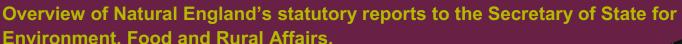
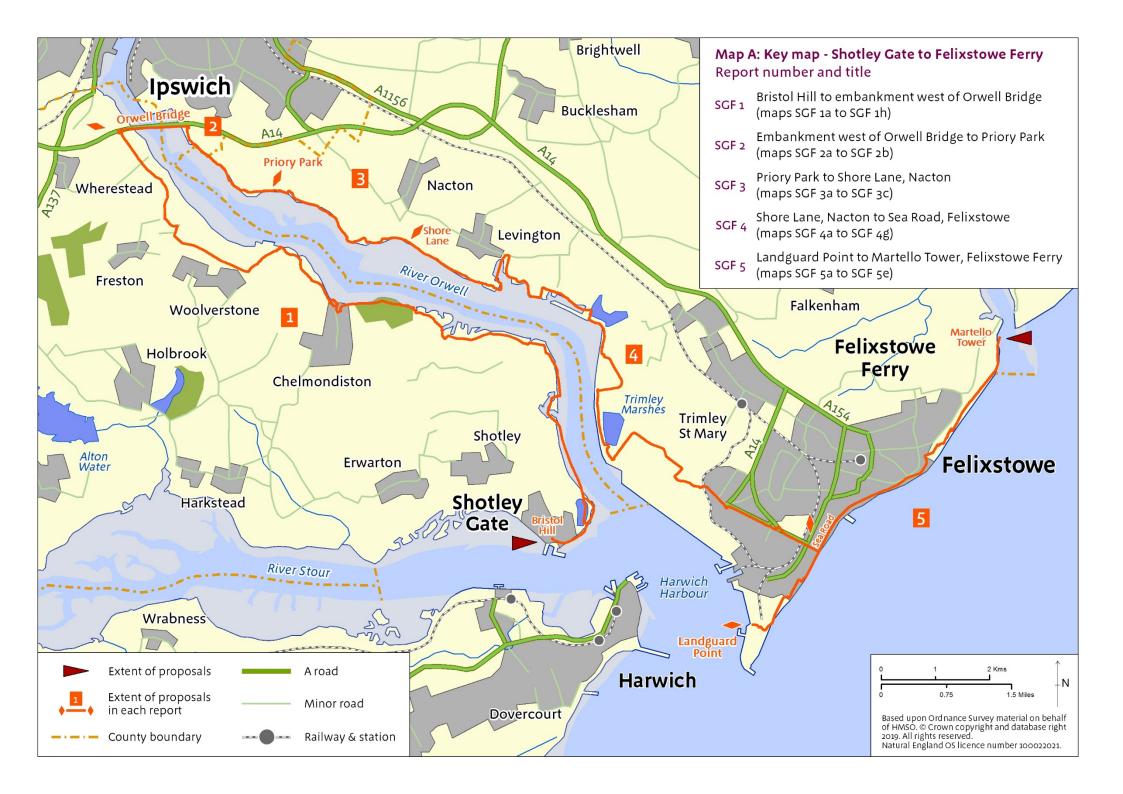
England Coast Path Stretch:

Shotley Gate to Felixstowe Ferry









Report number and title

- SGF 1: Bristol Hill to embankment west of Orwell Bridge (Maps SGF 1a to SGF 1h)
- SGF 2: Embankment west of Orwell Bridge to Priory Park (Maps SGF 2a to SGF 2b)
- SGF 3: Priory Park to Shore Lane, Nacton (Maps SGF 3a to SGF 3b)
- SGF 4: Shore Lane, Nacton to Sea Road, Felixstowe (Maps SGF 4a to SGF 4g)
- SGF 5: Landguard Point to Martello Tower, Felixstowe Ferry (Maps SGF 5a to SGF 5e)

Using the Key Map

Map A (opposite) shows the whole of the Shotley Gate to Felixstowe Ferry stretch divided into shorter numbered lengths of coast.

Each number on Map A corresponds to the report which relates to that length of coast.

To find our proposals for a particular place, find the place on Map A and note the number of the report which includes it.

If you are interested in an area which crosses the boundary between two reports, please read the relevant parts of both reports.

Printing

If printing, please note that the maps which accompany reports 1 to 5 should ideally be printed on A3 paper. If you don't have the facility to print at A3 size, we suggest you print the text of the report you are interested in on A4 paper and view the associated map on your computer screen, using the zoom tool to view it at a suitable size.

Contents

| Map A: Key Map – Shotley Gate to Felixstowe Ferry | 2 |
|---|----|
| Report number and title | 3 |
| Using the Key Map | 3 |
| Printing | 3 |
| Contents | 4 |
| Please read first! | 6 |
| Introduction | 7 |
| 1. Improving coastal access | 7 |
| 2. The determination process | 8 |
| 3. Understanding the proposals and accompanying maps | 9 |
| Our Proposals: | 9 |
| Part 3 Proposals Tables explained | 9 |
| Part 4 Proposals Maps explained | 14 |
| 4. Preparation of the report | 16 |
| Stage 1 - Prepare | 16 |
| Stage 2 - Develop | 17 |
| Key issues along this stretch | 19 |
| 5. Discretion to include part or all of an estuary or estuaries | 19 |
| Map A2 showing estuarial limits | 21 |
| Proposed route of the trail in relation to the Orwell Estuary | |
| Proposed route of the trail in relation to the Stour Estuary | 27 |
| 6. Other considerations on this stretch | 28 |
| Map B: Existing public access from Shotley Gate to Felixstowe Ferry | 36 |
| Map C: Key statutory environmental designations on from Shotley Gate to Felixstowe Ferry | 37 |
| Map D: Key landscape designations from Shotley Gate to Felixstowe Ferry | 38 |
| Other issues | 39 |
| 7. Future changes | 39 |
| 8. Restrictions and exclusions | 41 |
| Map E: Map showing the overall effect of directions to restrict or exclude access from Shotley G Felixstowe Ferry | |
| Map E2: Extent of S24 and S25(1)(b) Directions for Suffolk Yachy Harbour Ltd | 44 |
| Annex A: Bibliography | 45 |
| Information about Natural England's coastal access programme: | 45 |
| Information about the statutory framework for coastal access: | 45 |
| Environmental legislation referred to in the reports: | 45 |
| Other published information used in the preparation of the report: | 45 |
| Annex B: Glossary of terms | |
| Annex C: Excepted land categories | 53 |

| Annex D: National restrictions | 54 |
|--|----|
| Countryside and Rights of Way Act 2000 | 55 |

Please read first!

This Overview document sets out the context for Natural England's proposals to improve public access to and along the stretch of coast between Shotley Gate and Felixstowe Ferry. It explains key common principles and background underlying the detailed proposals that we make in our compendium of linked but legally separate statutory reports, each covering a single length of coast within the stretch. Each of these reports should be read in conjunction with this Overview.

Taken together, these reports explain how we propose to implement the England Coast Path ("the trail") on this stretch of coast, and detail the likely consequences in terms of the wider 'Coastal Margin' that will be created if our proposals are approved by the Secretary of State. Our reports also set out:

- any proposals we think are necessary for restricting or excluding coastal access rights to address particular issues, in line with the powers in the legislation; and
- any proposed powers for the trail to be capable of being relocated on particular sections (through "roll-back"), if this proves necessary in the future because of coastal change.

So although this Overview has multiple reports associated with it, each report relating to a particular part of the stretch makes free-standing proposals, and seeks approval for them by the Secretary of State in their own right under section 52 of the National Parks and Access to the Countryside Act 1949.

We have carefully considered any potential environmental impacts of improving public access to this stretch of coast, and made any necessary adjustments to our proposals prior to publication in order to address these. Considerations in relation to environmental matters are explained in Section 6 of this Overview and relevant reports for each length of coast. Links are provided to relevant separately published documentation where appropriate.

The reports are published on our web pages as a series of separate documents, alongside this Overview and more general information about how the Coastal Access programme works.

Each report is accompanied by detailed **Proposals Maps** for the relevant length of coast. The maps are numbered according to the part of the report to which they relate. For example, maps SGF 1a to SGF 1h illustrate the proposals in report SGF1, which deals with the length from Bristol Hill to Embankment west of Orwell Bridge.

Introduction

1. Improving coastal access

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. The duty is in two parts: one relating to securing a long-distance walking route ("the trail") around the whole coast: we call this the England Coast Path; the other relating to a margin of coastal land associated with the route which, in appropriate places, people will also be able to enjoy on foot. Associated with this duty is a discretion given to Natural England to extend the trail up any river estuary on either or both sides beyond the seaward limit of the estuarial waters¹, as far as the first bridge or tunnel with pedestrian access, or as far as any point between the two.

To secure these objectives, we must submit statutory reports to the Secretary of State for Environment, Food and Rural Affairs recommending where the route should be and identifying the associated coastal margin. The reports must follow the approach set out in our methodology (the Coastal Access Scheme), which – as the legislation requires – has been approved by the Secretary of State for this purpose.

This Overview and the related compendium of reports relate to the coast of Suffolk between Shotley Gate and Felixstowe Ferry. Taken together, our report proposals would make the following key improvements to the existing arrangements for access to this part of the coast:

- New sections of coastal path would be created in strategic places to link existing coastal paths into a continuous route along this stretch of coast from Bridge Wood to Shore Lane Nacton for the first time;
- For the first time, there would be secure statutory rights of public access to most areas of beach, cliff and other coastal land on this stretch of coast:
- The coastal path would be able to 'roll back' as the cliffs erode or slip, or when other forms of coastal change occur, solving long-standing difficulties with maintaining a continuous route on this stretch of coast.

This is a significant opportunity to improve public access to this stretch of coast in these ways, with benefits for residents, businesses and visitors. More people will have easier and more extensive access to the coastal environment for open-air recreation, which is widely acknowledged to have significant benefits for human health and well-being.

Once approved and established, this part of the England Coast Path will be managed as part of the family of National Trails.

¹ section 301 of the Marine and Coastal Access Act 2009

2. The determination process

Each of the reports for this stretch is submitted in accordance with our statutory duty under section 296 of the Marine and Coastal Access Act 2009 ('the 2009 Act') to improve access to the English coast.

Publication of the reports has been advertised locally and online in accordance with the requirements of the coastal access legislation.

Following publication:

- Any person may make representations to Natural England about any of the reports; and
- Any owner or occupier of affected land may make an objection to Natural England.

In order to be treated as valid, all objections and representations must be received by Natural England no later than the end of the advertised eight week period following publication. The specific closing date appears in the statutory notice for Shotley Gate to Felixstowe Ferry, which can be viewed here http://www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast together with more information about how to make representations or objections.

The Planning Inspectorate will consider any objections and any related representations before passing recommendations to the Secretary of State, who in turn will consider both representations and objections and then make a decision as to whether to approve our proposals. Chapter 3 of our Coastal Access Scheme explains these processes in more detail (see Annex A: Bibliography).

The Secretary of State may confirm the proposals in each report in full, confirm some with modifications, or reject some or all of them. If the conclusion is that some modification to our proposed approach is required, further consideration may need to be given as to whether any further environmental assessment is necessary. We may need to prepare an amended report for consideration by the Secretary of State, relating to the part(s) of the coast affected by any rejected proposals. The same procedures for representation and objection would apply to the amended report.

Once proposals for the stretch have been confirmed, there will be a preparation period before the new access rights come into force. This period is to enable any necessary physical establishment of the trail to be carried out and to put in place any necessary local management arrangements (including any approved local access restrictions or exclusions).

Once the preparation period is complete, the rights will be brought into force by order on a date decided by the Secretary of State. Normally one single commencement date is used for the whole stretch. We will publicise the commencement of the rights to ensure they are known about and understood locally.

Parts 2 to 4 of each report explain more about the further steps that will be taken to establish the route, provisions for its future maintenance and the procedures which we will follow to make any subsequent changes that prove necessary once proposals for this part of the coast have been approved.

3. Understanding the proposals and accompanying maps

Before looking at the proposals and accompanying maps, it will help you if you read the following notes and then look carefully at the key to the maps.

Our Proposals:

The proposals are divided into 5 reports, each relating to a particular length of coast on this stretch. Each report is accompanied by detailed maps of the relevant length of coast. The maps are numbered according to the report to which they relate. For example, maps SGF 1a to SGF 1h illustrate the proposals described in report SGF1.

Each **report** comprises four parts:

- Part 1: Introduction This sets the context for our proposals for that length of coast.
- Part 2: Proposals Narrative This summarises our alignment proposals in general, including any proposed use of our discretions to align the route along an estuary, or recommended changes to the default landward coastal margin. It also summarises the main access management measures that will need to be introduced and the overall accessibility (ease of use for all) of this length of coast, for all users. Additionally, it may identify any future changes of which we are aware that are likely to impact on this part of the coast, and explain how our proposals deal with this change. In each report the Part 2 Proposals Narrative, in conjunction with the Part 3 Proposals Tables and the Part 4 Proposals Maps, sets out our formal proposals to the Secretary of State in relation to the length of coast in question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.
- Part 3: Proposals Tables These line-by-line listings set out in more detail our formal proposals to the Secretary of State for the length of coast in question, and should be read in conjunction with the Proposals Narrative and the relevant Proposals Maps.
- Part 4: Proposals Maps These show in map form the proposals set out in the Proposals Narrative and Proposals Tables.

Part 3 Proposals Tables explained

These notes explain how the various tables found in each report work:

- In the first table or set of tables, we set out detailed information for each section of coast under the following column headings:
 - Map(s) This column indicates which of the report maps to view alongside the details in the other columns in the same row.
 - Route section number(s) This is the unique identification number for the route section concerned. In some cases, two or more adjacent route sections will be amalgamated into a single row in the table, if all other displayed details happen to be identical.
 - Current status of route section(s) This describes the current status of the route we have proposed and whether it has any existing access rights. Public highways, including public rights of way such as footpaths, are excepted from new coastal access rights because the existing public rights to use such highways will remain in force, and the trail is able to make use of these. Other sections of the proposed trail that do not currently have any access rights or where access is currently permitted by the landowner will become subject to new coastal access rights if our proposals are approved. These new rights, and any national or local restrictions on them, will not affect any existing access arrangements for cyclists, horse-riders or other types of recreational

user that may currently exist at the local level - for example by formal agreement with, informal permission from or traditional toleration by the owner of the land, or through any type of pre-existing legal right that remains in force.

