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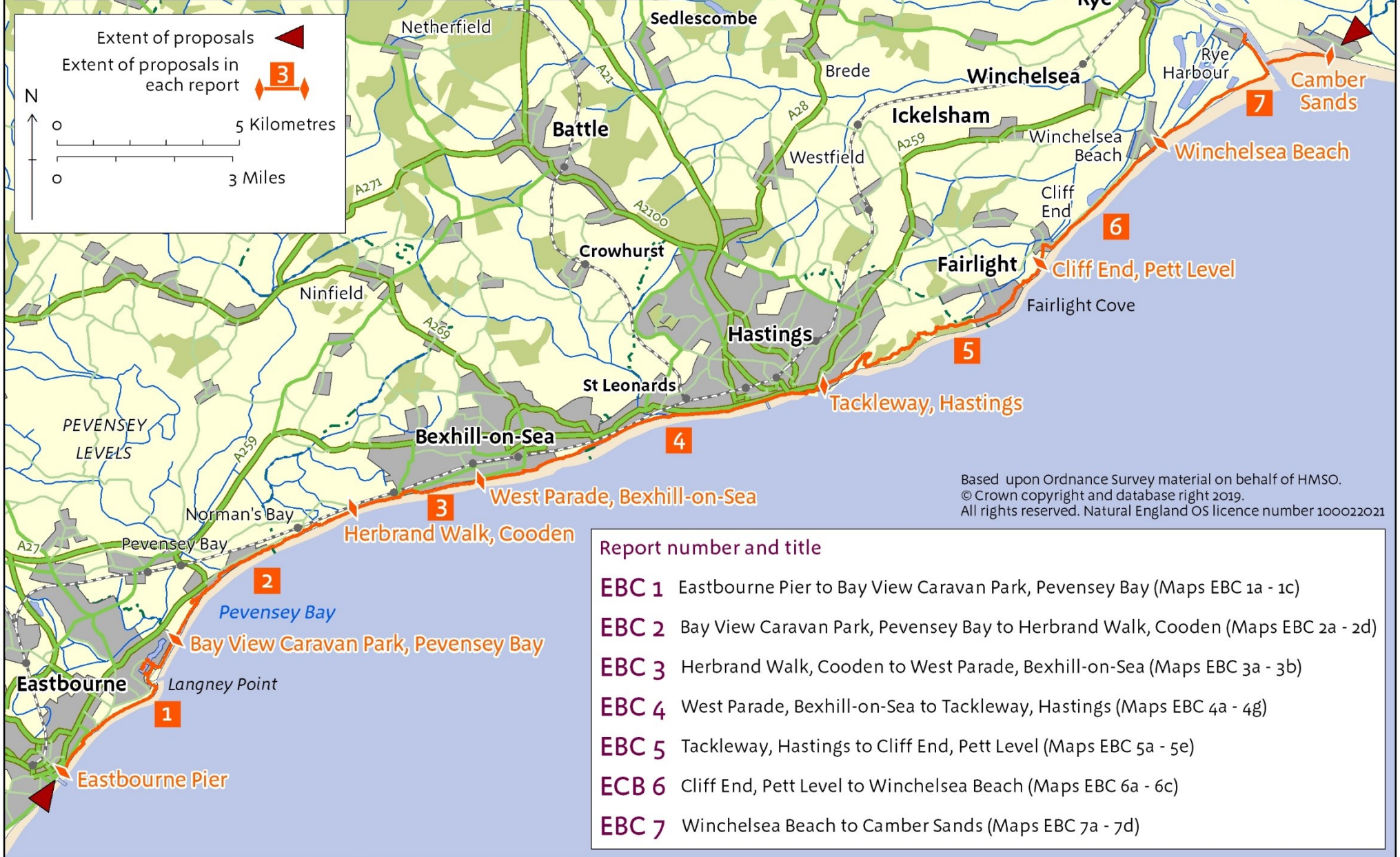


England Coast Path Stretch: Eastbourne to Camber

Overview of Natural England's Statutory Reports to the Secretary of State for Environment, Food and Rural Affairs



Map A: Report Overview - Eastbourne to Camber



Report number and title

EBC 1: Eastbourne Pier to Bay View Caravan Club, Pevensey Bay (Maps EBC 1a to EBC 1c)

EBC 2: Bay View Caravan Park, Pevensey Bay to Herbrand Walk, Cooden (Maps EBC 2a to EBC 2d)

EBC 3: Herbrand Walk, Cooden to West Parade, Bexhill-on-Sea (Maps EBC 3a to EBC 3b)

EBC 4: West Parade, Bexhill-on-Sea to Tackleway, Hastings (Maps EBC 4a to EBC 4g)

EBC 5: Tackleway, Hastings to Cliff End, Pett Level (Maps EBC 5a to EBC 5f)

EBC 6: Cliff End, Pett Level to Winchelsea Beach (Maps EBC 6a to EBC 6c)

EBC 7: Winchelsea Beach to Camber Sands (Maps EBC 7a to EBC 7d)

Using the Key Map

Map A (opposite) shows the whole of the Eastbourne to Camber 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 7 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 – Eastbourne to Camber.....	2
Report number and title	3
Using the Key Map	3
Printing	3
Contents	4
Please read first!.....	5
Introduction.....	6
1. Improving coastal access	6
2. The determination process	7
3. Understanding the proposals and accompanying maps	8
Our Proposals:.....	8
Part 3 Proposal Tables Explained	8
Part 4 Proposals Maps explained	13
4. Preparation of the report	15
Stage 1 - Prepare	15
Stage 2 - Develop	16
Key issues along this stretch.....	17
5. Discretion to include part or all of an estuary or estuaries.....	17
Proposed route of the trail.....	20
Map A2: Estuarial Limit of the River Rother	21
6. Other considerations on this stretch	22
Map B: Existing public access on Eastbourne to Camber	28
Map C: Statutory environmental designations - Eastbourne to Camber	29
Map D: Statutory landscape designations - Eastbourne to Camber	30
Other issues	31
7. Future changes	31
8. Restrictions and exclusions	33
Map E: Extent of Directions - Eastbourne to Camber	34
Annex A: Bibliography	35
Information about Natural England’s coastal access programme:	35
Information about the statutory framework for coastal access:	35
Environmental legislation referred to in the reports:.....	35
Other published information used in the preparation of the report:	35
Annex B: Glossary of terms	37
Annex C: Excepted land categories	42
Annex D: National restrictions.....	43
Countryside and Rights of Way Act 2000.....	44

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 Eastbourne and Camber. 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 EBC 1a to EBC 1c illustrate the proposals in report EBC 1, which deals with the length from Eastbourne Pier to Bay View Caravan Club, Pevensey Bay.

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 East Sussex between Eastbourne and Camber. 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 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 Eastbourne to Camber stretch, which can be viewed here <https://www.gov.uk/government/publications/england-coast-path-from-eastbourne-to-camber-comment-on-proposals> 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 7 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 EBC 1a to EBC 1c illustrate the proposals described in report EBC 1.

