans Bank has always been treated as a single entity. Therefore to treat one half differently from the other is anomalous. Whether any of the associated owners are “designated or not” makes no difference as Natural England’s current proposals will only increase the footfall along the entire bank, as it is already a “footpath”. Natural England’s Report, (cost to produce this documentation above so far?), and on P.25 identifies a proposed cost of “implementation & management” £106,200 for the management of the entire length of a path (as outlined) from Kimmeridge to Highcliffe?

The overall majority of Fishermans Bank owned freehold by each adjacent householder and privately maintained, but over which the public have the right to walk along for many many years. *Historically Fishermans Bank has been the subject of specific unique legal interpretation, (including the late Lord Denning), hence why it is likely classed and currently mapped as “Section 15” land.*

*Often its uses are “pushed to the limit”. Bicycles & carts, wind/kite surfers launching from our foreshore wall, folk attempting to have picnics, private parties & barbeques on our end section – all have to be politely and verbally reminded that it is a footpath only, (indeed under the terms of Coastal Margin legislation), *because quite frequently these conditions are not adhered to, and never usually by any locals to the area.* When the tide is out, attempts are made by visitors to walk further beyond our property along the foreshore, again on private land. Designation Fishermans Bank as part of any “path” will only increase the footfall on such a path, (P.34 “route that would attract locals & visitors”, and an increase in associated misuse in terms of “Open Access Land”.*

The current management of “infringements” is purely down to the adjacent owners, if they happen to be “available” at the time. There is nothing in Natural England’s Report to outline the details of their management and supervision proposals, if indeed, they are willing to take on this responsibility to the degree it may required along purely the Fishermans Bank section and within their proposed budget.

4. OWNER’S PRIVACY: It would appear that during the introduction of legislation to open up Coastal Margins, (again NO consultation documentation received at all), that the “20m privacy rule” *still applies to inland properties, but no longer on “coastal margins”,* of which Fishermans Bank enters this “sensitive margin”. One can accept that from a “floating independent vessel on open water” that 20m “privacy gap” may be impossible to maintain. *But where there is proposed*

increased footfall on land to the public on land still owned and maintained privately, (wherever it is within the 20m range), that due “sensitivity” to access should be applied in judgement these adjacent properties whether they are “Coastal”, “Estuary” or “Inland”. There should be “even handed and clear legislation” in terms of “dwelling privacy” wherever your land may be within our United Kingdom.

We do not feel that due balance to the relative privacy of the owners of Fishermans Bank has been considered by these proposals or due consultation applied in the case of Fishermans Bank by Natural England’s Report, (as referenced above).

Natural England’s comment:

Below we respond to each of the main points from [redacted] and [redacted], using the subheadings in bold from our summary above for ease of reference.

1) Consultation

[Redacted] and [redacted] question why they were not consulted prior to the publication of our access proposals. Normally we write to owners and occupiers of land that may be affected before we publish proposals and offer them an opportunity to discuss any concerns they may have. To facilitate this consultation we rely mainly on ownership data purchased from the Land Registry. [Redacted] and [redacted] are not registered as owners of any land at Fishermans Bank – we believe this is because they acquired the land before the register was started and have not since had reason to register their ownership.

They also ask why they did not receive an invitation to submit a representation or objection until 12th July 2017, three weeks after the publication date. When we published the report we wrote to all the residential properties adjoining Fishermans Bank to invite representations or objections, addressing our letter to the occupier where the owner was not known. We did not have an address for [redacted]’ and [redacted]’s property and guessed incorrectly that it must be [redacted]. The letter was returned to us by the post office and we then sent it to the correct address. In view of this delay we accepted their representation, even though it arrived after the statutory deadline.

We have since written to [redacted] and [redacted] to explain the circumstances above and we have met [redacted] to discuss her views in person. We therefore say that we have taken reasonable steps to consult them.

2) Christchurch Harbour route options

[Redacted] and [redacted] disagree with our proposal for a route around Christchurch Harbour, preferring instead that the route should cross the harbour mouth using the ferry service. We comment in detail about this choice in section 6.2.1 above. In order to avoid repetition, we refer the Secretary of State to those comments.

In support of their preference [redacted] and [redacted] refer to other river estuaries in Dorset, Devon and Cornwall where ferry services are available to walkers following the existing South West Coast Path: The Torridge, Gillan Creek, the Helford, the Yealm, the Erme, the Avon at Bigbury, the Teign, the Exe and Sandbanks (Poole Harbour).