- Roll-back proposed? This indicates whether we propose that, in the event of significant coastal erosion or other geomorphological processes or significant encroachment by the sea, a section of trail which is affected by such factors should be capable of being repositioned in the future in accordance with this formal proposal, without needing further confirmation of the change at that time by the Secretary of State. Roll-back may be used to adjust the trail either in direct response to such changes or in order to link with other parts of the route that need to roll back in response to such changes. The column also indicates whether the 'roll-back' requirement is likely to give rise to a normal or more complex change on this section. (In the case of more complex outcomes, further details are provided in the 'Roll-back implementation' table). Section 4.10 of the Coastal Access Scheme explains in more detail how roll-back works.
- Landward margin contains default coastal land type? Certain coastal land types are automatically included in the coastal margin where they fall landward of the trail if they touch it at some point. These coastal land types are: foreshore, cliff, bank, barrier, dune, beach, flat or section 15 land. This column identifies where one of the coastal land types is present in the landward coastal margin.
- Proposal to specify landward boundary of margin This sets out any proposals for the default landward boundary of the coastal margin on this section to be altered or clarified - see iv below in the Notes on Maps.
- Reason for any proposed use of landward boundary discretion This provides an explanation for any such proposal to alter or clarify the default margin on this section. This may be either because we are proposing a clear boundary around land that in our view would be margin by default, because it matches the description of 'coastal land' explained at paragraph 4.8.8 of the Scheme; or because we propose using our discretion to add land to or remove it from the default margin, as described at paragraphs 4.8.11 of the Scheme.
- Explanatory notes This contains any additional information which may help further explain the proposal for this route section or group of sections.
- Where there is an alternative route or optional alternative route we set out the details of those routes in a separate table. The table includes columns that describe the landward and seaward boundaries of the alternative route strip. Alternative routes/optional alternative routes have a default width of two metres either side of the approved line. We propose specific landward and/or seaward boundaries to the route strip where doing so would add further clarity to the extent of access rights along the route, by working with the grain of what is already there. It should be noted that where the alternative route/optional alternative route follows an existing path corridor, the trail may adopt a variable width as dictated by existing physical features.
- Each report also includes a table that sets out any other options that were considered during our initial planning (in relation to the route and the coastal margin), and explains why they did not form part of our proposals.
- The final table or set of tables for each report provides further details of any situation where local circumstances mean that implementation of roll-back is likely to be more complex. We identify the key issue and our expected resolution.

Annotated examples of these various tables are given below, to illustrate how they are used.

In each report the Part 3 Proposals Tables, in conjunction with the Part 2 Proposals Narrative and the Part 4 Proposals Maps, set out our formal proposals to the Secretary of State in relation to the length of coast in question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.

Examples of tables found in each report, with explanation of their contents:

Example table 1: Section details

The route section number(s), as shown on the Proposals Map(s). This column shows whether we are proposing that this route section could be repositioned in future in response to erosion etc. without further approval by Secretary of State. See notes to table. More complex situations are explained in Example Table 4 below.

If column 5b proposes any change or clarification to the landward extent of the margin, this column says why.

This column may offer further explanation of a more complex situation involving the margin.

| 1 | 2 0 | 3 | 4 | 5a | 5b | 5c | 6 |
|--------|-------------------------------|---|--|---|--|---|---|
| Map(s) | Route section number(s) | Current status of route section(s) | Roll-back proposed? (See Part 7 of Overview) | Landward margin contains coastal land type? | Proposal to specify landward boundary of margin (See maps) | Reason for landward boundary proposal | Explanatory notes |
| ABC 1a | ABC-1-S003 | Public footpath | No | No | | | |
| ABC 1b | ABC-1-S011 | Public footway (shared use) | No | No | Pavement Edge | Clarity and cohesion | |
| ABC 1c | ABC-1-S018 | Other existing walked route | Yes | Beach | | | |
| ABC 1d | ABC-1-S045 | Other existing walked route | No | Bank | Edge of path | Clarity and cohesion | Top break of slope provides the greatest clarity for walkers |
| | | | | | | | |

The relevant Proposal Map(s) for the route section(s).

This column specifies the current access status of the proposed trail section.

We indicate here whether the landward coastal margin for this route section includes a default coastal land type.

This column shows any proposal we are making to align the landward boundary of the coastal margin for this route section with the physical feature shown. No text here means that for this route section the landward edge of the margin would be that of the trail itself - or if any default coastal land type is shown in column 5a, would be its landward boundary instead.

Example table 2: Alternative routes and optional alternative route details

The route section number(s), as shown on the Proposals Map(s). This column shows whether we are proposing that this route section could be repositioned in future in response to erosion etc. without further approval by Secretary of State. See notes to table. More complex situations are explained in Example Table 4 below.

This column may offer further explanation of a more complex situation, e.g. involving the boundaries of the route strip.

| 1 | 2 0 | 3 | 4 0 | 5a | 5b | 6 |
|--------|----------------------------|--|--|--|---|--|
| Map(s) | Route section number(s) | Current status of route section(s) | Roll-back proposed? (See Part 7 of Overview) | Proposal to specify seaward boundary of alternative route strip | Proposal to specify landward boundary of alternative route strip | Explanatory notes |
| ABC 2a | ABC-2-A001 | Public Footpath | No | | | |
| ABC 2b | ABC-2-OA001 | Public Footway (shared use) | No | Pavement edge | Pavement edge | |
| ABC 2b | ABC-2-OA002 | Other existing walked route | Yes | Fence | Various | The landward boundary corresponds with various features including a wall, fence and bramble hedge. |
| | | | | | | |

The relevant
Proposal
Map(s) for the
route section(s).

This column specifies the current access status of the proposed trail section.

These columns show any proposal we are making to align either or both boundaries of the alternative route strip with a physical feature on the ground. No text in either column means that the edge of this section of the alternative route strip would be that of the trail itself.

Example table 3: Other options considered

| N | lap(s) | Section numb | | Option(s) considered | | Reasons for not proposing this option | | | |
|--------------|---|--------------|-----------------|---|--|--|---|--|--|
| A | BC 3b | | | We considered aligning the trail along the route of the existing public footpaths through the boat yard and along the flood bank. | | We opted for the proposed route because: it offers a safer and more convenient route with a newly created tarmac surface which is accessible to all. it avoids passing through the working area of the boat yard. the surface of the existing footpath along the flood bank is uneven and often waterlogged. Under our proposals, the public footpaths would remain available for people to use but would not form part of the designated trail. | | | |
| A | BC 3c | to | | We consider aligning the along the rothe existing footpath on cliff edge are the western of Cranham | trail ute of public the ound edge | We opted for the proposed route because: it avoids increased footfall on the fragile limestone grassland flora which is designated as a SAC and SSSI feature | | | |
| P M th | The relevence of the relevant | or | numbe as sho | umber(s), othe s shown on cons ne Proposals rout | | column describes options we idered for the or margin for the ified route section(s). | This column summarises the reason(s) that the other options we considered were not preferred. | | |

Example table 4: Roll-back implementation – more complex situations

| Map(s) | Route section numb | n | Feature(s) of site(s) pote affected | | Our likely approach to | roll-back | |
|---|--------------------------|------------------|-------------------------------------|--------------------------|--|---|--|
| ABC 4f | to | 4-S040 4-S045 | Super Camp Holiday Village | | If it is no longer possible to find a viable route seaward of the specified campsite, we will choose a new route after detailed discussions with all relevant interests, either | | |
| | | | | | (a) to pass through the site, or (b) if this is not practicable, to pass somewhere on the landward side of it. | | |
| • | | • | | • | In reaching this judgement we will have full regard to the need to seek a fair balance between the interests of potentially affected owners and occupiers and those of the public. | | |
| | | | | | | | |
| The relevence Proposal Map(s) for the route section(s | or | numbe shown | on the panying | areas to co soluti | column identifies any s that could cause us nsider a more complex ion to roll back than d normally be required. | This column summarises our expected approach to roll back in these circumstances. | |

Part 4 Proposals Maps explained

The notes that follow will help explain the maps provided for each report.

The proposed route of the trail:

- i The thickness of the line used to depict the proposed route on the maps is intended to make it easy to find on the map. Different shading on the line differentiates between sections of the route that would use existing rights of way, sections that appear to follow other existing walked lines on the ground, and sections that do neither. The thickness of the line on the map is not an indication of the width of the actual trail on the ground. The proposed route simply follows the centre of the line shown. The legislation makes the default width of the trail four metres, but its actual width varies in practice according to the detail included section by section in our proposals.
- ii In places there are differences between the line of public rights of way recorded on the local Definitive Map that is maintained by the local highway authority, and paths currently used and managed on the ground as public rights of way. Some of these differences may be attributed to adaptation of the path over time to cope with coastal erosion and other processes, whilst others appear to arise from anomalies in the way the rights were originally recorded on the definitive map. The maps in this report show the public rights of way as recorded on the definitive map, and depict them as accurately as possible at the scale used. See part 4.7 of the Scheme for further information.

The coastal margin:

- iii The proposed route of the trail shown on the maps is important in understanding the extent of the coastal margin that would apply to either side of it. Under the legislation:
 - the coastal margin is a single, continuous corridor of land which includes the trail itself;
 - the margin includes all land seaward of the trail land although not all of that land would be subject to a new right of access (see point vi below);
 - the landward extent of this margin is by default the trail itself, or the inland edge of any land adjoining the trail on its landward side that is foreshore, cliff, dune or beach, or a bank, barrier or flat, or section 15 land (see Annex B: Glossary of terms).
- iv We have the discretion to propose that the landward boundary of the coastal margin should coincide with a recognisable physical feature on the ground even if the effect of doing so is to add land into the margin, or to remove land from it. We may use this discretion:
 - to propose that instead of the default trail width of four metres set by the legislation, particular physical features such as walls, fences or pavement edges should be used where appropriate to define the landward extent of the trail land on that section of the route: such features cannot be depicted on the maps at the scale used, but they are described in the Proposals Tables;
 - to clarify or adjust the boundaries of a landward area included by default as margin, in order to create a better 'fit' with the circumstances on the ground; or
 - to propose in some places that additional areas of land should be added to the coastal margin landward of the trail: land which is affected by such proposals is indicated on the maps with a purple wash and described in parts 2&3 of each report.

Further explanation of these powers can be found at part 4.8 of the Coastal Access Scheme. Our proposals take full account of any views expressed by the owner or occupier of affected land about whether the powers should be used in any of these ways.

v Land which forms part of the coastal margin would be subject to access rights, other than:

- any excepted land, such as land covered by buildings or their gardens or curtilage: Annex C summarises in full the categories of excepted land under the legislation; or
- any land where coastal access rights would be excluded under our statutory powers: we
 indicate in the report where we already know of circumstances that make this necessary, and
 make any proposals accordingly.
- vi **Spreading room** is the term used in the reports to describe any land, other than trail land, which would form part of the coastal margin and would have public rights of access. It does not therefore include any excepted land within the margin, or any existing access land on the landward side of the trail that is omitted from the margin.

Annex B (Glossary of terms) includes a full definition of these terms which you may find helpful in understanding the report.

Voluntary access dedication

vii Land that was previously dedicated as access land under section 16 of the Countryside and Rights of Way Act 2000 (CROW) will become subject to the coastal access regime if it forms part of the coastal margin in any of the ways described above. There is also provision in the legislation for a land owner or long leaseholder to dedicate other land voluntarily as coastal margin if it lies adjacent to it or within it. Dedicating land as coastal margin means the excepted land provisions do not apply there and may also be used to relax or remove specific **national restrictions** that would otherwise apply. Parts 4.8.20 to 4.8.23 of the Coastal Access Scheme explain these provisions in more detail.

In each report the Part 4 Proposals Maps, in conjunctions with the Part 2 Proposals Narrative and the Part 3 Proposals Tables, set out our formal proposals to the Secretary of State in relation to the length of coast in question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.

4. Preparation of the report

To secure the twin objectives under the legislation we have followed the approach set out in our Coastal Access Scheme, as approved by the Secretary of State on 9 July 2013. Chapter 3 of this detailed document sets out the stages of implementation we must follow.

In line with this, before making the proposals in this compendium of reports for the stretch, we conducted extensive preliminary work in two main stages:

- Stage 1: Prepare defining the extent of the coastal stretch with access authorities and identifying the key issues and opportunities, including sensitive features, in conjunction with key organisations; and
- Stage 2: Develop checking the alignment on the ground, sharing our initial thoughts with land owners and offering to 'walk the course' with them, planning for the protection of key features, talking further with key interests and reality checking our proposals.

Stage 1 - Prepare

This stage involved us working closely with access authorities to develop an understanding of the stretch, agree its exact extent and carry out initial familiarisation visits. We held discussions with representatives of national and local organisations with a strategic interest in this stretch of coast. This included discussions with those we are required by legislation to consult at this stage:

- the local access forum;
- Borough, County and District Council officers, including ecology, geology, historic environment, planning, transport, countryside ranger staff and coastal officers;
- Suffolk Biodiversity Information Service
- local officers from the Environment Agency, in relation to flood defence and coastal erosion management on this stretch of coast;
- local officers of Historic England, in relation to historic features on this stretch of coast; and
- The Crown Estate

We also held discussions with representatives of specific interest groups, including:

- the Ramblers Association;
- the Open Spaces Society;
- the National Farmers Union;
- the British Association for Shooting and Conservation, and local shooting clubs
- Suffolk Fly Fishers Club
- the Country Land and Business Association.
- Suffolk Coasts and Heaths AONB
- Highways England
- National Trust
- Ipswich Borough Council
- Felixstowe Town Council
- Pin Mill Bay Management Company (CIC)

- **Network Rail**
- **Parish Councils**
- RNLI
- MCA Coastguard
- Suffolk Fire and Rescue Service
- Suffolk Lowland Search and Rescue
- The Ministry of Defence in relation to search and rescue data
- Stour and Orwell Estuaries Management Group
- The Landguard Partnership
- Harwich Haven Authority
- The Felixstowe Dock and Railway Company (Port of Felixstowe)
- Suffolk Police
- Sailings Clubs, Marinas and Harbours

We publicised on our website the start of work on the stretch and provided an opportunity for all other interested parties to submit to us their views on local issues and opportunities.

We also engaged with internal specialists and relevant organisations locally - including Suffolk Wildlife Trust, Royal Society for the Protection of Birds, English Heritage, Historic England, the Landguard Partnership and Geo Suffolk - to consider any potential for impacts on key sensitive features.

In addition to these discussions we took into account a wide variety of information, plans and strategies that we considered relevant to the alignment process. Those that are published on the internet are listed in Annex A: Bibliography.

We then took all reasonable steps to identify owners, occupiers and those with a legal interest in the land which could be affected.

Stage 2 - Develop

This stage involved us contacting, and discussing our initial thoughts with, relevant owners, occupiers and other legal interests.