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 Proposal 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

1	2	3	4	5a	5b	5c	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See Part 7 of Overview)	Landward margin contains coastal land type?	Proposal to specify landward boundary of margin (See maps)	Reason for landward boundary proposal	Explanatory notes
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 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.

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

1	2	3	4	5a	5b	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See Part 7 of Overview)	Proposal to specify seaward boundary of 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 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.

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

Map(s)	Section number(s)	Option(s) considered	Reasons for not proposing this option
ABC 3b	ABC-3-S011 to ABC-3-S019	We considered aligning the trail along the route of the existing public footpaths through the boat yard and along the flood bank.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> ■ 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. <p>Under our proposals, the public footpaths would remain available for people to use but would not form part of the designated trail.</p>
ABC 3c	ABC-3-S017 to ABC-3-S020	We considered aligning the trail along the route of the existing public footpath on the cliff edge around the western edge of Cranham Hill.	<p>We opted for the proposed route because:</p> <ul style="list-style-type: none"> ■ it avoids increased footfall on the fragile limestone grassland flora which is designated as a SAC and SSSI feature. ■ it is comparable, in terms of the safety and convenience of walkers. <p>Under our proposals, the public footpath would remain available for people to use but would not form part of the designated trail.</p>

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

The route section number(s), as shown on the Proposals Map(s).

This column describes other options we considered for the route or margin for the identified 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 number(s)	Feature(s) or site(s) potentially affected	Our likely approach to roll-back
ABC 4f	ABC-4-S040 to ABC-4-S045	Super Camp Holiday Village	<p>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</p> <p>(a) to pass through the site, or (b) if this is not practicable, to pass somewhere on the landward side of it.</p> <p>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.</p>

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

The route section number(s), as shown on the accompanying map(s).

This column identifies any areas that could cause us to consider a more complex solution to roll back than would 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 conjunction 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;
- County and District Council officers, including ecology, geology, historic environment, planning, transport and countryside ranger staff;
- 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

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

- Parish Council representatives
- the Ramblers Association;
- the Open Spaces Society;
- the British Mountaineering Council;
- the National Farmers Union;
- the British Association for Shooting and Conservation;
- the Country Land and Business Association;
- Sussex Wildlife Trust;
- Royal Society for Protection of Birds;
- Sustrans;
- HM Coastguard;
- RNLI;
- Pevensey Coastal Defence Ltd;

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 Sussex Wildlife Trust, Royal Society for the Protection of Birds, Historic England - 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 asked 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 groups of people with a common legal interest, for example where homes or businesses occupy adjacent coastal frontages, e.g. at Pevensey Bay and Normans' Bay (Report EBC 2 of the proposals).

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 Eastbourne to Camber stretch includes the estuarial waters of the River Rother.

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 Rother 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 River Rother;
- 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.

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) below in relation to the River Rother 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 only estuary within this stretch is the River Rother which is found towards its eastern end. The Rother is a narrow, straight river that flows into the sea between Rye Harbour Nature Reserve and Camber Sands. It is tidal for 3.7 miles (6km) inland to Rye, where the River Brede joins the Rother just south of the town. The headwaters are in the High Weald near Rotherfield.

e) River Rother Estuary

Geographical limits of our discretion

The seaward limit of the estuarial waters of the River Rother is at its mouth, between Rye Harbour Nature Reserve and East Pier (see map A2). The first bridges with pedestrian access are at Rye, crossing the River Brede on the western side and the River Rother on the eastern side of the town.

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 no ferry service operating across the River Rother.

ii) Character of the Estuary

Estuary width

The width of the River Rother is variable. At its widest it measures 88 metres across at Rye Harbour. It is 64 metres wide at its mouth, creating an enclosed landscape even at its widest extent. Whilst the river contains some features that give it a coastal feel in places (see below), its narrow width is not one of them.

Topography of the shoreline

The shoreline of the River Rother estuary is canalised towards its mouth with seawall revetment banks, giving it a long, straight appearance. The Rother's shoreline is punctuated in places by inlets, and contains areas of mudflat and salt marsh.

Nature of affected land

The surrounding landscape is flat, with shingle beach forming the Rye Harbour Nature Reserve on the western side and Camber Sand Dunes on the eastern side of the river at its mouth. The sand dunes on the eastern side are gradually accreting seawards.

The eastern side of the river as far as Rye is predominantly rural in character, although the majority of the land adjacent to the river is managed commercially as farm land and a golf course. The western shoreline is more developed, containing caravan parks, industrial units, and the Rye Harbour developments including a lifeboat station.

Features of interest

The area's main feature of interest is the historic town of Rye, located on a low hill set just inland of the confluence of the rivers Brede and Rother. It attracts many tourists with its narrow streets, ancient walls

with gate houses, hilltop church and waterfront with warehouses, marinas and fishing fleet. Many of the boats moor at Rye or downstream at Rye Harbour at small wooden quays and jetties. At Rye Harbour there is a wharf where small ships dock to load and unload cargo. To the east of the river is Camber Sands; a particularly popular tourist destination, with its sand dunes, wide sandy beach and associated tourist facilities.

The Rye Harbour Nature Reserve is managed by the Sussex Wildlife Trust where visitors are welcome. A new visitor centre, exhibition and café, which is likely to attract an increased number of visitors, is currently under construction. There is considerable wildlife interest, particularly for bird watchers with bird hides and circular trails. Rye Harbour has a large car park, from which it is easy to access the Nature Reserve, caravan park, pub and café facilities, and the viewpoint along the River Rother.

iii) Recreational Benefit

Whilst there is generally good access on foot on each side of the river from the coast to Rye, there are areas where there are access issues, particularly on the western side of the river at Rye. From Rye Harbour to Rye, there is no access to the riverbank due to the wharf and industrial units, so existing access is on the shared cycle/ footpath along busy Harbour Road to Rye. Towards the junction of the road with the A259 New Winchelsea Road near Brede Sluice, the cycle path stops, there is no pavement on the eastern side and there is no safe road crossing point for pedestrians into Rye. We have investigated ways to improve the road crossing point here, including providing a traffic island at the road junction, a pedestrian crossing over the A259 or by creating a pavement on the east side of Harbour Road to the junction. We have looked at other options to avoid this road junction, such as crossing Harbour Road further south and then crossing over the Environment Agency Sluice. Unfortunately none of these options are possible.

On the eastern side of the River Rother between the A259 at Monk Bretton Bridge and Rye Golf Club, there is a public footpath upon the raised sea wall overlooking the river. At Rye golf course opposite the wharf at Rye Harbour, there is an existing permissive path along a road to the Harbour Master's office and seawards to East Pier and Camber Sands. Inland of the golf course beside Camber Road there is a Sustrans cycleway between Rye and Camber.

Given the lack of existing access to the riverside bank on the western side of the river, the unsafe road crossing and the potential impermanent nature of the permissive path on the eastern bank, the recreational benefit of creating a safe trail around the estuary would be significant.

