



THE PLANNING ACT 2008
THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Boston Alternative Energy Facility

Appendix E3 to Natural England's Deadline 5 Submission

Natural England's Comments on Public Rights of Way

For:

The construction and operation of Boston Alternative Energy Facility (AEF) that would generate approximately 102 MW of renewable energy and is located immediately south of Boston town, Lincolnshire.

Planning Inspectorate Reference: EN010095

25th January 2022

Natural England's comments on Public Rights of Way – Written Summary of the Applicant's Oral Case at Issue Specific Hearing on Environmental Matters (Part 1) and Outline Design Guide and Stopping Up Plan [REP3-017]

Introduction

This document provides Natural England's response in relation to the following documents:

- Written Summary of the Applicant's Oral Case at Issue Specific Hearing on Environmental Matters (Part 1) [REP3-023]
- Public Rights of Way – Outline Design Guide and Stopping Up Plan [REP3-017]

Summary

The Applicant provided a response to Natural England's suggested alternative route in their oral case at the Issue Specific Hearing (ISH). They have also provided additional detailed information on the proposals for the stopping up and diversion of Public Rights of Way affected by the proposed BAEF.

Natural England advises that there are two issues that need to be considered:

1. The replacement of an existing public right of way
2. The replacement of the England Coastal Path route

Natural England acknowledges that the enhancements proposed to the Public Right of Way along the route of the Roman Bank would make significant improvements to the existing path and improve the public's enjoyment. We therefore accept that this route suggested by the Applicant is an appropriate replacement to the existing Public Right of Way.

Natural England advises that the route replacement proposed for the England Coast Path would reduce coastal access for future users of the path. We therefore maintain our suggested alternative route which directly follows the coast.

Detailed comments

1. The emerging England Coast Path (ECP) route that follows the coastal margins of The Wash to Skegness is directly affected by the proposed BAEF. The proposed route of the ECP route would use public rights of way (BOST/14/4 and BOST/14/5) that front The Haven through the Principal Application Site. The proposal is to close these routes, and an alternative route has been provided via the existing Public Right of Way (BOST/14/11 and BOST/14/9), which follows the route of Roman Bank (also known as 'Sea Bank')
2. In the submitted Written Representations [RR-021] Natural England required clarification regarding the diversion of the England Coast Path and requested that any proposed changes would require a full consultation and Appropriate Assessment in its own right.
3. Following discussion with the Applicant and Lincolnshire County Council, Natural England suggested an alternative to the proposed diversion route [REP2-047]. This alternative would continue with approximately 200m of the northern section of BOST/14/4 and introduce a short new section of footpath (110m) which would join BOST/14/11. Natural England's reasoning for this suggested alternative was that it would maintain greater access to the sea which is one of the main purposes of the ECP as set out within the Marine and Coastal Access Act 2009.

4. This alternative route was considered by the Applicant and discussed at the Issue Specific Hearing 2: Environmental Matters on 24th November 2021 [REP3-023]. Whilst the Applicant considered this variation suggested by Natural England, it was discounted due to several factors including the removal of landscape planting, security concerns and landowner permissions.

5. Natural England advises that based on the above information there are two issues that need to be considered which have been discussed further below:

- The replacement of an existing Public Right of Way
- The replacement of the England Coastal Path route

The replacement of an existing Public Right of Way

6. In the Outline Design Guide and Stopping Up Plan [REP3-017] the Applicant has provided further details of the alternative route including enhancement and interpretation measures. Natural England acknowledges that the proposed enhancement measures for the diversion would result in significant improvements to the surfacing, boundary treatments and signage of the existing path. The proposed seating and interpretation boards would also enhance the enjoyment of this stretch of footpath. We therefore accept that the proposed alternative route suggested by the Applicant would be an appropriate replacement to the existing Public Right of Way and have no objection.

The replacement of the England Coastal Path route

7. The Marine and Coastal Access Act 2009 places a duty on the Secretary of State and Natural England to secure a long-distance walking trail around the open coast of England. Part 9 of the Act aims to improve public access to, and enjoyment of, the English coastline by creating clear and consistent public rights along the English coast for open-air recreation on foot. It allows existing coastal access to be secured and improved and new access to be created in coastal places where it did not already exist.

8. Natural England therefore needs to ensure that access to the 'coast' must be restricted in the smallest possible way which is our reasoning for suggesting an alternative route as discussed above.

9. Whilst we understand the reasons put forward by the Applicant for not favouring this suggested alternative, Natural England suggests that none of the reasons are necessarily a consideration for the ECP. Landowner permission is not needed to establish the ECP route. Removal of natural vegetation to facilitate the route is acceptable, and security concerns are only a concern if the route was within the curtilage of a building.

10. Natural England therefore advises that whilst the section of footpath involved is small (200m), it provides direct access to coast and would therefore uphold the aims of the England Coastal Path. We would therefore maintain our suggested alternative route which directly follows the coast.