We spoke at various local events such as the Stour and Orwell Estuaries Forum to invite people to share their ideas or concerns with us.

We held meetings with Parish Councils to share our initial thinking and invited their views and inputs to the development of the proposal alignment.

We wrote to local stakeholders to share initial thinking about restrictions on saltmarsh and mudflats to invite them to share their local knowledge and views of the emerging proposals.

We worked closely with the AONB teams to hear their views and share our thinking with them at various stages during the development of the proposals.

We wrote to all landowners and occupiers and other stakeholders asking for their views and invited them to join us when we visited the land to 'walk the course' so that we could discuss options for alignment based on mapped summaries of our emerging proposals.

In most cases this was done through separate site meetings with the individuals and businesses concerned. In the interests of efficiency we also held a small number of larger meetings to discuss our proposals with organisations with a common legal interest, for example The Landguard Partnership Shotley Gate to Felixstowe Ferry (report 5 of the proposals).

We also met with The Felixstowe Dock and Railway Company (Port of Felixstowe) to understand how they manage the level crossing at Fagbury and share thinking about the development of the England Coast Path proposal.

We also took reasonable steps to identify and contact any owners, occupiers or other legal interests who could foreseeably be affected in the future as a result of any roll-back that may prove necessary). See part 7 – Future Changes – below.

We then held further detailed discussions with internal and external specialists to refine our thinking on protecting key sensitive features, carrying out any necessary assessments.

After further discussions with key local and national organisations we refined our proposals and checked them on the ground before moving onto Stage 3 – Propose, which is the substance of these reports.

Key issues along this stretch

5. Discretion to include part or all of an estuary or estuaries

The Shotley Gate to Felixstowe Ferry stretch includes the estuarial waters of the River Orwell and part of the estuary of the River Stour

a) Introduction

This part of the Overview:

- introduces the core statutory duties and considerations for the national programme as a whole in relation to exercising the discretion to include part, or all, of an estuary within our proposals;
- describes the overall nature of the estuary system(s) found in this part of England, identifying the geographical limits of our discretion to align the trail around the River Orwell estuary and part of the River Stour estuary included within this stretch of coast;
- goes on to explain in more detail how each of the specific estuary considerations set out at section 301 of the 2009 Act affects our view of the options for the Orwell Estuary and part of the Stour Estuary;
- sets out the options for estuary trail alignment which we have identified as a result of this analysis, and:
- describes and explains our chosen proposal in each case.

b) Estuary discretion

Under the 2009 Act there is no requirement for the trail to extend up any estuary further than the seaward limit of estuarial waters that is explained below under "Geographical limits of our discretion".

But Natural England has a discretion to propose that the trail should extend from the seaward limit as far as the first bridge over which, or tunnel through which, there is a public right of way, or a public right of access, by virtue of which the public are able to cross the river on foot, or as far as any specified point in between. In exercising its discretion, Natural England must have regard to the core national duties and considerations described in Part B and Chapter 10 of the Coastal Access Scheme.

c) Core national duties and considerations relevant to estuaries

Section 296 of the 2009 Act places a legal duty (the Coastal Access Duty) on Natural England and the Secretary of State to secure a walking route around the whole of the open coast of England, together with an associated margin of land for the public to enjoy either in conjunction with their use of the route, or otherwise.

Section 297 goes on to require both, in discharging this duty, to have regard among other things to the desirability of ensuring that so far as reasonably practicable, interruptions to this route are kept to a minimum. This is a key consideration for the whole of the national delivery programme for coastal access. The whole concept of the England Coast Path relies on delivering continuity of the route so far as reasonably practicable for the whole country. Although proposing a route around each estuary is a discretion rather than a legal duty, if the presence of an estuary would interrupt this **continuity of access** along the open coast then this will constitute a strong prima facie reason for the trail to serve the estuary too, at least to the extent necessary to enable users to continue their onward journey around the coast.

The Scheme notes at paragraph 10.1.4 that because the seaward limit of estuarial waters is an arbitrary point from an access perspective, we are likely to use our discretion at most estuaries to extend the trail upstream to a more convenient point than this seaward limit. Paragraph 10.1.5 then adds "We will always give careful consideration to our option to extend the trail as far as the first bridge or tunnel with pedestrian public access" – both for reasons of continuity, and with a view to any additional recreational benefits that might result within the estuary itself from doing so.

Chapter 10 of the Scheme explains the **statutory estuary criteria** that section 301(4) of the 2009 Act requires to be taken into account in deciding whether or not to include an estuary in our proposals. These are discussed in more detail in subsection e) to f) below in relation to the Orwell Estuary and part of the Stour Estuary.

The other key considerations, including achieving a fair balance with the interests of owners and occupiers, are discussed in part 6 of this Overview.

d) Overall nature of estuary systems in this part of England

The Suffolk coast is a mix of shingle beaches, soft cliffs, saltmarsh, heathland and farmland and the coastline is defined and shaped by five sizeable estuary systems – the Stour, the Orwell, the Deben, the Alde & Ore and the Blythe with extensive wildlife rich areas of intertidal mudflat and saltmarsh. The shape and size of the local estuaries vary considerably, but they are mostly relatively shallow, with extensive intertidal areas dominated by mud, and often fragmented or fringed by areas of saltmarsh or reed bed. Taken together, they provide an ecological and landscape resource unique in Britain, as described in the National Character Profile 82. Suffolk Coasts and Heaths.

The Stour and Orwell Estuaries are bound by shallow terrain, broad sloping shores and soft, easily eroded geology. The gentle landscape which defines the character of the area and natural process have led to both erosion and deposition of sand and shingles over time.

The Orwell is a board shallow estuary with wide sweeping vistas and large expanses of mudflat exposed between the tides which fully fill the estuary when high. Sand beaches and sand and shingle features are present and are mobile and changeable. Expansive low level marshes flank the lower reaches of the estuary protected by seawalls.

e) Orwell Estuary

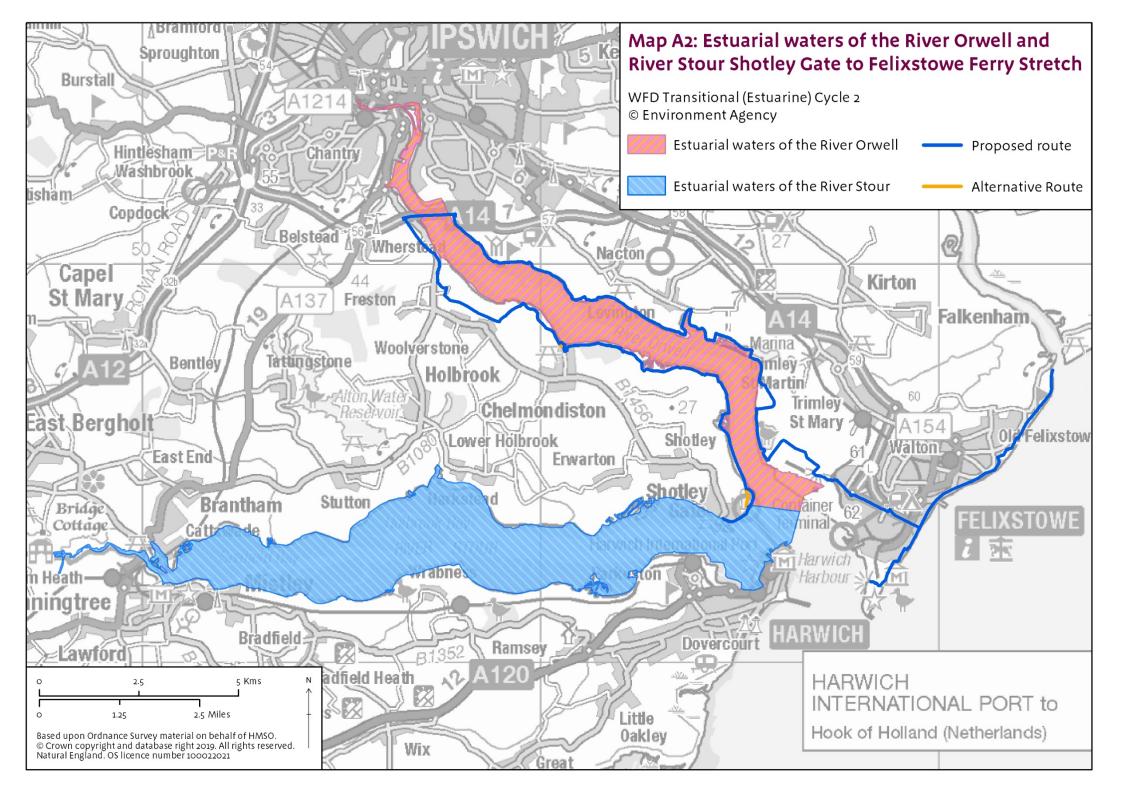
The Orwell Estuary in the local context is a large estuary which is long and wide. It is narrower that the Stour and wider than the Deben estuaries.

It flows into the North Sea along with the Stour Estuary, via Harwich Harbour past the Ports of Felixstowe and Harwich.

Geographical limits of our discretion

The seaward limit of the transitional waters of the Orwell Estuary is defined by two lines which intersect in Harwich Harbour; one projecting north from Navyard Wharf, Harwich, to the Port of Felixstowe; the other east from Shotley Marina, Shotley Gate. These two join, perpendicular, in the open waters of Harwich Harbour.

The first crossing point upstream is the Orwell Bridge spanning from Wherstead to the western end of the parish of Nacton.



The statutory estuary criteria

We have considered below each of the section 301 criteria under the headings given in Chapter 10 of the Scheme.

i) Ferry services

There is a well-established ferry service which operates between Harwich, Shotley and Felixstowe. The service is provided by Harwich Harbour Foot and Bicycle Ferry.

The ferry is licensed to carry 58 passengers.

Service times vary from year to year; below is a summary of the 2018 timetable as listed on the company's website in August 2019: www.harwichharbourferry.com

The period 1st April, May until 30th June and the period 2nd September until 3rd November inclusive: Ferry runs every day, hourly from approximately 10.10 to 16.10 – 17:00 (depending on route taken) (curtailed to weekends only in October 2019)

1st July to 1st September inclusive: Ferry runs every day, hourly from approximately 09.10 to 16.10 10 – 17:00 (depending on route taken)

Rest of November, December, January, February and March: no information provided, no service

ii) Character of the Estuary

Estuary width

The width of the Orwell Estuary varies between 700m and 1000m.

It is narrowest north of Harwich Harbour, (before widening as it joins the Stour Estuary to the south) and at the Orwell Bridge. It is widest at Woolverstone and Chelmondiston.

Topography of the shoreline

The estuary valley sides are broad and gently sloping with soft low river cliffs and man-made sea banks. Minor creeks and streams join from the low spring line on the adjacent slopes. With wider embayments at Levington at Loom Pit (which is defended by a sea bank).

The tidal limit is upstream of the Orwell Bridge with a maximum tidal range at Ipswich docks of over 4m.

The shore includes intertidal mudflats and fringes of saltmarsh with sand and shingle features as far as the bridge. Salt loving plants are found as far as Ipswich.

Extensive grazing marshes adjacent to the estuary south of Chelmondiston and Levington inland of sea defences form a wide floodplain.

Wave erosion of the soft geology and sea banks is evident along the whole length of the estuary with large scale movement of sediments.

Nature of affected land

The Orwell estuary is within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB).

The estuary hosts a rich mix of rural landscape and low density human settlements, industry and commerce. The largest settlements are Ipswich and Felixstowe. The port facility at Felixstowe can be seen from as far north as the Orwell Bridge.

Very few private dwellings sit close to the water's edge and the large farms and country estates create rural landscapes upon leaving the settlements.

There are large marinas on the north and south sides of the river and the settlements from Harwich through Pin Mill to Ipswich are associated with historic boat building and seafaring.

Northern shore

Settlement is sparse with the small villages of Nacton and Levington closest to the shore and the 'Trimley villages' set back approx. 1 mile from the shore.

Much of the land is agricultural on the sandy slopes with high quality salad crops, cereals and livestock. Older broadleaf woodlands extend to the shore at the large country estates on the northern sections of both the north and south shores.

Felixstowe Port nestles between the open and isolated Trimley marshes and Felixstowe, which is a busy thriving town and popular holiday destination.

The northern shore offers quiet tranquillity and isolation yet is within walking distance of c.135000 residents of lpswich and c.23,000 residents of Felixstowe.

Southern Shore

The southern shore has larger villages and one considerable country estate where woodland and grass dominant the lower slopes and arable on the higher flatter ground. Higher ground continues to Cliff Plantation, south of which the slopes widen to create open countryside with some arable and grazing marshes to Shotley Gate.

Features of interest

The Suffolk Coasts and Heaths AONB extends from Shotley Marina to the Port of Felixstowe and includes up to 1500m of land on either side. Its key features include the

The Suffolk Coast Path and linked Stour and Orwell Walk provide a continuous walked route from Felixstowe Ferry around the Orwell Estuary via the Orwell Bridge (and Ipswich centre), beyond Shotley Gate, thus encompassing the full length of the area under consideration for this stretch of the England Coast Path.

The estuary is a haven for wildlife and is highly designated at national, European and international levels as important for waders and waterfowl, especially overwintering and passage birds. Wildlife enthusiasts enjoy the bird life on the whole estuary especially the Suffolk Wildlife Trust sites between Levington and Felixstowe (including Levington Lagoon, the managed re-alignment sires at Trimley Lower Street and Trimley Marshes). Bird watching is also popular from The Strand at Freston.

The Suffolk Food Hall is a popular, award winning food venue offering specialist foods. There is a year round calendar of events and the site connects to the Arthur Ransome Walk. It attracts large numbers of visitors per annum.

Geological interests include the exposures of London Clay (which is overlain by sands and gravels) at Nacton on the northern shore of the River Orwell where there are sites of geological importance (County Geological Sites).

The historic Landguard Point comprises many features of interest – the (Scheduled Ancient Monument) Landguard Fort, the Bird Observatory, Landguard Common, café and view point for Felixstowe Port.

The Port of Felixstowe is of interest to those interested in shipping and there are many impressive views of the port from this stretch of the Coast Path.

The Ferry service provides a seasonal route between Landguard Point, Harwich and Shotley Gate and gives impressive views of the Orwell and Stour estuaries as well as Harwich Town, and Landguard.

iii) Recreational Benefit

The Suffolk Coasts and Heaths AONB extends from Shotley Marina to the Port of Felixstowe and includes up to 1500m of land on either side. The area is promoted widely and is popular for leisure and tourism.