In aligning a route around the estuary, Natural England would have to be mindful of certain issues, including sensitive wildlife, public safety, industrial/port/marina use and privacy. These would present challenges to the aspiration for a truly coastal route around the estuary's edge.

iv) Excepted land

Some of the western side of the river between Rye Harbour and Rye would be excepted land, consisting of industrial units, marinas and wharf, buildings, gardens and their curtilage. On the eastern side, the golf course would be excepted land, however, if appropriate, Natural England has the ability to propose an access strip through it. This excepted land might, in places, prevent a waterside route from being established.

v) Options for River Rother

- Option 1 – align the trail around the River Rother to the first crossing point in Rye. This would fulfil local aspirations to improve existing routes around the estuary. It may not result in significant improvements because of existing land uses and nature conservation sensitivities. This alignment would have to make use of the unsafe road crossing at Harbour Road because all viable routes around the estuary would have to include this crossing.

- Option 2 - align the trail as far as Rye on the eastern side of the river using existing public footpaths and permissive routes. On the western side of the river, to avoid the unsafe road crossing, we would employ our estuary discretion only as far as Rye Harbour, which would provide walkers with a pleasant estuary side walk on the western bank but would not deliver upon our aspiration to provide a continuous route around the coast of England.
- Option 3 – stop at the mouth of the estuary on both sides of the river. This would not deliver any improvements to access around the estuary and would not deliver upon our aspiration to provide a continuous route around the coast of England.
- Option 4 – stop the trail at the estuary mouth on the eastern shore at Camber Sands. On the western shore align the trail as far as Rye Harbour, which would provide walkers with a pleasant estuary side walk on the western bank but would not deliver upon our aspiration to provide a continuous route around the coast of England.

Proposed route of the trail





There is a clear local desire for a walked route around the River Rother via Rye. The local benefits of Option 1 are potentially significant and we are clear that such a route would bring major new recreational benefits. However, at this time we are unable to provide a safe crossing of Harbour Road at its junction with the A259 New Winchelsea Road. This consideration makes a continuous estuary route a complex and potentially prohibitively expensive undertaking that could not be achieved within the current timescale of the national England Coast Path Programme.

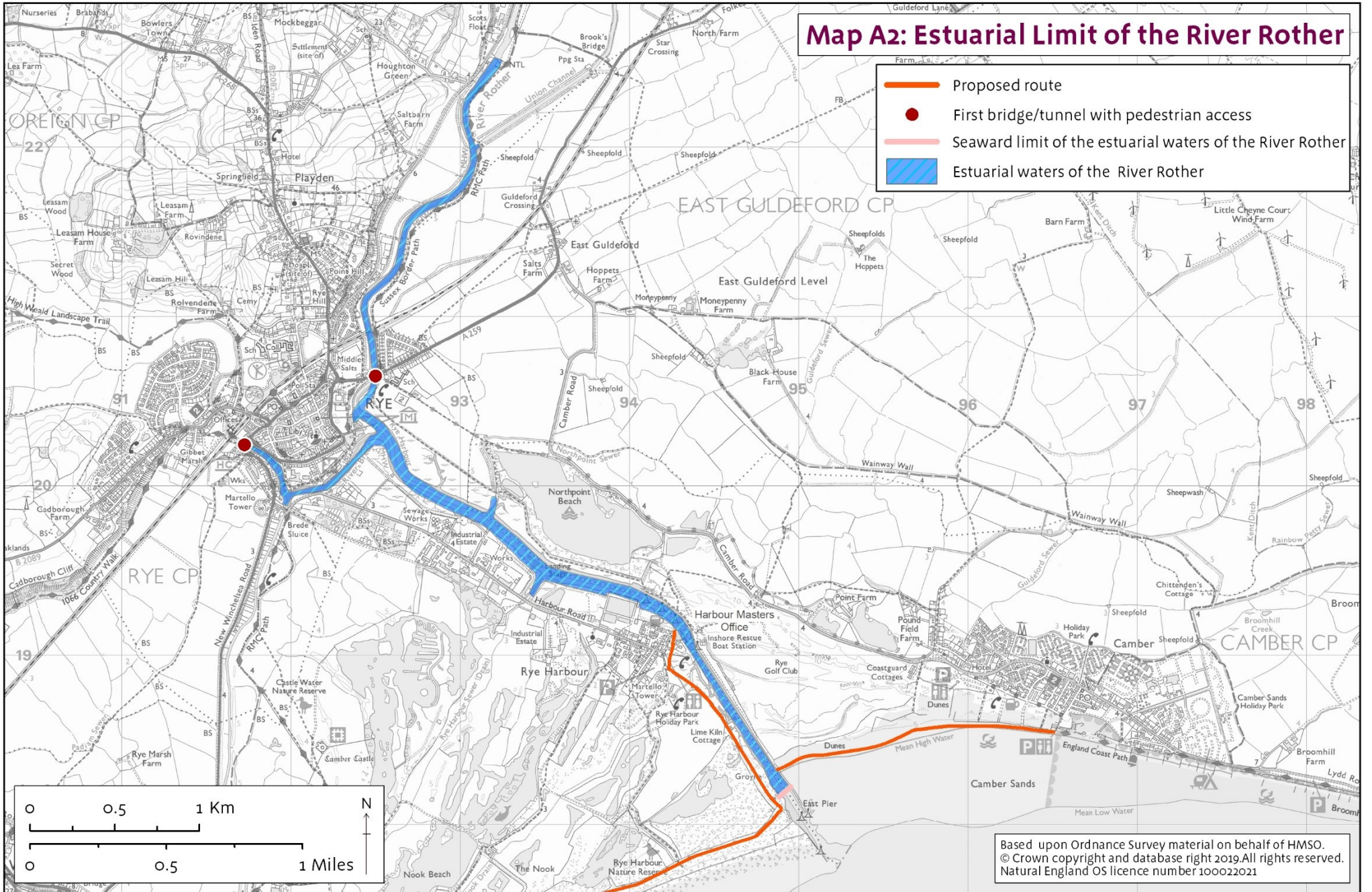
Option 2 is attractive as it would deliver a significant length of trail around the estuary but it would fall short of achieving our aspiration of providing a continuous route around the coast of England. In our opinion, in the absence of a continuous route around the estuary, the benefits of aligning the trail along the eastern shore to Rye do not outweigh the potential impacts of the new access rights on land owners.

Therefore our proposal is to stop the trail at the estuary mouth on the eastern shore at Camber Sands. On the western shore we propose to align the trail as far as Rye Harbour, which would provide walkers with a pleasant estuary side walk on part of the western bank but would not deliver upon our aspiration to provide a continuous route around the coast of England (Option 4).

It remains our aspiration to create an uninterrupted route for this stretch of coast that would include parts of the River Rother. We are aware that there are currently ongoing discussions regarding the creation of a footbridge across the river. If such a development came to pass, or if the junction was made safe for pedestrians, we would investigate whether an estuary route is viable and, if appropriate, would prepare a separate variation report to the Secretary of State.