Among these examples, are several estuaries which exemplify the approach we propose at Christchurch Harbour:

- *Torridge: the official route of the South West Coast Path crosses the river by the first bridge in Bideford. The seasonal ferry 5Km downstream is advertised as a shorter alternative in much the same way as we envisage at Christchurch.*
- *Gillan Creek: The official South West Coast Path route goes around the creek and is available at all times. As on the Torridge, the seasonal ferry and stepping stones downstream are advertised as a shorter alternative.*
- *Exe: here we proposed two routes for the England Coast Path. The first is the existing South West Coast Path route and uses the seasonal ferry between Starcross and Exmouth. The second continues upstream from the ferry as far as the bridge at Exeter, providing an onward route when the ferry service is not available.*

The existing South West Coast Path crosses the Helford, Yealm and Avon by seasonal ferries and at a ford on the Erme. It would be open to us to propose a route upstream of the ferries and fords on these estuaries, in the way described in our comments in section 6.2.1, or adopt the current route of the South West Coast Path. There is already a waymarked route around the Avon estuary which people can use when the ferry is not operating.

The Poole Harbour ferry at Sandbanks and the ferry across the Teign run daily. Our proposals for them to form part of the England Coast Path therefore lend no weight in our view to the argument that the seasonal ferry service at Mudeford would be sufficient for the same purpose.

3) Management of Fishermans Bank

We understand the main concerns here to be that:

- *increased use of the bank will result in a corresponding increase in ‘misuse’ of the bank; and*
- *residents will be obliged to police public use because there will be insufficient public funds to manage it.*

We agree that there will be increased use of section of public footpath along the bank which forms part of our proposed route. However, as we explain in more detail in section 6.2.2 (under the heading ‘new users’) we are confident that the number of new users to be much lower than those found on the open coast. The great majority of new users will be people on a planned walk, whom we would expect to be responsible and respectful of residents’ privacy and focussed on the harbour views.

We acknowledge that increased use can sometimes bring unwanted effects such as increased litter or anti-social behaviour and we understand from residents that they sometimes clear up litter from the bank. We do not expect this problem to increase significantly because the majority of new users would be walkers on a planned walk around the harbour, rather than people whose primary objective is to picnic or tarry. Nonetheless, when we wrote to residents in June prior to publishing our report, we offered to install official signs at either end of the bank asking visitors to be considerate of residents.

We do not expect there to be any significant new management or maintenance requirement with this modest increase in use. Nevertheless, Dorset County Council is grant aided by Natural England to maintain the coast path to published National Trail standards and would be able to carry out additional work if it becomes necessary.

Overall then, we do not agree that any impact would be significant or outweigh the desirability of affording views of the sea referred to in the coastal access legislation (see section 4.6 of the Coastal Access Scheme).

[Redacted] and [redacted] refer several times to the extent and nature of existing public access rights to Fishermans Bank in this part of their representation. We refer the Secretary of State to our comments in section 6.2.2 (under the heading 'existing public access rights') where we explain our views on this matter – in summary that the whole of the bank is subject to a public right of access because it is an urban common. [Redacted] and [redacted] refer to 'specific unique legal interpretation' on this matter which we are unable to trace. We have asked [redacted] if she can provide a copy.

[Redacted] and [redacted] refer to a figure on page 25 of the report of £106,200 for 'implementation and management'. This figure is an estimate of the capital costs of establishing the proposed route and does not include any allocation for management of the path once it is open. Our estimate for maintenance of the path is £33,200 and is on page 26 of the report.

4) Owners privacy

As we understand it, [redacted] and [redacted] take the view that the proposals will result in an unacceptable impact on owners' privacy at Fishermans Bank. This concern is common to several other representations in this group. We comment in detail about it in section 6.2.2 above (under the heading 'Privacy'). We maintain, for the reasons given there, that the proposed route strikes a fair balance between public and private interests.

[Redacted] and [redacted] refer to an amendment made to Schedule 1 to the Countryside and Rights of Way Act 2000 (CROW) which lists categories of land that are excepted from access rights under part 1 of CROW. The amendment was made by Schedule 1 to the Access to the Countryside Order (Coastal Margin) (England) Order 2010, after public consultation in 2009 by the Department for the Environment, Food and Rural Affairs. The effect of the amendment was to disapply, on land that is the coastal margin, the exception that would otherwise apply to land within 20 metres of a dwelling. Its effect is that land that is coastal margin, and is within 20 metres of a dwelling, is not automatically excepted from CROW access rights. As we understand it, [redacted] and [redacted] argue here for the amendment to be withdrawn.

Our view, which we explain in detail in section 6.2.2 (under the heading 'Existing public access rights'), is that the whole common at Fishermans Bank is subject to access rights conferred by the Law of Property Act 1925. As such, the CROW excepted land provisions do not apply there and have no relevance to the Secretary of State's considerations.