It is possible to walk around the estuary on the Stour and Orwell Walk which uses Public Rights of Way and highways. These turn inland, some way, on both the north and south shores close to the Orwell Bridge and lose sight of the estuary completely.

Bridge Wood Country Park close to Ipswich on the northern shore receives large numbers of visitors per annum as is easily accessed on foot from the south eastern part of the town.

There are a number of marinas along the estuary and sailors enjoy the walks along the banks between villages and pubs. The historic hamlet of Pin Mill is popular with walkers, sailors and day trippers alike and The National Trust woodland provides amazing views across the estuary matched only by the views from the Orwell Bridge itself.

There is a long history of informal access on the shores of the River Orwell and the annual Orwell Walk, Run Cycle Orwell Challenge) is a popular event attracting upwards of 1,400 participants. The route typically uses the north shore of the river where there is currently no formal access between Bridge Wood and Shore Lane.

There are narrow attractive beaches at various points along the estuary and the upper parts of the shore are often sandy or mud with shingle. These transition into mud a few metres from the shore. All are inundated at high tide and have large areas of exposed mud or salt marsh at low tide.

iv) Excepted land

A number of areas of land will be excepted – such as the historic deer parks, the ports, railway lines and floating structures at the marinas and harbours. Within Felixstowe there will be large area of industrial and commercial land that will be excepted in addition to caravan parks and private houses and gardens south of the route.

There are two large areas of excepted land at:

- Orwell Park Estate where a dedication under the CROW Act has been agreed allowing this proposal to be made
- ii) Home Farm and Freston Park

v) Options for Orwell Estuary

- Option 1 align the main trail around the estuary, crossing at the Orwell Bridge. This would improve the Stour and Orwell Walk and upgrade those sections that are used by the ECP, formalise a long section adjacent to the northern shore, where informal access uses the shore and river bed, this would provide a dry continuous route for walkers and would reduce the pressures and impact of walkers on the SPA sensitive features by providing them with a clear safe route to use on land. Walkers wishing to use the ferry may do so during its operational periods. This would be in keeping with the approach proposed for the Stour Estuary. The main route would also extent to the ferry for seasonal use when the ferry is operating.
- Option 2 Create a route from Landguard Point, where there is a regular (seasonal) ferry service to Shotley Gate via Harwich, to Felixstowe Ferry. This would allow seasonal/daytime access along the open coast for walkers, but would not offer any improvements to existing access around the

estuary. The existing Stour and Orwell Walk could be proposed in part as the Alternative Route – creating no Coastal Margin but would not improve the management of informal use of the shore or provide a safe route. However, the road section along Ipswich Road, Nacton has been assessed as unsuitable for a national trail and a new (alternative) route would be required between Shore Land Nacton and the Orwell Bridge to overcome this.

Option 3 - Create a route from Felixstowe Ferry to Landguard Point, where there is a regular (seasonal) ferry service to Shotley Gate via Harwich and not create any Alternative Route. This option would not result in any improvement to access and would result in no onwards access via the England Coast Path to Shotley Gate option during the winter months when the ferry is not operating or evenings during the months when the ferry is operating.

Proposed route of the trail in relation to the Orwell Estuary

Our proposal is to align the trail around the estuary crossing at the Orwell Bridge, by means of the existing pedestrian access – Option 1. This is because;

Option 1 creates a continuous uninterrupted route for the pubic to enjoy year round and improves on the current access provision where the Stour and Orwell Walk diverts inland.

Options 2 and 3 do not provide a continuous walked route available in (spring/summer/autumn) evenings or throughout the winter months.

The proposed alignment for this stretch extends the trail from Shotley Gate towards the Orwell Bridge and crosses the river at this point. The proposed route then uses the northern shore of the river reaching Felixstowe then passing through the town to the end of the stretch at Felixstowe Ferry.

The main route includes a spur to the ferry landing point at Landguard Point to facilitate a clearly marked onward connection to the seasonal ferry and brings people to the historic fort, museum, café, viewing points and nature reserve at Landguard Point.

This fulfils the core objective of the legislation - to create a continuous route around the coast – in a simple and cost effective way.

f) Stour Estuary

In the local context the Stour estuary is moderate in size, and is relatively wide and shallow. It flows into the North Sea, along with the adjacent Orwell estuary, via Harwich Harbour, which is flanked by Harwich International Port on one side, and the Port of Felixstowe on the other.

Geographical limits of our discretion

The seaward limit of the transitional waters of the Stour estuary is defined by two lines which intersect in Harwich Harbour; one projecting north from Navyard Wharf, Harwich, the other east from Shotley Marina, Shotley Gate.

See map A2 above showing estuarial limits.

The proposed alignment within the Harwich to Shotley Gate stretch extends the trail from Harwich, at the mouth of the Stour estuary, along the Essex bank to Manningtree and Lawford, where the A137 crosses the estuary at White Bridge. From here it returns to the mouth of the estuary via the Suffolk bank and ends at Shotley Gate. The proposal to use our estuary discretion for the majority of the Stour is detailed in the Harwich to Shotley Gate stretch report. In this the Shotley Gate to Felixstowe Ferry report, we give a brief outline of the estuary as interacted with by this proposal.

The estuarial waters of the Orwell share a boundary with the estuarial waters of the Stour at Shotley Gate. The Trail alignment extends 900m into the estuary of the Stour. The change in waters is not identifiable or recognisable on the ground, and walkers will not be aware they have moved from one river's estuary to another at this location.

The short section of the trail in the Stour estuary in this report is proposed to link to a central point in Shotley Gate, where the local residents could readily join the trail, or users from further afield could park their cars and pick up the trail for the onward journey around the Shotley Gate to Felixstowe Ferry stretch.

The statutory estuary criteria

We have considered below each of the section 301 criteria under the headings given in Chapter 10 of the Scheme.

i) Ferry services

The ferry service is described above as it operates a triangular route between Harwich, Shotley and Felixstowe.

ii) Character of the Estuary

- Estuary width
- At this location it is approximately 1.2 km wide with views out of the mouth to the open sea and the horizon.
- Topography of the shoreline

The topography is shrouded by the town of Shotley Gate that sits on a gently sloping headland facing the international shipping docks at Harwich and Felixstowe. It has a maritime heritage, including piers, sea defences and the local ferry service.

Nature of affected land

The land affected in this report is the maritime frontage of the town. A long wide pavement and prom, intertidal flats and sea defences.

iii) Recreational Benefit

The Stour estuary is a key component of the complex of estuaries which largely defines the fundamental character of the Essex and Suffolk coastline. It has a distinctive character resulting from its relatively broad, shallow topography, which allows expansive views.

At present approximately 70% of the whole estuary is served by shoreline public rights of way (PRoW). The Stour and Orwell Walk (on the Suffolk side) is a recreational route which mostly keeps to the shoreline, and the Essex Way also follows the Stour's shoreline for some of its length.

Linking to the centre of Shotley Gate creates a recreational route in its own right, to bring users out into the Orwell Estuary section and on to Felixstowe Ferry as defined in this report. Utilising a small length of the Stour estuary, it creates the opportunity for a considerable onward journey linking from the centre of population. For those walkers that have come from Felixstowe direction, the short section of trail in the Stour estuary links with the onward opportunities afforded by the trails and rights of way as above. Ultimately these will be incorporated as appropriate into the England Coast Path proposals for the Harwich to Shotley Gate report.

iv) Excepted land

There are no significant areas of excepted land within this report.

v) Options for Stour estuary

The full discussion regarding options for the Stour Estuary are referred to in the Harwich to Shotley Gate Coastal Access report. This, Shotley Gate to Felixstowe Ferry report therefore considers options for the trail sections SGF-1-S001 to SGF-1-S009 and part of section SGF-1-S010 only.

- Option 1 To align trail sections SGF-1-S001 to SGF-1-S009 and part of section SGF-1-S010 as a continuation of the approach used for estuary discretion from Harwich to Shotley Gate and with the discretion as outlined above.
- Option 2 To not align trail sections SGF-1-S001 to SGF-1-S009 and part of section SGF-1-S010 as per the estuary discretion from Harwich to Shotley Gate and as above.

Proposed route of the trail in relation to the Stour Estuary

Our proposal is to align trail sections SGF-1-S001 to SGF-1-S009 and part of section SGF-1-S010 as a continuation of the approach used for estuary discretion from Harwich to Shotley Gate and as described for the Stour as above – Option 1. This is because:

■ This fulfils the core objective of the legislation to create a continuous uninterrupted route around the coast which the public will be able to enjoy throughout the year with confidence. Option 2 would result in interruptions in people's onward journey, leaving walkers to determine their own route around the Estuary on existing PRoW and recreational routes or use the ferry at Shotley Gate.

6. Other considerations on this stretch

a) Recreational Issues

Map B gives an overview of existing public access around the Orwell Estuary and the coast between Felixstowe to Felixstowe Ferry showing Public Rights of way, access land and promoted routes (Stour and Orwell Walk, Suffolk Coast Path/Stour and Orwell Walk Link and Suffolk Coast Path), along the stretch. Approximately 80% of the shoreline is served by existing PROW and the promoted long distance walks follow these PROWs or public roads.

The Stour and Orwell Walk is 43 miles long, connecting to the Suffolk Coast Path, through Felixstowe, via the Suffolk Coast Path/Stour and Orwell Walk Link. These routes pass through the Suffolk Coast and Heaths AONB and provide open views of the gentle sloping wooded valleys and fields so characteristic of this part of the AONB. The expansive views, wildlife habitats and recreational opportunities (walking, sailing, birdwatching amongst others) are many. Walkers can arrive on foot from Ipswich, or Felixstowe, however there are limited access points to arrive by vehicle along the Orwell Estuary – namely Pin Mill, The Strand (Freston), Bridge Wood, Shore Lane (Nacton) and Levington creek. Access can also be made by walking from car parks and railways stations set over 1km back from the shore, such as at Trimley Marshes.

At Pin Mill the National Trust owned Cliff Planation has Open Access Rights. The public enjoy access to the sandy shores at various locations such as Bridge Wood, Nacton, and Sleighton Hill in addition to the promenades and beaches at Felixstowe and the culturally, historically and environmentally diverse Landguard Point, which is open all year round and attracts large visitor numbers.

The town of Felixstowe is a pleasant seaside town with many facilities for visitors fronted by the promenade which continues northwards towards the quieter village of Felixstowe Ferry. Facing the estuary the vast Port of Felixstowe dominates the skyline and viewpoints at Landguard Point and Fagbury Hill allow visitors to appreciate the proximity of this massive port to the internationally protected Stour and Orwell Estuary SPA. Whilst the port dominates the skyline, the walks alongside the estuary feel tranquil and isolated passing by grazing meadows and saltmarshes rich in birdlife.

The coast and Orwell estuary host the regional Stour and Orwell Walk, and Suffolk Coast Path. There are also a number of Public Rights of Way close to the shores and informal public access has been tolerated at other locations, for many years. On the northern side of the river close to Ipswich access has been possible at Pond Hall Farm and Bridge Wood, Country Park using the Stour and Orwell Walk and via Pipers Vale which connects Ipswich to Pond Hall farm and Bridge Wood. Large numbers of people access the estuary on foot this way from the local suburbs.

There are two locations where the Stour and Orwell Walk turns inland away from the estuary as shown on Map B.

- i) At Nacton the Stour and Orwell Route takes a significant inland detour on narrow lanes to cross the A14 and continue into Ipswich Borough before returning to the river via Bridge Wood.
- ii) At Freston Park the Stour and Orwell Walk takes a significant inland detour landward of the estate, which is privately owned and farmed.

The Suffolk Rights Of Way Improvement Plan ('The Suffolk Green Access Strategy'), which has recently closed for consultation, reviews the 2006 ROWIP and highlights the Council's commitment to improve provision for walkers and complete the England Coast Path sections in the county. The Objective to promote coastal access and bring economic benefits to the region fits with the principles of the Marine and Coastal Access Act 2009, and the ROWIP highlights the Suffolk County Council's aspiration to ensure that

the England Coast Path includes access along the counties estuaries, providing a continuous path for people to follow.

The Suffolk Coast Path already affords good linear coastal access from Felixstowe to Felixstowe Ferry as can be seen on Map B: along Felixstowe promenade. For the most part it maintains close proximity to the sea, but there are points where it moves inland and loses sea views for short distances, such as at Cobbold's Point where there is a gap in the promenade, and at Martello Tower Park where the route turns inland to follow pavements and cycle tracks to Landguard Point.

The Coastal section from Landguard Point to Felixstowe Ferry has good provision of Public Rights of Way and Adopted Highways along the promenade, whilst the Orwell estuary hosts Public Rights of Way in close proximity to approx. 65% of the estuary.

Erosion is experienced along much of the estuary and flood defences have been in place for many decades. In recent times these defences may no longer be maintained by the Environment Agency and have become the responsibility of the landowner. Whilst the Shoreline Management Plan provides a policy position regarding locations for future managed realignment, there is also the potential for un-managed change to take place resulting from the withdrawal of maintenance. We have worked closely with the Environment Agency and the landowners to identify where erosion is a threat and to propose that rollback (simple or complex) should be planned for most of the estuary.

At Trimley Marshes, Loompit Lake and Shotley marshes the flood defences are under pressure from erosion and tidal wave action. The current Shoreline Management Plan - Essex and South Suffolk SMP – identifies a policy of managed realignment at;

- i. The Strand, Southern Orwell east, Shotley Marshes west (Hill House Farm), Shotley Gate and Northern Orwell East for Epoch 1 (2009 to 2025)
- ii. The Strand, Southern Orwell east, Shotley Marshes east, Shotley Gate, Trimley Marshes, Loompit Lake and Northern Orwell East for Epoch 2 (2025 to 2055)

and that the lowest 'unmaintained life' of the defence is at Trimley Marshes – meaning that if maintenance is withdrawn the defence would be effective for between 0 and 10 years.

Large sections of the Orwell have the policy 'No active intervention' and coastal change is affecting The Strand, Pin Mill and Shotley Gate due to flooding or erosion.

Rollback is anticipated at key locations in the short to medium term such as at Hill House Farm and is likely in the medium to long term elsewhere in response to natural changes, or the wishes and management action of the landowners.

The England Coast Path project has provided an opportunity to the review access patterns, and improve them for the benefit of the public, landowners and wildlife.