Map A2: Estuarial Limit of the River Rother

-  Proposed route
-  First bridge/tunnel with pedestrian access
-  Seaward limit of the estuarial waters of the River Rother
-  Estuarial waters of the River Rother



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6. Other considerations on this stretch

a) Recreational Issues

The Eastbourne to Camber coastline is reasonably well served by an existing rights of way network. This includes the Saxon Shore Way (SSW), which is located between Hastings and Cliff End and a walking/cycle route trail along the coast between Bexhill and Hastings via Bulverhythe and St Leonards. There is also good informal access to the beaches and foreshore in these areas and most of the seaside towns found in this stretch enjoy seafront promenades. Map B gives an overview of existing public access to the East Sussex coast between Eastbourne and Camber, showing public rights of way and access land.

At Pevensey Bay there is currently no existing formal access along the coast between Sovereign Harbour at Eastbourne and Cooden Beach near Bexhill. See our Reports EBC 2 and EBC 3 for our proposals to address this issue.

The SSW, is a regionally promoted route between Hastings and Cliff End, which maintains a relatively close proximity to the sea. We have proposed that the England Coast Path mostly follows this route. However there are some locations where we have proposed to align the England Coast Path seaward of the SSW in order to provide a better walking experience. See Reports EBC 5 and EBC 6 for our proposals to address this issue.

The Hastings Country Park has a network of public footpaths and other paths within a wooded and undulating landscape containing Ecclesbourne, Fairlight and Warren Glens. At Ecclesbourne Glen the coastal public footpath has been recently affected by landslips, so for safety the existing public rights of way here has been closed and the path relocated inland towards the head of the Glen. We address this issue in report EBC 5. At Fairlight Cove, the coast path has been lost due to coastal erosion, so the proposed trail follows roads to join the coastal footpath to Cliff End.

Portions of this stretch are protected by a sea wall and in some instances we have taken the opportunity to propose access along these seawalls, providing a good walking surface and elevated sea views. For example at Pett Level between Cliff End and Winchelsea Beach. See Reports EBC 5 and EBC 6 for our proposals.

Currently there is no continuous waterside walking route around the River Rother. On the western shore there is an access track to Rye Harbour, however there is then no continuous access close to the river continuing towards Rye. On the eastern side, between Rye and Camber there is a public footpath along the raised river flood bank, which then becomes a permissive path through Rye Golf Course before joining the coast at Camber Sands. There is also a Sustrans cycle route further inland adjacent to Camber Road. See Part 5 of this Overview for further details of our approach at the River Rother.

In addition there are extensive areas of accessible land at the Hastings Country Park (see report EBC 5); the spreading room described in the report would include these areas. Elsewhere in the report there would also be 'new' spreading room in places over land where there are currently no secure public rights of access. The majority of this spreading room is owned by local authorities. It includes land on the seaward side of the trail, which would become accessible by default under the legislation, and areas on the landward side, either as default land type such as shingle beach or where we are minded to use our discretion to propose additional spreading room, with the support of the affected land owners.

Local User groups asked whether the trail could follow the currently closed section of the public footpath at Ecclesbourne Glen. It is currently closed due to landslips and remains unsafe for public use, so we have chosen another route slightly further inland through the Country Park.

Stakeholders raised potential difficulties with our proposed alignment of the trail at Cliff End (report EBC 6), where the public footpath descends to Pett Level Road. The trail follows a narrow path affected by erosion caused by water run-off. There is a pinch point for the path between properties and slumping cliffs and

because of this at some point in the future, the trail will no longer be viable (the Environment Agency estimate within 15-20 years). A route inland at this point has been considered on National Trust land to cross over Pett Level Road and then use public footpaths at Old Marsham Farm to Cliff End. However we rejected this option in favour of our proposal as for the time being walkers will be able to enjoy good views eastwards out to sea. We have proposed roll back for this section of the trail, so that in the future the trail will be able to move inland if a route in front of the properties is no longer viable.

Several of 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:

- Establishment of a coastal path along the western side of the River Rother between Rye Harbour Nature Reserve and Rye – see Report EBC 7 of the proposals and Part 5 of this Overview.
- Establishment of a coastal path along the eastern side of the River Rother between Rye and Camber Sands, where an existing public right of way on the river bank stops at Rye golf course and continued access is currently on a permissive basis – see Report EBC 7 of the proposals and Part 5 of this Overview.

b) Protection of the environment

This stretch of coast has a contrasting landscape character, which mainly comprises of long shingle beaches intersected at points by sandstone and clay cliffs. There is a long shingle beach around Pevensey Bay between Eastbourne and Cooden which is maintained at its current position by the Environment Agency and it protects the Pevensey Levels from inundation. There are low sandstone cliffs between Cooden and Hastings, where cliff erosion has been halted by promenades at Bexhill and between Bulverhythe and Hastings. Between Hastings and Cliff End, where the High Weald meets the sea, there are higher undulating sandstone and clay cliffs. The cliffs in this area are actively eroding, due to land slips and cliff falls. East of Cliff End the coastline is low lying grazing land and a long shingle beach backed by a sea wall leads to Rye Harbour Nature Reserve. The River Rother flows out of Rye and along it there are areas of salt marsh with mudflats at low tide. To the east of the River is Camber Sands, where the sand dunes are gradually accreting.

There are areas of shingle beaches along the stretch and Camber Sands is the only sand dune system in East Sussex. These support internationally and nationally important species of flora and fauna. The Hastings Cliffs are an area of interest for their geological and ecological interest. A number of habitats are represented here including woodland, scrub and maritime grassland, with numerous fossil finds in recent years. Rye Harbour Nature Reserve is managed by the Sussex Wildlife Trust and is an important area for both breeding and overwintering birds.

There are a number of sprawling seaside towns along the coast between Eastbourne and Hastings, with smaller settlements further east, including Fairlight, Cliff End, Winchelsea Beach, Rye Harbour and Camber. The coastline along this stretch is used recreationally for activities such as walking, cycling and sightseeing. In the seaside towns tourists and local people are attracted to the seafront promenades, which are popular for walking and have various facilities including cafes and piers. There are also a number of caravan parks and camp sites along the coast, which bring tourists to the area especially between Pevensey Bay and Normans Bay and also at Winchelsea Beach and Camber. There is also a Sustrans cycle trail along the coast between Bexhill and Hastings that is well used by both cyclists and walkers.

Sites such as Hastings Country Park and Rye Harbour Nature Reserve are also very popular with walkers and those wishing to watch wildlife. There are new visitors centres currently being built on both sites, which are likely to be an additional draw to these areas.

Camber Sands is a popular destination for recreation with its wide sandy beach and sand dunes. It has up to 25 thousand visitors each day in the peak season. These are mainly focussed in the central beach and dune area. It also is one of the top five sites in the UK for kitesurfing.