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\39\LCH1564

Organisation/ person making representation:

[Redacted]/[redacted], local resident (Fishermans Bank)

Route section(s):

Christchurch Harbour

Summary of representation:

[Redacted] and [redacted] submitted another representation (see R37 above). This (their second) representation repeats some of the issues raised in the previous one.

In addition they wish to 'object' to the Option 1 Route for Christchurch around the harbour on the basis of its SSSI Status. Increased footfall around Stanpit Marshes, (when not flooded and nature reserve paths are followed) and Fisherman's Bank will likewise increase the risk that waste/rubbish from any form of "picnics" will end up in Christchurch Harbour. They wish to seek assurances that Natural England & Christchurch Borough Council that this will not result at all in the "Blue Planet / Plastic Soup" scenario with local wildlife. They cite a recent example where litter consisting of paper & cans were left outside their property on Fisherman's Bank. This rubbish could have been blown/washed into the harbour. The visitors concerned had to be politely asked by adjacent owners to take this litter with them. Litter/fly tipping is a current issue that shows no signs of diminishing. The "few" can spoil matters for the "responsible majority".

They refer to the "Access and Sensitive Features Appraisal" for Christchurch Harbour. Section 2 states that the numbers of people currently visiting Hengistbury Head is estimated to be in the region of 1 million per year. They contend that even if only a small proportion of these visitors following the Coastal path choose also to plan their walk around the "Estuary/Harbour" route (proposed as a "Coastal Option 1"), Stanpit Marshes and Fisherman's Bank will suffer from the impact of not an insignificant increase in footfall. They also state that Fisherman's Bank also has wildlife visitors, and this was not even mentioned in Section 2.

They submitted their previous representation (on 16/8/17), purely on the basis that they believed that they were not defined as "Owners of land over which the ECP was proposed". Following a meeting on 9/12/17, they were advised that they could have made an objection by virtue of the fact their land falls within 'coastal margin' by being "seaward of the proposed coastal path route.

They also state that all formal Coastal Proposal documents should read for clarity on their front page: "England Coast Path AND MARGINS".

Natural England's comment:

We refer the Secretary of State to our comments at section 6.2.3 about wildlife considerations on Christchurch Harbour.

We thanks [redacted] and [redacted] for their comments about the proposal documentation which we will consider carefully.

We have no further comments about this representation.

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\38\LCH1764

Organisation/ person making representation:

[Redacted], [redacted] and [redacted] – residents of Mudeford Quay

Route section(s):

Chapter 6

Route sections LCH-6-S068FW to LCH-6-S070FW

Summary of representation:

The representation makes no substantive points but refers to those made at a meeting with Natural England and those made in an objection about the proposals to which it was attached. The objection makes the points below.

A meeting was organised & undertaken on the 31/January/2018 with [Natural England's] [redacted] where-in we brought to his attention that the map supplied to us was incorrect (i.e. mud flats – mean high water marks & mean low water marks), as when high water this laps the shoreline all along the edge of the harbour – this he witnessed during his site visit & noted accordingly.

The proposed coastal pathway comes down the old quay access road which does not have a continuous footpath, (a void of approx. 100 feet). It is also a one way system & can be used for emergency access and egress if Chichester Way should be blocked by traffic during busy periods, this was also noted by [redacted].

The proposal may also contravene the Road & Traffic Act 1991 on safety aspects for pedestrians.

Therefore, the proposed coastal pathway route, as discussed, should follow the main road turning right into Chichester Way & passing Viking Way to the left, crossing the road to footbridge leading on to Mundeford Quay.

It was suggested by [redacted] that signage should be erected to identify the route of the coastal path & also warning signs identifying the mud flats to visitors of the harbour areas.

We also had confirmed that there is no likelihood of any boardwalk or similar to be constructed around the harbours edge & that access to the harbour would remain uninterrupted & enjoyed, as it has done for many years, by the properties & residents who live at the harbours edge.

Natural England's comment:

[Redacted] argue that a short stretch of Old Quay Road can be dangerous to walk along because there is no pavement – route section LCH-6-S069 on map 6f of the report. [Redacted], who owns the property next door, shares their view. We have no comments on the other points raised in the objection, other to confirm the details of our conversation of 31st January 2018.

We have not had the opportunity to view this part of the route when traffic is heavy. Officers at Christchurch Borough Council (pers.comm.) confirm that at times it is necessary for walkers to share the road with slow-moving traffic at busy times. They expect that local people will continue to prefer the route along Old Quay Road whether it is signed as the coast path or not, in spite of the risk, because it is shorter.

[Redacted] suggest that the route be modified to follow Chichester Way as shown on the map below. This would be slightly longer, with less views of the harbour. However, it would be slightly safer than the proposed route by making use of pavements and recognised road crossings. Christchurch Borough Council have no strong view on his proposal.