The key areas of improvement to access made by this proposal are;

- i. At the bottom of Freston Hill a new trod will allow walkers to remain on the landward side of the B1456, and enter a field with rising ground, where views across the estuary are possible, thus reducing the risk posed by crossing the road (B1456) where visibility is limited and there is fast moving traffic.
- ii. Pond Hall Farm and Bridge Wood (currently accessible and lie predominantly landward of the England Coast Path) creating a formal trail that is set back slightly from the shore will provide a route away from the eroding river cliff (the current Stour and Orwell Walk route) making it both safer and more sustainable in the medium term. It will allow the Borough Council to manage access arising from locally from Ipswich and the Coast Path may respond to future erosion.

- iii. Orwell Park Estate by providing a clear safe route off the shore, in close proximity to the estuary, walkers can enjoy a route closer to the estuary avoiding the long detour of the Stour and Orwell Walk, without being impeded by high tides on the shore or entering the private parkland or being put at risk by the tides, which fill up the estuary entirely, covering the shore completely.
- iv. As discussed above the England Coast Path will be responsive to coastal change and will provide a route able to adapt to future changes (where, for example, Public Rights of Way may become unusable).

We have responded to the locations where the Stour and Orwell Walk turns inland away from the estuary as follows;

- i) At the significant inland detour of the Stour and Orwell Route through Nacton takes it was not possible to use the Stour and Orwell Walk as the main or alternative route as the narrow lanes were assessed as unsuitable for a National Trail.
- ii) At Freston Park it was not possible to propose a route through the park due to the excepted nature of this land. Annex C: Excepted land categories sets out these provisions in more detail. Furthermore a route on the shore was not possible as the saltmarsh and mudflat at this location are restricted due to the sticky mud, high tides which fill the estuary and the limited number of escape routes.

There are extensive areas of land with other existing rights of access to the landward of the stretch, at Cliff Plantation (Pin Mill) and Felixstowe Ferry Golf Course – shown as existing access land on Map B.. The spreading room described in the chapters 1 and 5 of the report would include these areas, (see reports SGF1 and SGF5). At Cliff Plantation some parts are not designated as Access land so the Coastal Margin will extend across the whole site beyond the limits of the Open Access land to the fence, for clarity and cohesion.

Bridge Wood Country Park is also currently accessible but the landowners have chosen not to extend the coastal margin across the whole site so the existing access rights remain unchanged here.

Local user groups (Ramblers) asked us to consider a route closer to the shore (than the Stour and Orwell Walk). This issue is addressed as part of our overall approach to the implementation of the proposals described later in the Overview.

The aspirations of local users which emerged from these discussions have not been addressed fully in our proposals, for reasons set out elsewhere in the report (see above):

■ Creating a route closer to the shore from Woolverstone to Freston.

b) Protection of the environment

The stretch includes a coastal frontage from Landguard Point to Felixstowe Ferry and a route around the Orwell Estuary.

From Landguard to Felixstowe Ferry there are high levels of access and walkers use Public Rights of Way (including roads, footpaths and bridleways) as well as national cycle ways for access. Felixstowe town is a popular and vibrant seaside town with many facilities for tourism and recreation a pier, extensive public gardens, cafes, restaurants and amusements. It has miles of promenade and beach frontage. Landguard Point is designated for both its historic and environmental features. The site has a visitor centre and includes the Landguard Fort, Landguard Local Nature Reserve, Landguard Bird Observatory and Felixstowe Museum and the Port of Felixstowe.

The north of Felixstowe town has low soft cliffs creating coastal slopes, with beach huts and green spaces. The village of Felixstowe Ferry has a common and golf course. The entire coastal frontage is accessed by large numbers of visitors, especially in summer months.

The Orwell estuary in contrast is a relatively undeveloped rural environment recognised for its tranquillity, beauty and character through designation as an Area of Outstanding Natural Beauty. The character of the estuary is typified by the gentle sloping - often wooded - valley slopes, open vistas and broad expanses of mudflat (revealed at low tide) and saltmarsh. The light sandy soils support cereal and salad production and grazing is also a key feature both on the valley slopes and on the low lying marshes.

It is offers a range of recreational activities from walking birdwatching, sailing and cycling. Key visitor destinations include the Suffolk Food Hall at Wherstead, the historic hamlet of Pin Mill, and Landguard Point and Felixstowe town. There is a private caravanning and golf complex at Priory Park.

There are sites of geological interest at Bridge Wood and Nacton Cliff. With chalk below, there are deposits of London clay throughout the area which are overlain by crag in the more northerly parts.

The Orwell Estuary is of national and international importance and designated through landscape and wildlife legislation. In winter months it supports nationally and internationally recognised populations of non-breeding waterbirds including waders and wildfowl which use the extensive intertidal sediments (feeding) and saltmarsh as well as adjacent marshes and arable fields (roosting). The estuary supports breeding avocet, invertebrate assemblages and wetland plant assemblages.

Key environmental designation include the following which are shown on Map C 'Key statutory environmental designations on the Shotley Gate to Felixstowe Ferry stretch.

- Stour and Orwell Estuaries SPA
- Orwell Estuary SSSI
- Stour and Orwell Ramsar
- Bridge Wood Local Nature Reserve
- Landguard Common Local Nature Reserve

Key landscape and historic monuments are shown on Map D 'Key landscape designations on the Shotley Gate to Felixstowe Ferry stretch'

As a result of the proposals described in this Overview and associated reports for each length of coast, the quality of coastal paths will be improved and there will be greater certainty and clarity about the rights people have within the coastal margin. Use of the coast for outdoor recreation can, if not carefully managed, add to environmental pressures such as the presence of people causing disturbance to wildlife or new paths leading to removal and fragmentation of habitat. Part of the process we go through on each length of coast when we are developing our detailed proposals is about finding ways to avoid or reduce such impacts, and ensure compliance with legislation to protect the environment.

The nearby parts of Suffolk and Essex have experienced high levels of housing growth over recent years. This trend is set to continue, with most of the local planning authorities identifying substantial increases in housebuilding in their (draft) local plans. For example, housing allocations at Martlesham, Bucklesham, the Trimley villages, Shotley Gate and the Area Action Plan for Felixstowe Peninsula.

There are proposals for up to 2700 dwellings at Bucklesham, 550 at Capel St Mary, 75 dwellings at Wherstead, 190 dwellings at Walton, 285 dwellings at the Former HMS Ganges site, up to 2000 dwellings at Adastral Park, Martlesham Heath all within 10km from the Orwell estuary. Most of the relevant Habitats Regulations Assessments (HRAs) have concluded that these local plans have the potential to cause

significant adverse impacts on European sites by increasing the numbers of visitors to the Stour estuary. This has led to the development of the following strategic approach;

The pressure for housing growth has resulted in all of the local planning authorities signing up to the development of *Recreational Disturbance and Mitigation Strategies* (RAMS). These strategies will be of key importance because they will provide, for the first time, a strategic way of managing impacts on sensitive sites. As a result, developers, home buyers and conservation bodies should be able to be confident that financial contributions (arising from tariffs on the sales of individual homes within the 13km Zone of Influence from the SPA) will be used to protect and enhance vulnerable sites in the most effective way.

The RAMS initiative has been finalised at and the time of writing, housing proposals are already being subject to RAMS. Natural England has been closely involved in the development of both initiatives, which should be overwhelmingly positive in their effects.

The significance of the RAMS for the England Coast Path is that the strategies should not only ensure that any significant effects of increases in housing provision are avoided or mitigated, they should also mean there should be no residual, non-significant effects to act in combination with similar effects from our proposals. We have worked closely with the team delivering this strategy to ensure consistency of approach to managing recreation.

Another important local initiative is the *Stour & Orwell Estuaries Management Strategy 2016-2020*, which has been produced on behalf of a wide range of organisations including local authorities, government agencies and interest groups. More detail is provided in appendix 1 of our HRA, but a brief summary of its relevance to our proposals is provided below:

The Stour & Orwell Estuaries Management Strategy is a statutory document containing several objectives and associated actions which are directly relevant to the Harwich to Shotley Gate stretch of the England Coast Path, as well as the adjacent Shotley Gate to Felixstowe Ferry stretch.

The majority of the actions within it are focused on managing and reducing the negative impacts of recreational activity, so to the extent that it interacts with our proposals and those for the forthcoming/recently published Harwich to Shotley Gate stretch (for which a separate HRA has been completed), the outcomes should be wholly positive in terms of reduced impacts on sensitive sites.

Stour & Orwell Estuaries Management Strategy Vision statement: 'This strategy seeks to promote a sustainable future for the Stour and Orwell estuaries through the management of human activity in a way that is compatible with the conservation of the estuarine landscape and wildlife.'

The strategy covers four themes:

- 1. Integrated planning and sustainable development.
- 2. Protecting environmental features and adapting to the changing coastal zone.
- 3. Supporting sustainable commercial activities.
- Managing recreational activity.

Theme 4 includes the following objectives and actions relevant to our proposals (abridged):

Objective 4.1 - We understand the positive and negative effects of recreational activity, now and into the future.

Objective 4.2 - Recreational activities are managed so they can be encouraged and enjoyed without adverse effect on the special qualities of the estuaries.

Objection 4.3 - Raising awareness: A well-informed public enjoy the estuaries without harming their special qualities and support beneficial activities.

Objective 4.4 - Visitor facilities are reviewed and where necessary improved to enable people to enjoy the estuaries.

In developing our detailed proposals for coastal access we have taken account of environmental protection objectives and these are, where relevant, discussed in more detail in the relevant report for each length of coast and the following documents that we have published separately at

https://www.gov.uk/government/collections/england-coast-path-shotley-gate-to-felixstowe-ferry.

- A single Habitats Regulations Assessment relating to any potential impact on the conservation objectives of affected sites from the proposals we make in the various reports (SGF1 to SGF4) for the stretch. This assessment considers any potential impacts in relation both to the individual length of coast covered by each report, and to the stretch as a whole.
- Our Nature Conservation Assessment for the stretch, in which we document our conclusions in relation to any other potential impacts on nature conservation not covered by the HRA.

c) Interests of owners and occupiers

In discharging our coastal access duty we must aim to strike a fair balance between the interests of the public in having rights of access over coastal land, and the interests of owners and occupiers of land over which any coastal access rights would apply. This was a key driver in the design of our proposals, which were discussed in detail with the owners and occupiers of the affected land during 'walking the course', and during subsequent contact, and reflected in the relevant chapters of the report.

Development of proposals for the Shotley Gate to Felixstowe Ferry stretch of the England Coast Path uncovered a few concerns expressed by landowners and occupiers, some of which are inter-related:

Impact of access rights within the coastal margin.

This has been raised as an issue by some landowners, councils and wildlife/conservation organisations for various reasons:

- i) At Freston there is no scope to propose the trail close to the shoreline and we have proposed that it is located inland as described above. This has the effect of creating relatively large areas of seaward coastal margin, however the affected land is excepted (mostly arable land or historic parkland). See reports SGF1 to SGF5.
- ii) Several people and the Suffolk Wildlife Trust, RSPB and Ipswich Borough Council expressed concern about the potential disturbance of sensitive bird species on the entire Orwell Estuary. See reports SGF1 to SGF5 and section (b) Protecting the Environment, above.
- iii) Concerns were raised about the managed realignment site at Trimley Marshes, managed by the Suffolk Wildlife Trust where there is an existing Public Right of Way on the sea wall around the realignment and a bridle path in the folding. The concerns were focussed on the potential impact of walkers on the seawall on birds at certain times of the year. Whilst access on the PROW cannot be restricted it was felt that by aligning the England Coast Path in the folding at this location and placing interpretation panels at either end of this section walkers may be encouraged to walk in the folding during the months when bird sensitivities are at their greatest. Natural England will work with Suffolk Wildlife Trust to develop appropriate messages and materials for these signs. See report SGF4. See the HRA for Shotley Gate to Felixstowe Ferry for further detail.
- iv) Natural England worked closely with the Landguard Partnership in the development of the proposals to ensure that the England Coast Path would not impact negatively on the historic or natural features of site or impede the current or future management practices. The Landguard Peninsula falls within the Coastal Margin and access patterns will be unaffected

by the England Coast Path proposal as the site is already fully accessible and receives over 500,000 visitors per year. The management practices lead by the Ranger and the District Council may continue and users of the coast path will be requested to respect local instructions at Landguard Point (e.g. temporary fencing or footpath diversions during the bird nesting season.) See report SGF5.

- v) At Suffolk Yacht Harbour concerns were raised by the Manager about the public safety when accessing the marina due to the regular movements of cranes and vehicles around the site. Please see Section 8. Restrictions and Exclusions. See report SGF4.
- Impact of Access rights on land adjacent to the coastal margin.

At Levington Lagoon concerns were also raised by the Wildlife Trust about the impact on the England Coast Path on the lagoon which lies landward of the existing Public Right of Way. This is discussed further in the HRA and NCA. See reports SGF1 to SGF5 and section (b) Protecting the Environment, above.

Impact of Coastal Access rights on flood gate management at Felixstowe.

Discussions were held with the District Council and Environment Agency to understand the current management practices relating to the flood gates and sand boards at Felixstowe. This proposal is made in accordance with those and it has been agreed that the agencies managing the flood gates will include references to walkers using the England Coast Path in any signs or materials produced relating to the closure of the flood gates and alternatives for onwards access during times of flood threat.

d) Coastal processes

The principal source of information regarding coastal processes on this stretch of coast is the Essex and South Suffolk Shoreline Management Plan (see Annex A: Bibliography), a non-statutory policy document for the management of flood risk and coastal erosion. With reference to this document, and with advice from the Environment Agency and officers from Suffolk County Council, we have identified the parts of the coast within this stretch which are particularly susceptible to coastal erosion or other geomorphological processes, such as landslips.