There are multiple environmental and historical designations, the location of which are summarised in Maps C and D, and listed below:

- Dungeness SAC (Special Area of Conservation)
- Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA)
- Dungeness, Romney Marsh and Rye Bay Ramsar
- Hastings Cliffs SAC (Special Area of Conservation)
- Pevensey Levels SAC (Special Area of Conservation)
- Pevensey Levels Ramsar
- Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI)
- Hastings Cliffs to Pett Beach Site of Special Scientific Interest (SSSI)
- Pevensey Levels Site of Special Scientific Interest (SSSI)
- Beachy Head East Marine Conservation Zone (MCZ)
- High Weald Area of Outstanding Natural Beauty (AONB)
- Prince William Parade Local Wildlife Site
- Sovereign Harbour Beach Local Wildlife Site
- Shingle Beach at Normans Bay Local Wildlife Site
- Cooden Cliffs Local Wildlife Site
- Bulverhythe Shingle Beach and Cliffs Local Wildlife Site
- Rock-a Nore Shingle Beach Local Wildlife Site
- Hastings Country Park Local Wildlife Site
- Hasting Country Park Local Nature Reserve
- Shingle Beach Dogs Hill Local Wildlife Site
- Rye Harbour Local Nature Reserve
- Camber Sands Local Wildlife Site
- Iron Age cliff castle and site of St George's churchyard on East Hill Scheduled Monument
- Martello tower no 55, 500m south west of Normans' Bay Station Scheduled Monument
- Eastbourne Redoubt Scheduled Monument
- Martello tower no 66, 320m north east of Langney Point Scheduled Monument
- Martello tower no 64 at the Crumbles, 1.3km north east of Langney Point Scheduled Monument

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.

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:

- A single Habitats Regulations Assessment [<https://www.gov.uk/government/publications/england-coast-path-from-eastbourne-to-camber-comment-on-proposals>] relating to any potential impact on the conservation objectives of affected sites from the proposals we make in each report 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 [<https://www.gov.uk/government/publications/england-coast-path-from-eastbourne-to-camber-comment-on-proposals>] for the stretch, in which we document our conclusions in relation to any other potential impacts on nature conservation.

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 other processes.

Pevensey Bay, Normans Bay and Cooden

The coast between Pevensey Bay and Cooden (Reports EBC 2 and EBC 3), is a former estuarine environment which is now predominantly a low lying landscape with a long shingle beach, which is maintained as part of the Shoreline Management Plan for the area. There is a coast road just inland of the beach, with a ribbon development of properties, beach huts and some caravan parks.

The issues raised by owners and occupiers on this part of the stretch generally related to privacy of residents who would be located close to the coastal path and security/safety of those residents. Some residents expressed concerns where our proposals would make use of ‘unadopted’ highways, some of which are maintained by the residents. These residents were concerned that our proposals might bring an increased number of walkers into close proximity to their houses and might encourage people to use the roads for parking before gaining access to the beach. They are also concerned about pedestrian safety, occupiers’ liability issues, more signage, litter, antisocial behaviour and dog fouling.

Some residents in this area also owned sections of the beach and had concerns that the permissive access to the beach would, after the rights commence, become formalised and this might spoil the currently quiet area. Concerns were also raised over the safety of pedestrians using the shingle beach, especially during the winter shingle management works. Owners of beach huts located at the top of the beach are concerned over the privacy and security of those huts and would like to be able to state that an area of beach around those huts is excepted land, and fishermen consider parts of the beach to be ‘working’ as in places there are ropes permanently laid out to haul boats up the beach each day. It is noted that people currently walk around the boats, however they say that this can be disruptive during the busy months of July and August.

The owners of Pevensey Bay Sailing Club are concerned about security of the equipment stored at the club, as well as the safety of walkers as they launch boats from the shingle beach. They foresee a potential problem with winching boats from the sea, particularly during the times when the club is busy, because this will coincide with the times that the path will be used the most (periods of good weather and the summer months).

Some residents were concerned about walker safety along Coast Road as it has narrow pavements in places and is used as a ‘rat run’ by motorists to avoid congestion elsewhere.

The issues raised by owners and occupiers on this part of the stretch are generally related to the operational needs of businesses/clubs or to the privacy of residents. Some of these issues are addressed by the provisions in the legislation for particular categories of land to be automatically excepted from the coastal access rights – including land covered by buildings and their curtilage and land used as a garden.

In general the existing public access provisions are already managed effectively alongside adjacent land uses, but through discussion with relevant interests we have been able to identify small adjustments which better integrate recreational benefits with the interests of owners and occupiers. These are described in the relevant reports.

Urban coast

The coast between Eastbourne, Langney Point and Sovereign Harbour (Report EBC 1) is predominantly urban in character. There is a seafront promenade with various facilities including a pier, cafes, shelters and water sports. There is generally good access to areas of beach, foreshore and other coastal land.

There are seaside towns at Bexhill, St Leonards and Hastings (Reports EBC 3 and EBC 4) Here there is a seafront promenades with various facilities including a cycle trail, and the De la Warr Pavilion at Bexhill and a pier, cafes, amusements, museums, art gallery and fishing fleet upon the beach at Hastings. At South Cliff Road, Collington near Bexhill, beach hut owners have expressed concern that they may fall within the coastal margin and that people may access the grass area surrounding the beach huts. This issue is to a large extent addressed by the provisions in the legislation for particular categories of land to be automatically excepted from the coastal access rights – land covered by buildings and their curtilage.

Rural coast

Report EBC 5 covers includes Hastings Country Park, Fairlight Cove and National Trust owned farmland to Cliff End. At Cliff End, residents have expressed concern regarding the use of the footpath between the grazing land and Pett Level Road because they say it is narrow, slippery and eroding (see Part 6 (a) Recreational Issues section above for further details).

Reports EBC 6 and EBC 7 cover the rural coast between Pett Level and Camber. At Winchelsea Beach, some local residents considered that the Pett Seawall is too narrow to provide easy access walking.

Rye Harbour to Camber

The coast between Rye Harbour and Camber Sands is estuarial as far inland as Rye.

Between Rye Harbour and Rye, the main issues raised by landowners related to the security of their commercial properties as well as safety issues should an increased number of walkers enter the industrial units, wharfs, sluices and marinas. Some owners also had concerns that the introduction of new access rights might impede their plans for future development.

Along the east side of the River Rother, there is an existing public footpath from Rye along the raised river bank which joins with a permissive path to the coast through Rye Golf Club. The Club is concerned that if this existing path linked with the Coast Path there might be an increase in the number of walkers between Rye and Camber. This might disrupt play and affect their management of the golf course, resulting in potential loss of income. They cite an already increasing amount of antisocial behaviour, illegal parking on the permissive path and picnicking on the site amongst some of the reasons for their concern.

Natural England is not currently proposing to align a trail between Rye Harbour and Camber Sands. See Part 5 of this Overview for further details.

d) Coastal processes

The principal source of information regarding coastal processes on this stretch of coast is the South Foreland to Beachy Head 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, their contractors and officers from relevant local authorities, 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 possible requirement for roll-back even in scenarios like this, 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 area between Eastbourne and Sovereign Harbour described in Report EBC 1 of the proposals is generally defended by the seafront promenade and Harbour breakwaters, so are unlikely to be affected significantly by coastal processes in the foreseeable future. We have not made any specific proposals to enable the trail to adapt to coastal change on these lengths of coast, except for a section of coastline at Langney Point where the beach is currently maintained by the Environment Agency. Here 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 he has approved the initial route.