If the Secretary of State approved the proposed modification, several properties would between Old Quay Road and Chichester Way would become coastal margin (117, 119 and 119a Mundeford and 1 Chichester Way) It appears to us that these properties would be entirely excepted from access rights, being composed of land covered by buildings and the curtilage of buildings or land used as a garden. We wrote to the owners of these properties on 25th May 2018, explaining the proposed modification and asking them for views about it. We have not received any reply.

On balance we have no objection to the proposed modification but do not think it offers any significant benefit over our proposed route to the public or those with a relevant interest in the land.

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\15\LCH1516

Organisation/ person making representation:

[Redacted] Local resident – Priory Quay

Route section(s):

Chapter 6 Map 6d

Route section LCH-6-S037 to LCH-6-S039

Summary of representation:

[Redacted] has concerns about walkers deviating from the England Coast Path and taking the circular footpath around Priory Quay where they may encroach on private property as there is no marked boundary between the property and the path. It is a conservation area and Priory Quay residents are prevented by local planning and by Priory Quay Management Company covenants from erecting any fencing.

As a widow living on her own at times she feels threatened and sometimes suffers abuse from those accessing the area.

She asks that there is clear signage at the two entrances to Priory Quay, pointing the Coastal Path along Convent Walk and this should take precedence over the circular footpath signage. She asks if the circular footpath signs can be removed to help protect residents' privacy and safety from the increased footfall along the Coastal Path.

Natural England's comment:

We agree with [redacted] that there should be clear signs at Priory Quay. We aim to ensure that the England Coast Path is always clearly signposted for those following it so that people do not lose their way - the same principle will apply at Priory Quay. We envisage that there will be England Coast Path signage at each of the two 'entrances' to Priory Quay. This new coast path signage will clearly direct walkers along Convent Walk rather than around Priory Quay.

However, we note that the circular route around Priory Quay includes an attractive viewpoint overlooking the harbour and would be available for people to enjoy as part of the wider coastal margin. As such we do not propose to do anything that might discourage people from enjoying the circular route or the viewpoint.

The circular route, with the exception of a section that crosses lock gates into the marina, is owned and managed by Christchurch Borough Council and subject to a planning condition guaranteeing public access on foot around it. As such Christchurch Borough Council has indicated it would not consider the removal of the signs.

Land covered by buildings and the curtilage of buildings is excepted from the access rights that would otherwise apply over the margin, ensuring that there will be no new access rights to [redacted]'s private property beyond the path. We were not aware that there is a condition preventing residents from erecting fencing at the path edge.

Should the Secretary of State approve this part of the route we will hold discussions with Christchurch Borough Council about the design and location of signs at key locations such as these.

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\27\LCH1518

Organisation/ person making representation:

[Redacted] and [redacted]
Local resident – Priory Quay

Route section(s):

Chapter 6 Map 6d
Route Sections LCH-6-S037 to LCH-6-S039

Summary of representation:

[Redacted] and [redacted] are residents of Priory Quay. They are concerned about the signage to be erected. The Coastal Path signage must be clearly visible to state that the path follows along Convent Walk and not around Priory Quay. (A change to the current signage is essential indicating the path along the Convent Walk pathway is the only one).

Natural England's comment:

We refer the Secretary of State to our detailed comments on [redacted]'s representation [MCA\Kimmeridge Bay to Highcliffe\R\15\LCH1516], which address all of the points raised here.

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\28\LCH1531

Organisation/ person making representation:

[Redacted]

Local resident – Priory Quay

Route section(s):

Chapter 6

Route section LCH-6-S038

Summary of representation:

Coast Path's signage should be clear and unambiguously direct path users along the millstream (Convent Walk). The reason for the representation is to avoid confusion with existing Council signage.

Natural England's comment:

We refer the Secretary of State to our detailed comments on [redacted]'s representation [MCA\Kimmeridge Bay to Highcliffe\R\15\LCH1516], which address all of the points raised here.

Representation number:

MCA\Kimmeridge Bay to Highcliffe\R\31\LCH1526

Organisation/ person making representation:

[Redacted] and [redacted]

Local resident – Priory Quay

Route section(s):

Chapter 6 Map 6d

Route section LCH-6-S037 to LCH-6-S39 (Convent Walk)

Summary of representation:

In the location detailed above, Natural England has opted to route the coastal path along Convent Walk, instead of the circular path around Priory Quay.

Unless you alter the current signage to clearly describe and prioritize the proposed coastal path route over the Priory Quay circular path, you run the risk of not achieving your routing objective.

Natural England's comment:

We refer the Secretary of State to our detailed comments on [redacted]'s representation [MCA\Kimmeridge Bay to Highcliffe\R\15\LCH1516], which address all of the points raised here.