In general where the coast is defended with some certainty, we have not made any specific proposals to enable the trail to adapt to coastal change - for example, where the trail would be:

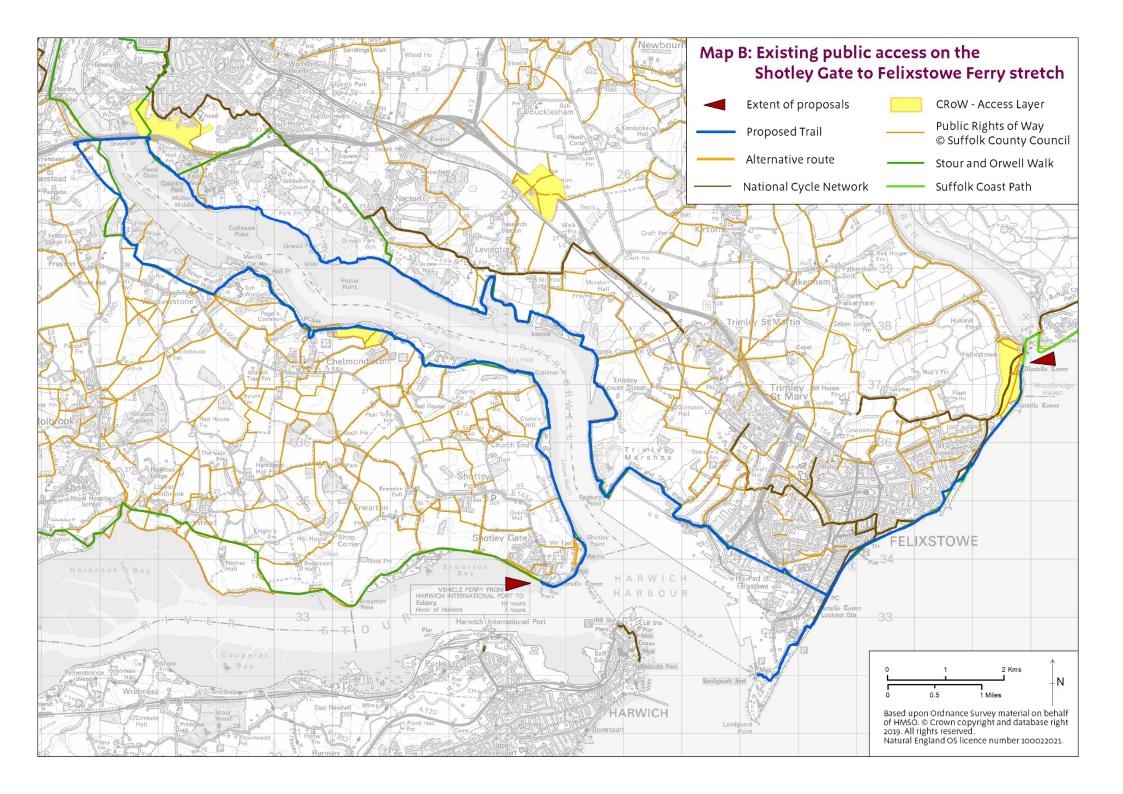
- on, or on the landward side of sea defences which would protect it; or
- landward of the roads and railway which would be protected under the policies set out in the Shoreline Management Plan 2.

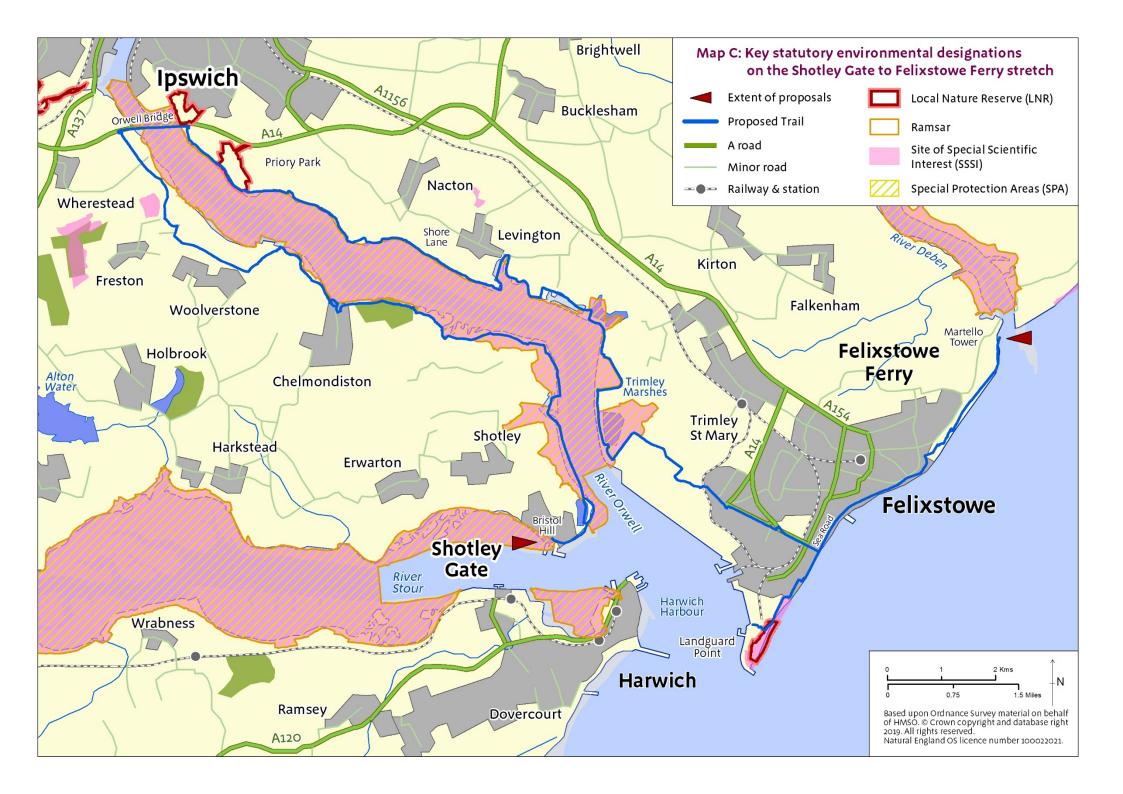
However, in some cases we have identified a requirement for roll-back, to ensure that we can maintain continuity of the trail should a nearby section of the trail be affected by coastal change (see Part 4.10 of the approved Scheme).

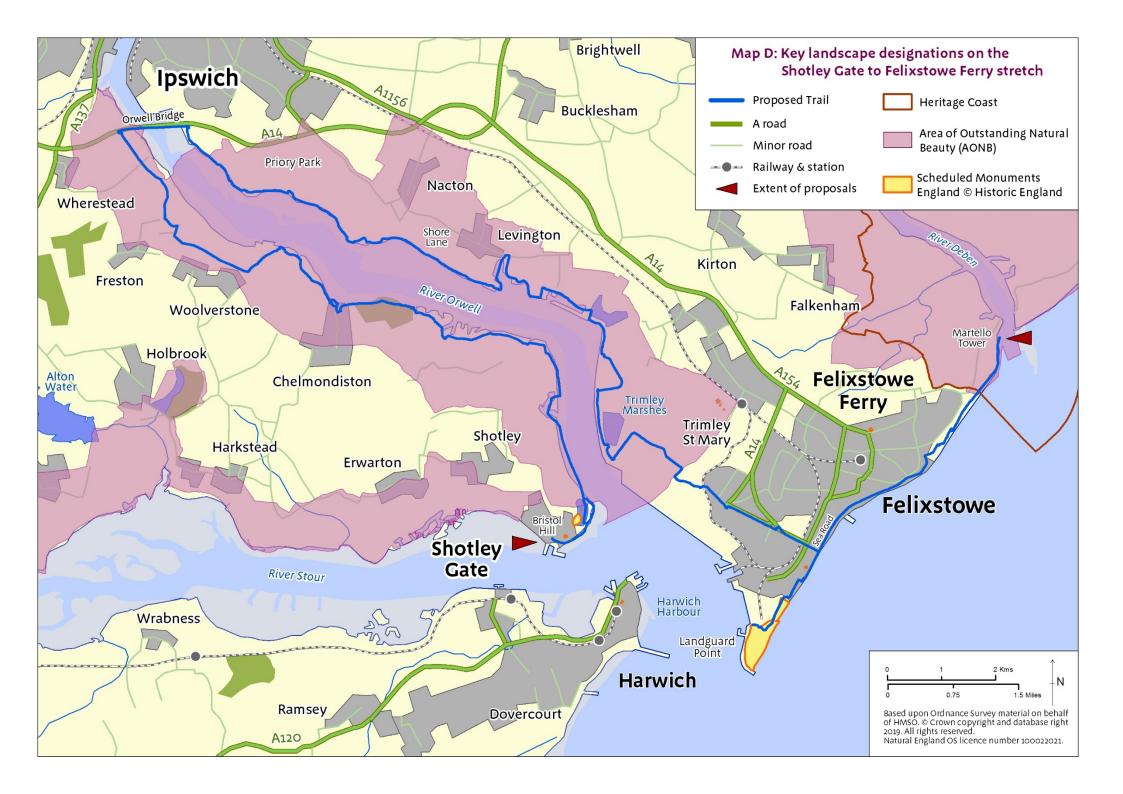
The developed areas of the Port of Felixstowe and Felixstowe town, from Landguard Point to Felixstowe Ferry (described in reports SGF4 to SGF5) are either not subject to significant erosion rates or are well defended against coastal erosion. We have not made any specific proposals to enable the trail to adapt to coastal change on these lengths of coast.

The low lying land and low sloping valley of the River Orwell described in reports SGF1 to SGF4 of the proposals are largely defended by flood banks and subject to varying rates of change. On these lengths of coast, from Shotley Marina to The Royal Harwich Yacht Club; Freston Brook to the Orwell Bridge; and from the Orwell Bridge to the Port of Felixstowe we propose to recommend that the trail is able to roll back so that it can be repositioned without further reference to the Secretary of State, once they have approved the

| initial route. There is more detail about these roll-back arrangements in part 7 of the Overview and in the relevant reports, SGF1 to SGF4. |
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Other issues

7. Future changes

Below we explain the procedures for future changes to the coastal access provisions, once proposals have been approved by the Secretary of State. Where the need for future changes was foreseeable at the time of preparing the proposals we have indicated this in the relevant reports.

Roll-back

Reports SGF1 to SGF4 include proposals for specified parts of the route to 'roll back' either:

- in direct response to coastal erosion or other geomorphological processes, or significant encroachment by the sea; or
- in order to link with other parts of the route that need to roll back as a direct result of coastal erosion or other geomorphological processes, or significant encroachment by the sea.

Where sections of the approved route need to change for these reasons in order to remain viable, the new route will be determined by Natural England without any requirement for further reference to the Secretary of State. Coastal erosion can happen at any time and so, in some cases, this provision may need to be invoked between approval of the report and commencement of new access rights.

In particular, so far as we consider it necessary in order to maintain the viability of the route as a whole, we may determine that any part of the route is to be repositioned landward of any physical boundary feature, area of excepted land or area from which we consider it necessary to exclude access e.g. a protected site designated for its conservation value.

In determining the new route, we will take into account:

- the local factors present at that time, including any views expressed by people with a relevant interest in affected land;
- the terms of the Coastal Access duty (see Annex B: Glossary of terms), including the requirement to aim to strike a fair balance between the interests of the public and the interests of any person with a relevant interest in the land; and
- the criteria set out in part B of the Coastal Access Scheme.

Any changes to the route in accordance with these proposals will come into force on a date decided by us. On this date, coastal access rights will come into force as necessary along any new alignment. The date of change will follow any necessary physical establishment work, including any installation of signs to enable the public to identify the modified route on the ground. We will take reasonable steps to ensure that anyone with a relevant interest in land directly affected by the change is made aware this date.

In places where the trail rolls back in this way in response to coastal change, the landward extent of the coastal margin may also move inland automatically:

- with the trail itself, or
- because a landward area of section 15 land (see Annex B: Glossary of terms) or foreshore, cliff, dune, or beach, or a bank, barrier or flat, newly touches the trail when it rolls back, with the result that it automatically becomes part of the margin under the terms of the legislation.

Ordinarily, where roll-back has been proposed and becomes necessary, we would expect the trail to be adjusted to follow the current feature (for example, the cliff edge or top of foreshore). Where we foresee that local circumstances will require more detailed consideration, we have provided further information within the tables in Part 3 of the relevant report. This and the above information is intended as a guide only, based on information available to us at the time of writing, and on expert advice provided by the access authority,

Environment Agency and others. We have taken and will continue to take all reasonable steps to discuss implications and options with all parties likely to affected by such changes, both during the initial planning work that preceded the writing of the reports for each length, and during any future work to plan and implement a 'rolled back' route.

Other changes

We will normally be required to submit a variation report seeking approval from the Secretary of State in order to make any other changes to the route of the trail (or to propose non-automatic changes to the landward boundary of the coastal margin) - for example if the land was subject to new build development. Such changes would be subject to the same procedures for consultation, representations and objections as our initial reports. Potential developments of which we are already aware that could potentially affect the route on the stretch are summarised below.

- At the time of proposal there is existing pedestrian access on the Orwell Bridge, the promoted long distance Stour and Orwell walk. Should there be any change in the future and pedestrian access altered Natural England will work with Highways England and other authorities to review the trail alignment and if appropriate will prepare a variation report to the Secretary of State.
- If there are any proposed changes to the land adjacent to Landguard Fort that affect the England Coast Path Natural England will work with English Heritage and the Port of Felixstowe to review the trail alignment and, if appropriate, will prepare a variation report to the Secretary of State.

However, even without a variation report:

- i We would be able to impose new or modify existing local restrictions or exclusions on coastal access rights as necessary, and people with a legal interest in the land would be able to apply to us for such directions under certain circumstances see chapter 6 of the Coastal Access Scheme.
- ii Further work could be carried out where necessary either to establish or maintain the route, or to provide any means of access to the coastal margin, using powers and procedures set out in Schedule 20 of the Marine and Coastal Access Act 2009 and chapter 3 of Part 1 the Countryside and Rights of Way Act 2000.
- iii. If at any time the use of affected land should change, the normal rules in relation to excepted land would apply, so for example land newly covered by buildings and their curtilage, and land in the course of development, would automatically become excepted from the coastal access rights see Annex C: Excepted Land Categories.

8. Restrictions and exclusions

In certain circumstances we can restrict or exclude access to the trail and margin. The legal term for an exclusion or restriction is a direction.

Below, we summarise the directions to exclude or restrict coastal access rights proposed by these reports.