Between Pevensey Bay and Cooden described in Reports EBC 2 and Report EBC 3 of the proposals, the shingle beach is currently maintained by the Environment Agency. With sea level rise and lack of beach material entering the system, rather than the current practice of maintaining the beach at Pevensey Bay, it is probable that substantial engineering structures will be required in the longer term. On these lengths of coast where the trail is using the beach, 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 he has approved the initial route.

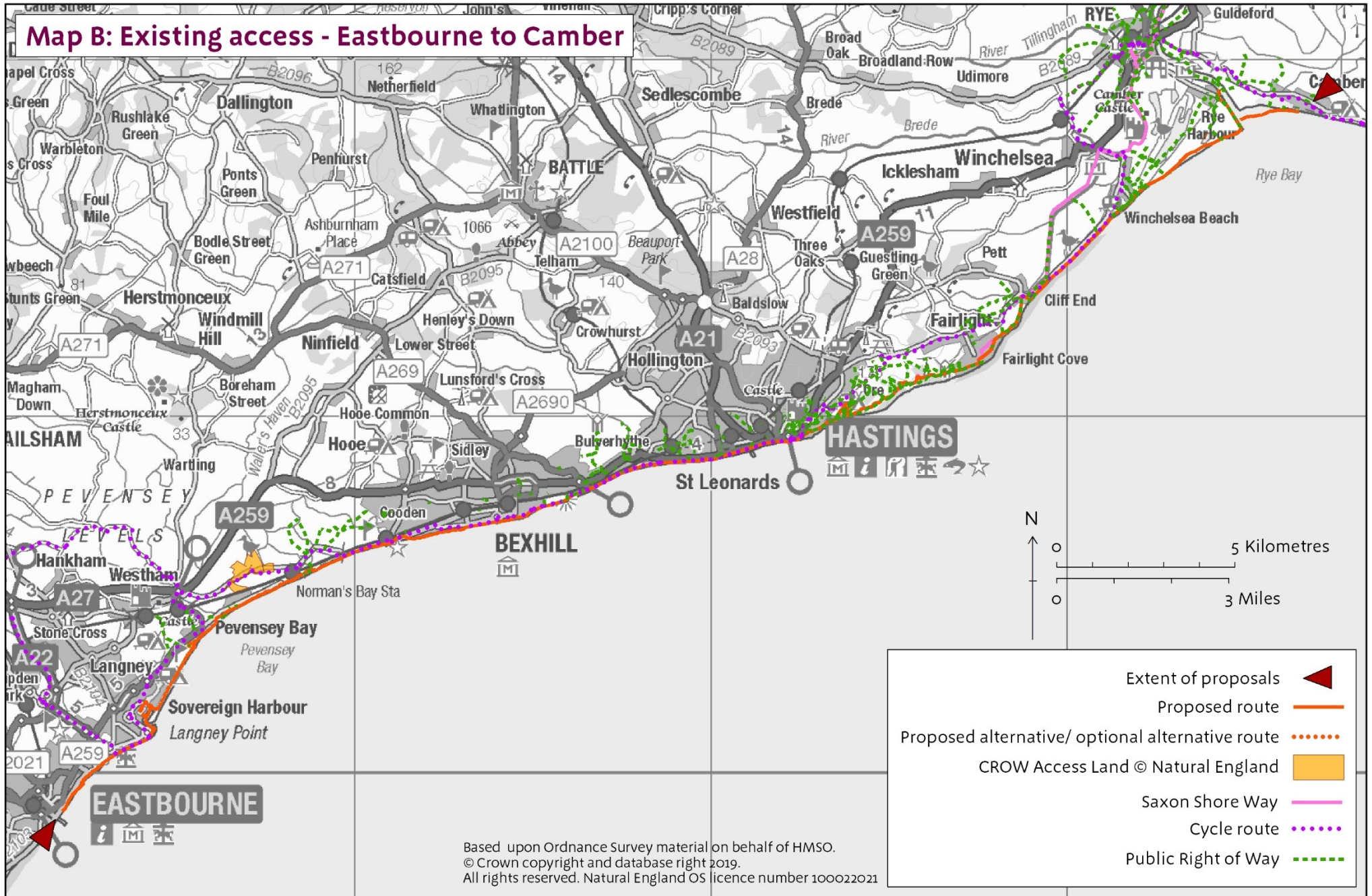
For the developed areas between Bexhill and Hastings, described in reports Report EBC 3 and Report EBC 4 of the proposals, where the coastline is mostly defended by promenades they are unlikely to be affected significantly by coastal processes in the foreseeable future. Therefore we have not made any specific proposals to enable the trail to adapt to coastal change on these lengths of coast. However where there is no sea defence, for example where the trail is on the beach at Herbrands Walk, Cooden (Report EBC 3), or uses the cycle track at Bulverhythe (Report EBC 4) 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 he has approved the initial route.

The soft cliffs along the open, rural coast where the High Weald AONB meets the coast between Hastings and Cliff End described in Report EBC 5 of the proposals are largely undefended and subject to varying rates of change. The natural erosion of these cliffs is integral to their designations and landscape value and the long term Shoreline Management Plan policy for most of this section of coastline is one of 'no active intervention'. Here 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 he has approved the initial route.

Between Cliff End and Rye Harbour, described in Report EBC 6 of the proposals, the short and medium term policy is to 'hold the line'. The longer term policy is 'managed realignment' allowing retreat of the shoreline, with management to control or limit movement. At the western end of Cliff End, the Environment Agency estimate that erosion of the coastline will affect the line of the coast path within 20 years. For Camber Sands, described in Report EBC 7, the current policy is to 'hold the line' with dune management, so the dunes will continue to accrete. With sea level rise, sea defences may be required in the longer term. On these lengths of coast we propose to recommend that the trail is able to be repositioned without further reference to the Secretary of State, once the initial route has been approved.

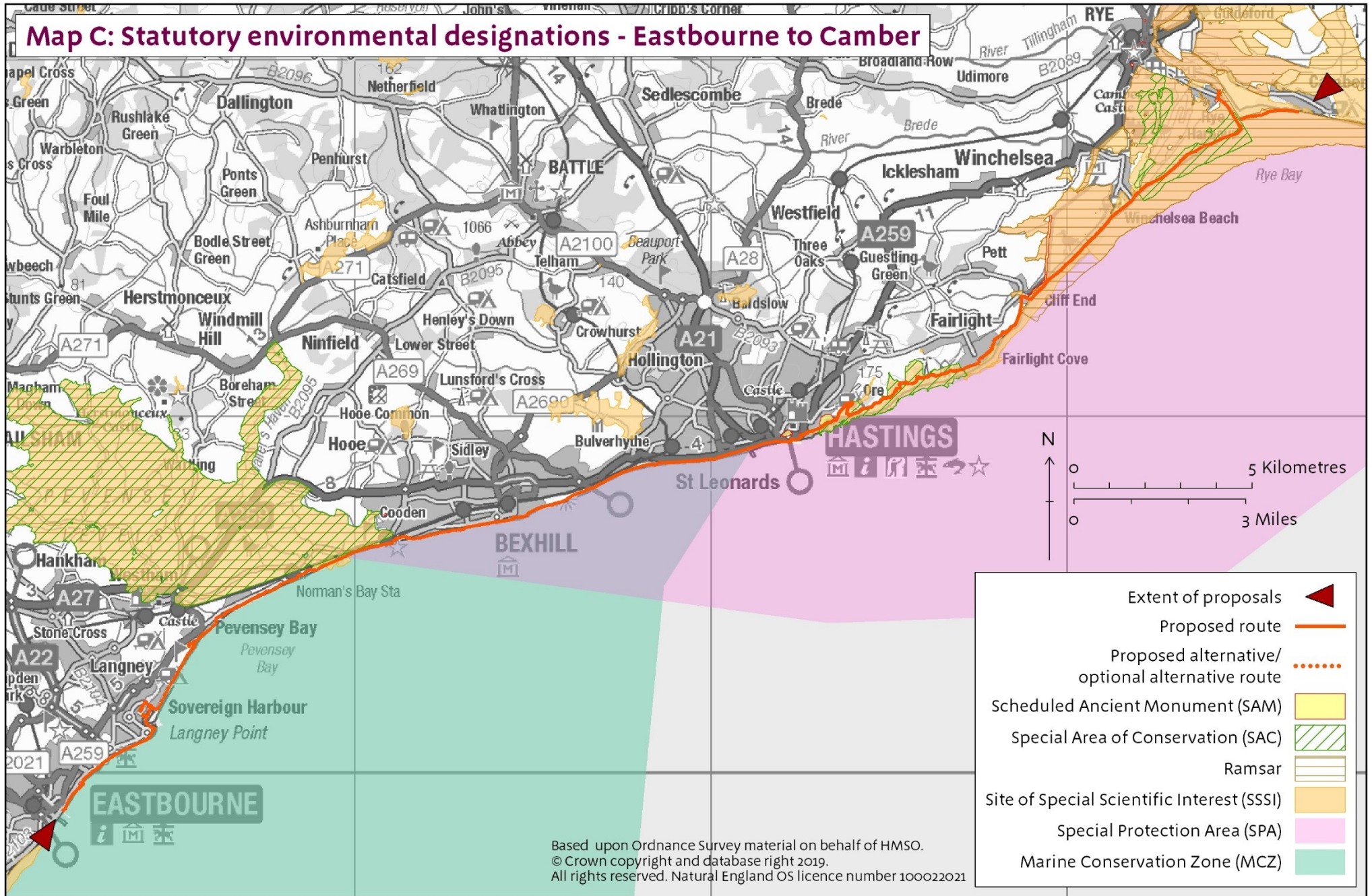
There is more detail about these roll-back arrangements in part 7 of the Overview and in the relevant reports.

Map B: Existing access - Eastbourne to Camber

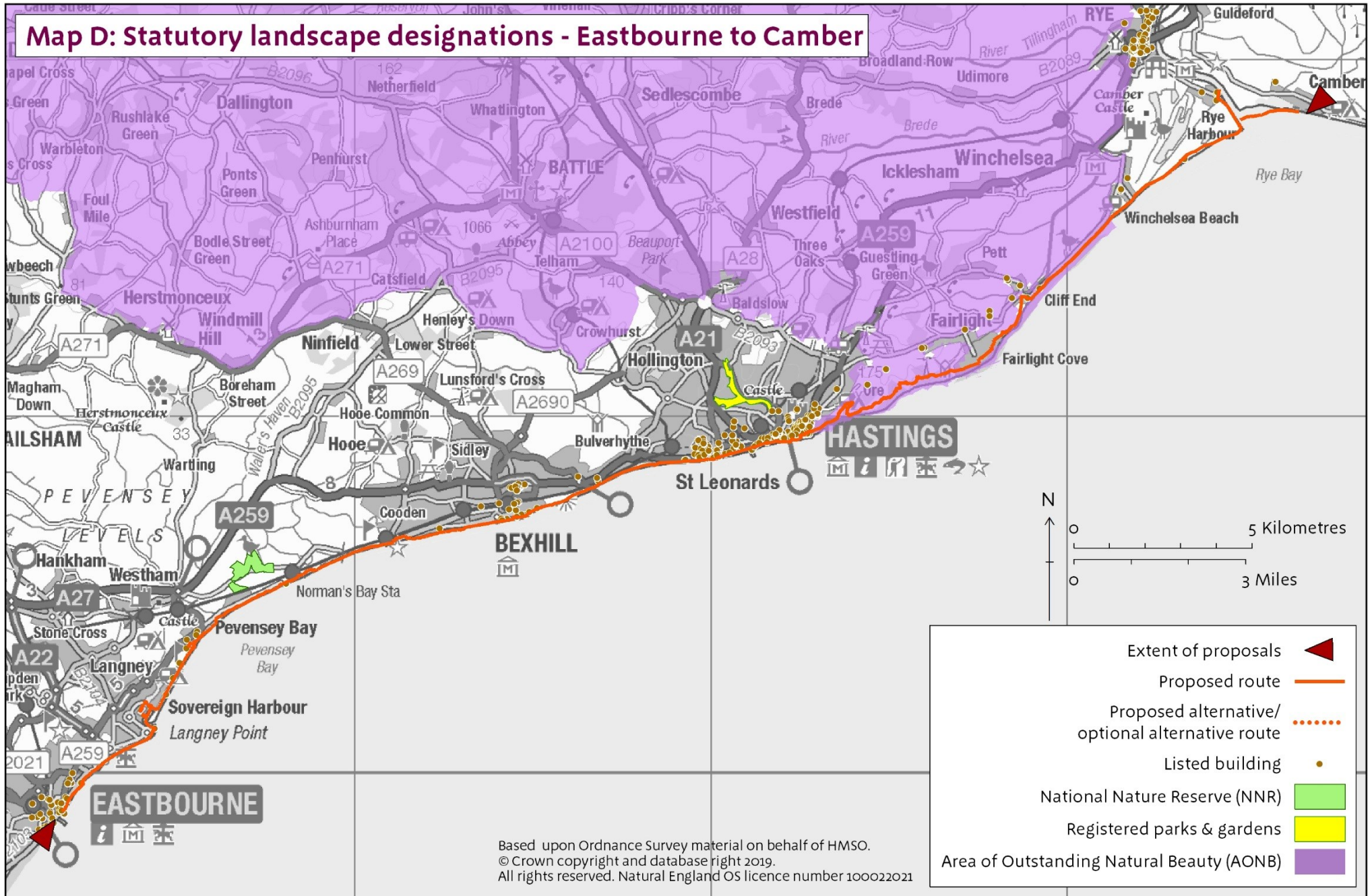


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Map C: Statutory environmental designations - Eastbourne to Camber



Map D: Statutory landscape designations - Eastbourne to Camber



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- Extent of proposals 
- Proposed route 
- Proposed alternative/ optional alternative route 
- Listed building 
- National Nature Reserve (NNR) 
- Registered parks & gardens 
- Area of Outstanding Natural Beauty (AONB) 

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 EBC1 to EBC7 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 be 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.