Refer to Part 6.7 and Figure 19 of the approved Coastal Access Scheme for more information.

| Report reference | Location/extent (see relevant map for more information) | Type of direction | Purpose of direction | Grounds and relevant section of CROW | Duration |
|--|---|-------------------|---|--|----------|
| Reports SGF1 to SGF4 from Shotley Gate (Bristol Hill) to Sea Road, Felixstowe | Salt marsh & flats between Shotley Gate and Felixstowe. Part of the coastal margin seaward of the trail – see maps Map E | No public access | Unsuitable for public access | Saltmarsh and flat Section 25A | All year |
| Report SGF4 from Shore Lane, Nacton to Sea Road, Felixstowe | Suffolk Yacht Harbour, Levington Part of the coastal margin seaward of the trail – see Map Map E2 | No public access | Land management and public safety | Land management Section 24 Public safety Section 25(1)(b) | All year |

These directions will not prevent or affect:

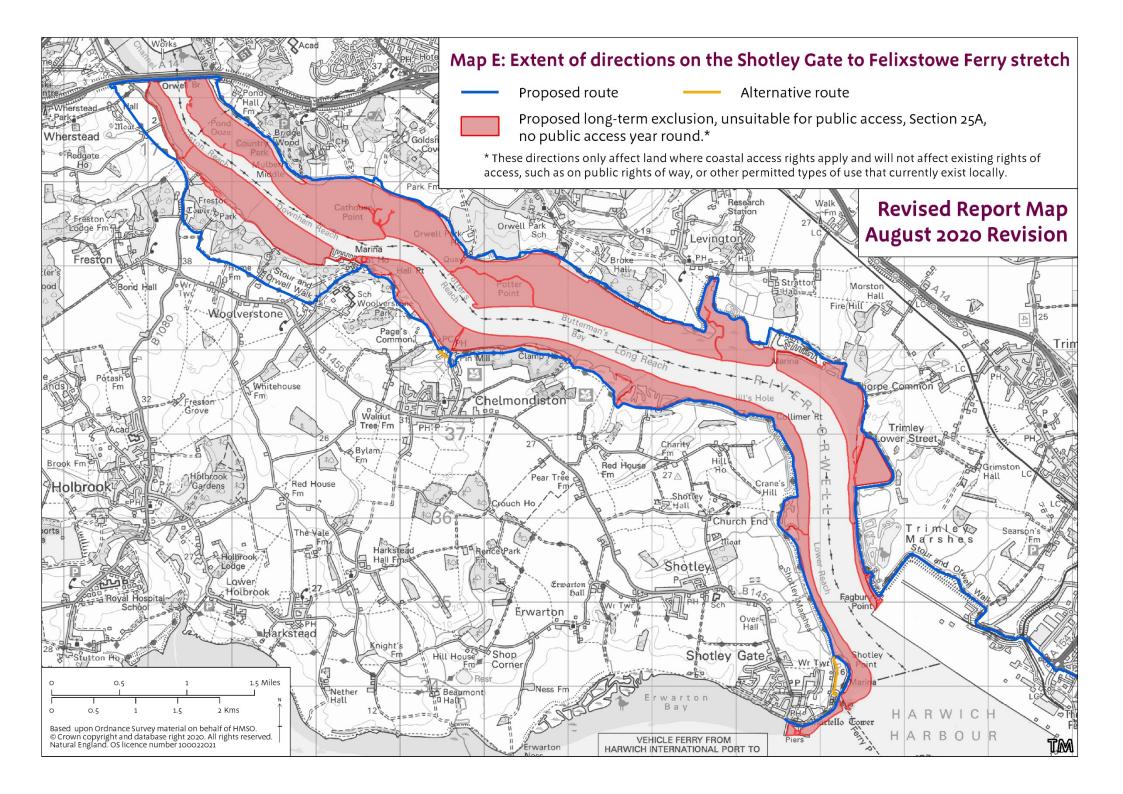
- any existing local use of the land by rights: such use is not covered by coastal access rights;
- any other use people already make of the land locally by formal agreement with the landowner, or by informal permission or traditional toleration; or
- use of any registered rights of common or any rights at common law or by Royal Charter etc.

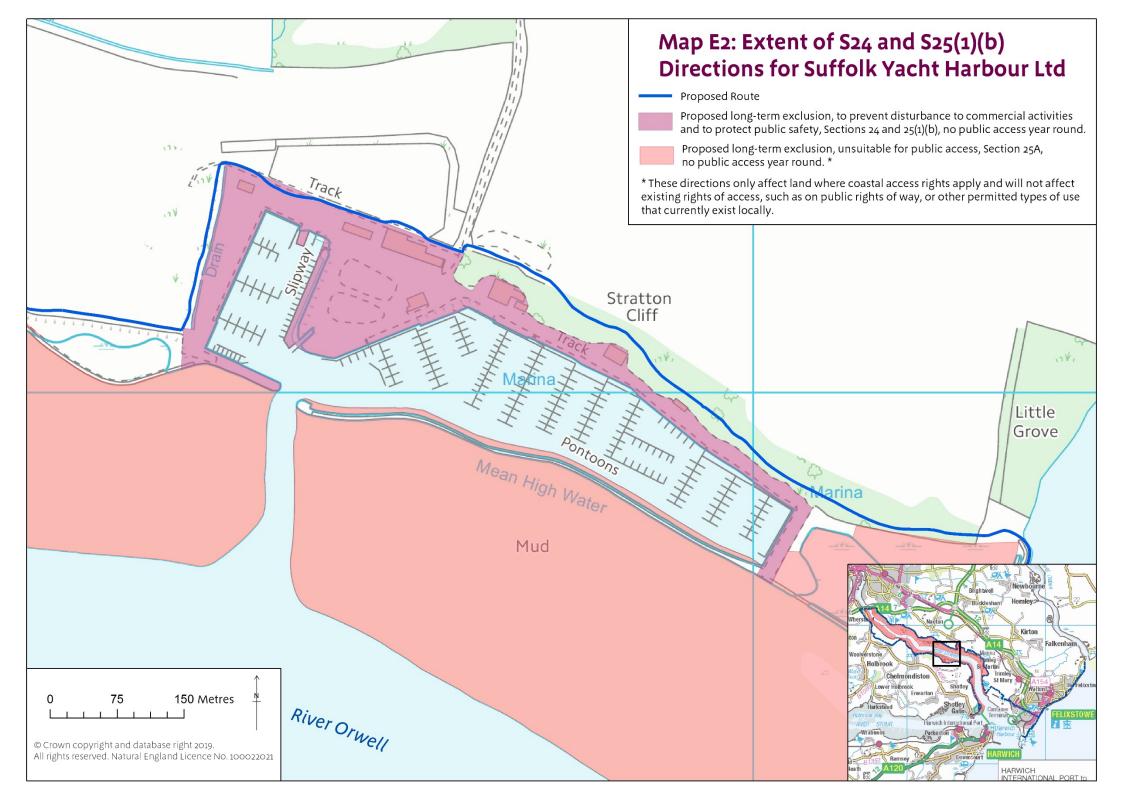
Any such use is not prohibited or limited by these arrangements.

Where land already has open access rights for the public under Part 1 of the CROW Act (the right to roam over mountain, moor, heath, down and registered common), those pre-existing rights are replaced by coastal access rights wherever the land in question falls within the coastal margin. Where that happens, our report may in some circumstances propose to exclude the replacement rights, even where they were not excluded previously, based on an updated analysis of relevant powers and requirements.

Correction to map E

Map E includes a correction to the report originally published on 15 January 2020. The correction is to the description given in the key. Map E of the original report correctly described the extent of the directions to exclude access to the saltmarsh and flat, but the key incorrectly described the S25A restriction was for reasons of nature conservation. S25A is the correct section of the Act that will direct the exclusion, but S25A can only be used where saltmarsh and flat is unsuitable for public access (safety reasons). This corrected key is now consistent with the description given in the narrative of the report, the associated table in Section 8 of the overview and with the legislation.





Annex A: Bibliography

Information about Natural England's coastal access programme:

Natural England

www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast

Information about the statutory framework for coastal access:

Department for Environment, Food and Rural Affairs

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Coastal Access Scheme

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Marine and Coastal Access Act 2009

www.legislation.gov.uk/ukpga/2009/23/part/9/crossheading/the-coastal-access-duty

Countryside & Rights of Way Act 2000 [CROW]

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The Access to the Countryside (Coastal Margin) (England) Order 2010

www.legislation.gov.uk/uksi/2010/558/contents/made

National Parks and Access to the Countryside Act 1949

www.legislation.gov.uk/ukpga/Geo6/12-13-14/97

The Coastal Access Reports (Consideration and Modification Procedure) (England) Regulations 2010

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The Conservation of Habitats and Species Regulations 2017 (as amended)

http://www.legislation.gov.uk/uksi/2017/1012/contents/made

The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

http://www.legislation.gov.uk/uksi/2018/1307/contents/made

Habitats Directive

(Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora)

European Commission

http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

Other published information used in the preparation of the report:

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Babergh and Mid Suffolk Open Space Assessment

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https://www.babergh.gov.uk/assets/Strategic-Planning/Current-Evidence-Base/Babergh-and-Mid-Suffolk-Open-Space-Study-May-2019.pdf

Babergh Local Plan

Babergh Mid Suffolk District Council

https://www.midsuffolk.gov.uk/planning/planning-policy/adopted-documents/babergh-districtcouncil/babergh-local-plan/

Essex and South Suffolk Shoreline Management Plan - SMP2 **Environment Agency (2010)**

http://eacg.org.uk/docs/smp8/essex&southsuffolk%20smp%20final%202.4.pdf

GeoSuffolk

http://geosuffolk.co.uk/

Harwich Harbour Foot and Bicycle Ferry

https://www.harwichharbourferry.com/

Ipswich Borough Local Plan

Ipswich Borough Council

https://www.ipswich.gov.uk/services/ipswich-local-plan

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Suffolk Coast and Heaths Walks Management Plan 2018 - 2023 Suffolk Coast and Heaths AONB

http://www.suffolkcoastandheaths.org/assets/About-Us/Man-Plan-Docs/2018-2023/2018-23-SCH-Management-Plan.pdf

Suffolk Coast and Heaths Walks Management Plan 2013 - 2018 Suffolk Coast and Heaths AONB

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Suffolk Green Access Strategy (Rights of Way Improvement Plan) Suffolk County Council

https://www.suffolk.gov.uk/council-and-democracy/consultations-petitions-and-elections/consultations/rights-of-way-improvement-plan-suffolk-green-access-strategy-consultation/

Visit Suffolk

https://www.visitsuffolk.com/

Annex B: Glossary of terms

1949 Act means the National Parks and Access to the Countryside Act 1949. The 1949 Act includes provisions and procedures for the creation of long-distance routes (now more commonly known as National Trails). These provisions were amended and added to by the 2009 Act for the purpose of identifying the coastal trail. See Bibliography for publication details.

2009 Act means the Marine and Coastal Access Act 2009. Part 9 of the 2009 Act includes provisions to improve public access to the coast. There are supplementary provisions relating to:

- consideration of coastal access reports, objections and representations by the Secretary of State
 in Schedule 1A of the 1949 Act (inserted by Schedule 19 of the 2009 Act);
- the establishment and maintenance of the English coastal route in Schedule 20 of the 2009 Act.

Section 1.2 of the Coastal Access Scheme includes a brief overview of the main provisions, which are explained in more detail in subsequent chapters. See Bibliography for publication details.

alignment is the term we use to describe the choices we make about the proposed route of the trail and the landward boundary of the coastal margin.

alternative route means a route proposed to the Secretary of State under section 55C of the 1949 Act, to operate as a diversion from the ordinary route at certain times. The associated term optional alternative route denotes a route which the public has the *option* to use at times when the ordinary route is unsuitable for use because of flooding, tidal action, coastal erosion or other geomorphological processes. Neither type of alternative route creates any seaward margin. Paragraphs 4.10.16 to 4.10.18 of the Scheme explain more about the potential use of optional alternative routes.

building has the same meaning given in Schedule 1 to CROW, as amended for the coast by the Order. The term includes any structure or erection and any part of a building. For this purpose "structure" includes any tent, caravan or other temporary or moveable structure. It does not include any fence or wall, anything which is a means of access (as defined by CROW section 34 – for example steps or bridges), or any slipway, hard or quay.

coastal access duty means Natural England's duty under section 296 of the 2009 Act to secure improvements to public access to the English coast. It is explained in more detail in 1.2 of the Coastal Access Scheme.

coastal access rights is the term we use to describe the rights of public access to the coast provided under section 2(1) of CROW as a result of the provisions of the 2009 Act and the Order. Coastal access rights are normally rights of access on foot for open-air recreation. These rights are by default subject to national restrictions and may additionally be subject to directions which restrict or exclude them locally. Section 2.4 of the Coastal Access Scheme explains more about the nature and management of coastal access rights.

coastal margin or margin means a margin of land at the coast falling within one or more of the descriptions given at article 3 of the Order. Its main component is land subject to the coastal access rights, but it also contains other land, including some land that is not accessible to the public. A land owner may also voluntarily include land in the coastal access margin by making a dedication. Section 2.3 of the Scheme explains these other categories of land and how they fit in.

coastal processes is a term used in the reports to mean coastal erosion, encroachment by the sea or other physical change due to geomorphological processes such as landslip. Where any part of the trail could be significantly affected by coastal processes, either directly or because of the need to maintain continuity with a part that is directly affected, we have included recommendations for it to roll back in accordance with a description in the relevant report.

CROW means the Countryside and Rights of Way Act 2000. Coastal access rights take effect by virtue of CROW section 2(1). Certain provisions in CROW are amended or added to by the 2009 Act and the Order for the purposes of the coast. Chapter 2 of the Coastal Access Scheme provides an overview of how the amended CROW provisions apply to the coast. See Bibliography for publication details.

dedicate/dedication means any voluntary dedication of land by the owner or long leaseholder under section 16 of CROW so that it will be subject to access rights under that Act. A dedication may also make provision for specific national restrictions that would otherwise apply over the affected land to be removed or relaxed.

Land within the coastal margin that was previously dedicated as access land under CROW becomes subject to the coastal access regime, including the national restrictions and the reduced level of liability operating on other parts of the margin with coastal access rights. On certain land, a dedication may be used to 'opt in' to the coastal access regime land where it would not otherwise apply. Chapter 2 of the Coastal Access Scheme explains these scenarios in more detail.

definitive map means the legal record of public rights of way. It shows public footpaths, bridleways, restricted byways, and byways open to all traffic.

direction means a direction under chapter II of CROW Part 1 to impose local restrictions or exclusions on the use of the coastal access rights.

Estuarial waters are defined in section 309 of the 2009 Act as any waters within the limits of transitional waters within the meaning of Council Directive 2000/60/EC (the European Community Water Framework Directive). Transitional waters are defined in Schedule 1 to the Directive as "bodies of surface water in the vicinity of river mouths which are partially saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows". The Environment Agency has mapped their seaward limit on each English estuary. Section 10.1 of the Scheme explains the relevance of estuarial waters to our proposals for coastal access at estuaries.

excepted land - see Annex C.

exclude/exclusion refer to local exclusion of the coastal access rights by direction (as opposed to the national restrictions that apply on all coastal access land by default). In this way the use of the rights may where necessary either be excluded completely, or restricted in specified ways by means of a local restriction. Section 6.6 of the Coastal Access Scheme explains the provisions in detail and our approach to their use.

foreshore is not defined in the 2009 Act or the Order. In the reports and this Overview it is taken to mean the land between mean low water and mean high water.

gate is used in several ways in the reports:

- 'Field gate' means a wide farm gate, for vehicle access.
- 'Kissing gate' means a pedestrian access gate, sometimes suitable for wheelchairs.
- 'Wicket gate' means a narrow field gate, sometimes suitable for wheelchairs, but unsuitable for larger vehicles.

guide fencing is a term the reports may use to describe simple temporary fencing which can be put up and taken down with minimal cost or effort – see figure 18 in chapter 6 of the Coastal Access Scheme.

Habitats Regulations Assessment means an assessment made in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

the legislation is the term the reports use to describe four pieces of legislation which include provisions relevant to the implementation of our proposals: the 2009 Act, the 1949 Act, CROW and the Order. There are separate entries in the glossary which describe each of these in more detail.

a length is the term used to describe the part of the stretch covered by each individual report.

local access forum means a local access forum established under section 94 of CROW. Natural England is required to consult the relevant local access forum in the preparation of the reports, and to invite representations from it on its proposals – see chapter 3 of the Coastal Access Scheme for details.

margin (see coastal margin)

national restrictions – see Annex D.

National Trail means a long-distance route approved by the Secretary of State under section 52 of the 1949 Act.

objection means an objection by a person with a relevant interest in affected land (i.e. its owner or occupier) to Natural England about a proposal in a report. An objection must be made on certain specified grounds, in accordance with the provisions in Schedule 1A of the 1949 Act (as inserted by Schedule 19 of the 2009 Act). Stage 3 of the implementation process described in chapter 3 of the Coastal Access Scheme provides an overview of the procedures for considering objections.

ordinary route means the line normally followed by the trail.

the Order means the Access to the Countryside (Coastal Margin) (England) Order 2010 (S.I. 2010/558), made under section 3A of CROW. It sets out descriptions of land which are coastal margin and amends Part I of CROW in certain key respects for the purposes of coastal access. See Bibliography for publication details.

public right of way (PRoW) means a public footpath, bridleway, restricted byway or byway open to all traffic. These public rights of way are recorded on the definitive map.

relevant interest means a relevant interest in land, as defined by section 297(4) of the 2009 Act. This is a person who:

- holds an estate in fee simple absolute in possession in the land;
- holds a term of years absolute in the land, or
- is in lawful occupation of the land.

A relevant interest must therefore own or occupy the land in question, rather than simply having some other kind of legal interest over it.

representation means a representation made by any person to Natural England regarding proposals in any of its reports. A representation may be made on any grounds, in accordance with the provisions in Schedule 1A of the 1949 Act (as inserted by Schedule 19 of the 2009 Act). Stage 3 of the implementation process described in chapter 3 of the Coastal Access Scheme provides an overview of the procedures for considering representations.

restrict/restriction - see "exclude/exclusion".

Roll-back is the term the Scheme uses to describe arrangements made under the provisions of section 55B of the 1949 Act, whereby we may propose to the Secretary of State in a coastal access report that the route of a specified part of the trail which is subject to significant erosion or other coastal processes, or which links to such a section of trail, should be capable of being repositioned later in accordance with the proposals in our relevant report, without further confirmation by the Secretary of State. Section 4.10 of the

Scheme explains in more detail how this works, and part 6(d) of this Overview explains this in the context of the stretch.

route section is the term used in the reports to describe short sections of the proposed route for the trail. Each route section is assigned a nationally unique serial number which we use to refer to it in the proposals and on the accompanying maps.

section 15 land means land with public access rights under:

- section 193 of the Law of Property Act 1925;
- a local or private Act;
- a management scheme made under Part I of the Commons Act 1899; or
- an access agreement or access order made under Part V of the National Parks and Access to the Countryside Act 1949;

or land subject to, or potentially subject to, public access under section 19 of the Ancient Monuments and Archaeological Areas Act 1979.

Where Section 15 land forms part of the coastal margin (which it may do in any of the ways explained in section 4.8 of the Coastal Access Scheme), these rights apply instead of the coastal access rights. Figure 6 in Section 2.4 of the Coastal Access Scheme shows the relationship of Section 15 land to the coastal access regime in more detail.

spreading room is the term we use to describe any land, other than the trail itself, which forms part of the coastal margin and which has public rights of access.

In addition to land with coastal access rights it therefore includes areas of section 15 land. Spreading room may be either seaward or landward of the trail, according to the extent of the margin. Section 4.8 of the Scheme explains in more detail the ways in which land may become spreading room. Spreading room may be subject to directions that restrict or exclude the coastal access rights locally from time to time. However, the Scheme does not use the term to describe land which is subject to a direction which excludes access for the long-term. Land is not described as spreading room in the Scheme if it falls into one of the descriptions of excepted land, although it may become spreading room if it loses its excepted status as a result of a change of use, or if the owner dedicates it as coastal margin. Where highways such as roads or public rights of way cross spreading room, they remain subject to the existing highway rights rather than becoming subject to coastal access rights.

statutory duty means the work an organisation must do by order of an Act of Parliament.

stretch is the whole area covered by our compendium of statutory reports making coastal access proposals to the Secretary of State, each covering one length within the stretch.

temporary route means a diversionary route which operates while access to the trail is excluded by direction. Unlike an alternative route, a temporary route may be specified later by or under the direction without requiring confirmation by the Secretary of State, though land owner consent is needed in some circumstances. Figure 17 in chapter 6 of the Coastal Access Scheme explains the provisions for temporary routes in more detail.

the trail is the term we use to describe the strip of land people walk along when following the route identified for the purposes of the Coastal Access Duty. See part 1.3 of the Coastal Access Scheme. Following approval by the Secretary of State of our proposals, the trail along that stretch becomes part of the National Trail known as the England Coast Path. By default, it is the land within 2 metres on either side of the approved route line, but often it is wider or narrower than this. The trail forms part of the coastal margin.

variation report means a report to the Secretary of State under section 55(1) of the 1949 Act. Natural England may prepare a variation report recommending changes to coastal access proposals that have previously been approved. Figure 10 in chapter 3 of the Coastal Access Scheme explains in more detail the circumstances when a variation report is necessary.

A variation report may also be prepared by Natural England (in the context of our recommendations for the **trail** which we have a duty to secure under section 296 of the 2009 Act) to recommend that the route of another National Trail at the coast is modified.

Annex C: Excepted land categories

The effect of Schedule 1 to the Countryside and Rights of Way Act 2000 is that some categories of land are completely excluded from the coastal access rights, even if they fall within the coastal margin:

- land covered by buildings or the curtilage of such land;
- land used as a park or garden;
- land used for the getting of minerals by surface working including quarrying (except, under certain circumstances, the removal of sand or shingle from an area of foreshore or beach);
- land used for the purposes of a railway (including a light railway) or tramway;
- land covered by pens in use for the temporary detention of livestock;
- land used for the purposes of a racecourse or aerodrome;
- land which is being developed and which will become excepted land under certain other excepted land provisions;
- land covered by works used for the purposes of a statutory undertaking (other than flood defence works or sea defence works) or the curtilage of such land;
- land covered by works used for an electronic communications code network or the curtilage of any such land;
- land the use of which is regulated by byelaws under section 14 of the Military Lands Act 1892 or section 2 of the Military Lands Act 1900;
- land which is, or forms part of, a school playing field or is otherwise occupied by the school and used for the purposes of the school; and
- land which is, or forms part of, a highway (within the meaning of the Highways Act 1980) see below.

Some other land categories are excepted by default, but we may propose that the trail should cross them on an access strip – in which case the strip itself is not excepted from the coastal access rights. Where land in any of these categories would form part of the coastal margin in proposals, it would therefore be fully excepted from coastal access rights. That includes:

- land on which the soil is being, or has at any time within the previous 12 months been, disturbed by any ploughing or drilling undertaken for the purposes of planting or sowing crops or trees;
- land used for the purposes of a golf course;
- land which is, or forms part of, a regulated caravan or camping site; and
- land which is, of forms part of, a burial ground.

Highways are also excepted from the coastal access rights. This does not prevent the trail from following a public footpath or other highway, and people can continue exercising their rights to use highways that fall within the wider spreading room. Such highways form part of the coastal margin even though the access rights along them are afforded by other legislation.

Land owners may choose, under the legislation, to dedicate excepted land as a permanent part of the coastal margin. These provisions are explained in more detail in Chapter 2 of our Coastal Access Scheme.

Annex D: National restrictions

The coastal access rights which would be newly introduced under our proposals include most types of open-air recreation on foot or by wheelchair including walking, climbing and picnicking.

The scope of these coastal access rights is normally limited by a set of rules that we call in the Coastal Access Scheme the "national restrictions".

They list some specific activities not included within the coastal access rights – for example camping, horse riding and cycling. The national restrictions on the coastal access rights are set out on the pages that follow.

The national restrictions do not prevent such recreational uses taking place under other rights, or with the landowner's permission, or by traditional tolerance – for example on an area of foreshore where horse riding is customary. In particular, these national restrictions have no effect on people's use of public rights of way or Section 15 land (see the entry for 'section 15 land' in the Glossary).

The land owner (or in some circumstances a long leaseholder or farm tenant) also has the option to include such recreational uses within the coastal access rights on a particular area of land, or on his holdings generally. He can do this:

- permanently (i.e. on behalf of himself and future owners of the land), by dedicating such rights under section 16 of the Countryside and Rights of Way Act 2000 (CROW); or
- until further notice, by agreeing that we should give a direction under CROW Schedule 2 paragraph 7 to this effect.

We can provide more information about these options on request.

Countryside and Rights of Way Act 2000

SCHEDULE 2 RESTRICTIONS TO BE OBSERVED BY PERSONS EXERCISING RIGHT OF ACCESS (Section 2)

General restrictions

- 1 (1) Subject to sub-paragraph (2), section 2(1) does not entitle a person to be on any land if, in or on that land, he
 - (a) drives or rides any vehicle other than an invalid carriage as defined by section 20(2) of the Chronically Sick and Disabled Persons Act 1970,
 - (b) uses a vessel or sailboard on any non-tidal water,
 - (c) has with him any animal other than a dog,
 - (d) commits any criminal offence,
 - (e) lights or tends a fire or does any act which is likely to cause a fire,
 - (f) intentionally or recklessly takes, kills, injures or disturbs any animal, bird or fish,
 - (g) intentionally or recklessly takes, damages or destroys any eggs or nests,
 - (h) feeds any livestock,
 - (i) bathes in any non-tidal water,
 - (j) engages in any operations of or connected with hunting, shooting, fishing, trapping, snaring, taking or destroying of animals, birds or fish or has with him any engine, instrument or apparatus used for hunting, shooting, fishing, trapping, snaring, taking or destroying animals, birds or fish,
 - (k) uses or has with him any metal detector,
 - (I) intentionally removes, damages or destroys any plant, shrub, tree or root or any part of a plant, shrub, tree or root,
 - (m) obstructs the flow of any drain or watercourse, or opens, shuts or otherwise interferes with any sluice-gate or other apparatus,
 - (n) without reasonable excuse, interferes with any fence, barrier or other device designed to prevent accidents to people or to enclose livestock,
 - (o) neglects to shut any gate or to fasten it where any means of doing so is provided, except where it is reasonable to assume that a gate is intended to be left open,
 - (p) affixes or writes any advertisement, bill, placard or notice,
 - (q) in relation to any lawful activity which persons are engaging in or are about to engage in on that or adjoining land, does anything which is intended by him to have the effect
 - (i) of intimidating those persons so as to deter them or any of them from engaging in that activity,
 - (ii) of obstructing that activity, or
 - (iii) of disrupting that activity,
 - (r) without reasonable excuse, does anything which (whether or not intended by him to have the effect mentioned in paragraph (q)) disturbs, annoys or obstructs any persons engaged in a lawful activity on the land,
 - (s) engages in any organised games, or in camping, hang-gliding or para-gliding, or
 - (t) engages in any activity which is organised or undertaken (whether by him or another) for any commercial purpose.

- (2) Nothing in sub-paragraph (1)(f) or (j) affects a person's entitlement by virtue of section 2(1) to be on any land which is coastal margin if the person's conduct (to the extent that it falls within sub-paragraph (1)(f) or (j)) is limited to permitted fishing-related conduct.
- (3) In sub-paragraph (2) the reference to permitted fishing-related conduct is a reference to the person
 - (a) having a fishing rod or line, or
 - (b) engaging in any activities which -
 - (i) are connected with, or ancillary to, fishing with a rod and line, or with a line only, in the exercise of a right to fish, and
 - (ii) take place on land other than land used for grazing or other agricultural purposes.
- 2 (1) In paragraph 1(k), "metal detector" means any device designed or adapted for detecting or locating any metal or mineral in the ground.
 - (2) For the purposes of paragraph 1(q) and (r), activity on any occasion on the part of a person or persons on land is "lawful" if he or they may engage in the activity on the land on that occasion without committing an offence or trespassing on the land.
- 3 Regulations may amend paragraphs 1 and 2.
- 4 (1) During the period beginning with 1st March and ending with 31st July in each year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead.
 - (2) Sub-paragraph (1) does not apply in relation to land which is coastal margin.
- Whatever the time of year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead and which is in the vicinity of livestock.
- In paragraphs 4 and 5, "short lead" means a lead of fixed length and of not more than two metres.
- 6A (1) Whatever the time of year, section 2(1) does not entitle a person to be on any land which is coastal margin at any time if
 - (a) that person has taken onto the land, or allowed to enter or remain on the land, any dog, and
 - (b) at that time, the dog is not under the effective control of that person or another person.
 - (2) For this purpose a dog is under the effective control of a person if the following conditions are met.
 - (3) The first condition is that -
 - (a) the dog is on a lead, or
 - (b) the dog is within sight of the person and the person remains aware of the dog's actions and has reason to be confident that the dog will return to the person reliably and promptly on the person's command.
 - (4) The second condition is that the dog remains
 - (a) on access land, or
 - (b) on other land to which that person has a right of access.
- (5) For the purposes of sub-paragraph (4), a dog which is in tidal waters is to be regarded as remaining on access land.
- 6B (1) Section 2(1) does not entitle a person to be on any land which is coastal margin if, on that land, the person obstructs any person passing, or attempting to pass, on foot along any part of the English coastal route, any official alternative route or any relevant temporary route.
- 56 England Coast Path | Shotley Gate to Felixstowe Ferry | Overview

(2) In this paragraph –

"the English coastal route" means the route secured pursuant to the coastal access duty (within the meaning of section 296 of the Marine and Coastal Access Act 2009);

"official alternative route" has the meaning given by section 55J of the National Parks and Access to the Countryside Act 1949;

"relevant temporary route" means a route for the time being having effect by virtue of a direction under section 55I of that Act to the extent that the line of the route passes over coastal margin.

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