- Eastbourne Borough Council are considering developing a Seafront Strategy that could result in some changes to the seafront east of Eastbourne Pier. The trail alignment may be affected as the area develops in the future.
- A local developer has an aspiration to construct a footbridge over the River Brede to the south of Rye. If this were to go ahead we would assess whether an estuary route is viable (see Part 5 of this Overview).

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
EBC 7	The saltmarsh and flat seaward of route sections EBC-7-S004 to EBC-7-S011 at Rye Harbour. See Map E and the directions map in report EBC 7.	Exclusion	Unsuitable for public access	Saltmarsh and flat S25A	All year
EBC 7	The vegetated shingle seaward of route sections EBC-7-S002 and EBC-7-S003 at Rye Harbour Nature Reserve. See Map E and the directions map in report EBC 7.	Exclusion	Sensitive coastal flora	Nature conservation S26(3)(a)	All year

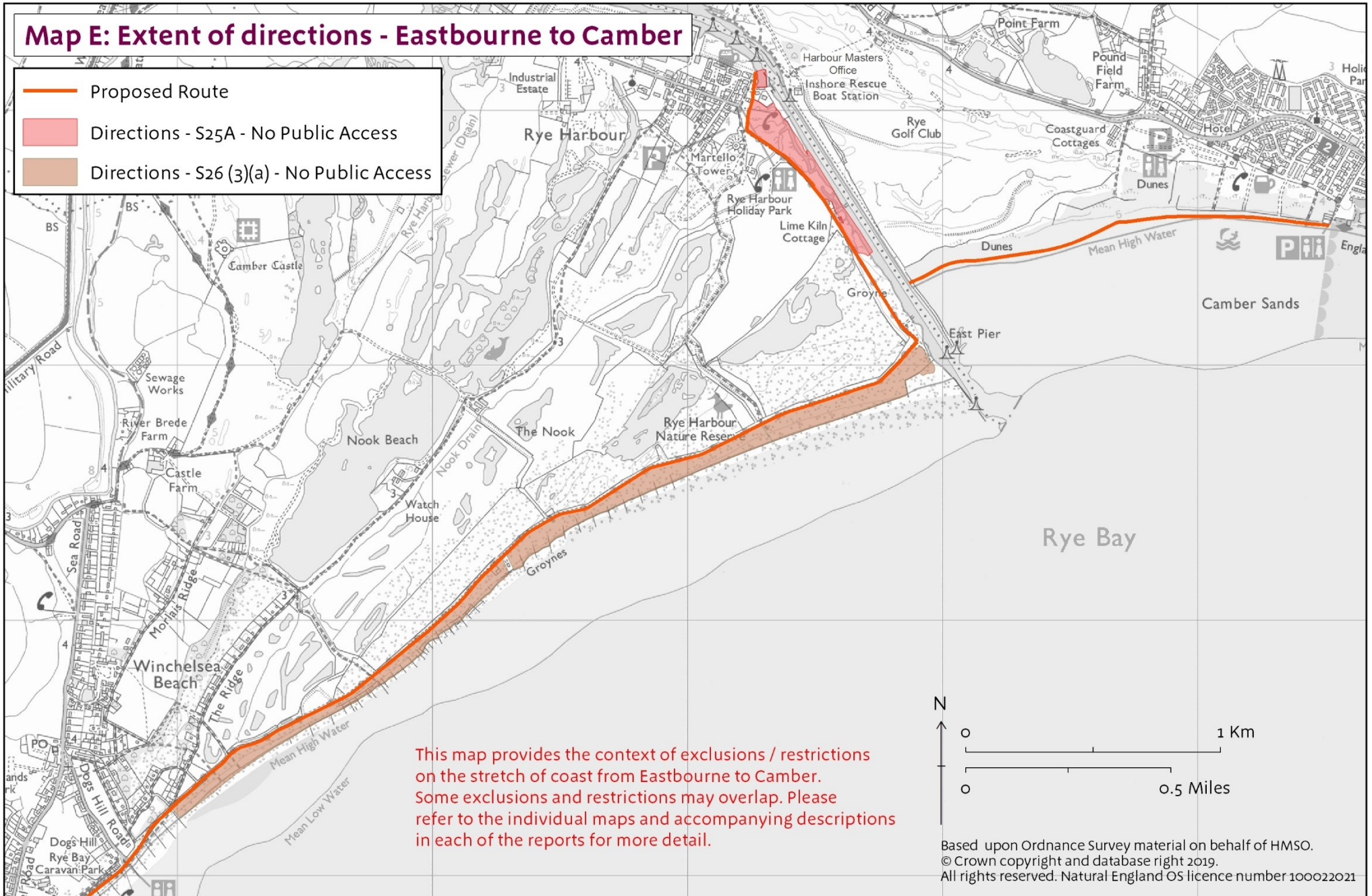
These directions will not prevent or affect:

- any existing local use of the land by right: 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.

Map E: Extent of directions - Eastbourne to Camber

- Proposed Route
- Directions - S25A - No Public Access
- Directions - S26 (3)(a) - No Public Access



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

www.gov.uk/government/publications/marine-and-coastal-access-act-2009

Coastal Access Scheme

NE446 - Coastal Access: Natural England's Approved Scheme

Natural England

<http://publications.naturalengland.org.uk/publication/5327964912746496>

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]

www.legislation.gov.uk/ukpga/2000/37/contents

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

www.legislation.gov.uk/uksi/2010/1976/contents/made

Environmental legislation referred to in the reports:

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>

Other published information used in the preparation of the report:

A register of coastal climbing sites in England

British Mountaineering Council

www.thebmc.co.uk/Download.aspx?id=692

South Foreland to Beachy Head Shoreline Management Plan

[https://www.folkestone-hythe.gov.uk/media/365/South-Foreland-to-Beachy-Head-Shoreline-Management-Plan/pdf/South Foreland to Beachy Head Shoreline Management Plan.pdf?m=637001789119500000](https://www.folkestone-hythe.gov.uk/media/365/South-Foreland-to-Beachy-Head-Shoreline-Management-Plan/pdf/South%20Foreland%20to%20Beachy%20Head%20Shoreline%20Management%20Plan.pdf?m=637001789119500000)

The New deal; Management of National Trails in England from April 2013 (NE426)

<http://Publications.naturalengland.org.uk/publication/6238141>

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, or 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,
 - (l) 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.

5 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.

6 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.

(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.

Front cover photo: Viewpoint at Cliff End looking eastwards overlooking Pett Level towards Camber
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