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NATURAL  
ENGLAND

# England Coast Path Maldon to Salcott

Natural England's Report to the Secretary of State: Overview





## Advice on reading the report

This report sets out for approval by the Secretary of State our proposals for the England Coast Path and associated Coastal Margin on this stretch of coast. It is published on our web pages as a series of separate documents, alongside more general information about how the Coastal Access programme works:

### Overview

This document is called the **Overview**. It explains the overall context for the report and includes background information which is helpful in understanding our proposals. It also provides key information concerning specific aspects of our proposals, including roll-back and access restrictions or exclusions.

Please read the Overview first – in particular part 3, which includes notes to help you understand the detailed proposals and accompanying maps.

### Proposals

Chapters 1 to 5 are called the **proposals**. These set out and explain the access provisions we propose for each length of coast to which they relate.

Each chapter is accompanied by detailed maps of the relevant length of coast. The maps are numbered according to the part of the chapter to which they relate. For example, maps 1a to 1c illustrate the proposals in chapter 1.

### Using Map A (previous page)

Map A shows the whole of the Maldon to Salcott stretch divided into five short numbered lengths of coast, from Maldon Promenade Park at the head of the Blackwater Estuary heading generally eastwards to Heybridge Basin (Chapter 1) then onward passing close to the villages of Goldhanger and Tollesbury to end at Salcott (Chapter 5).

Each number on Map A corresponds to the number of the chapter in our proposals 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 chapter which includes it. Please read the introduction to that chapter first: it will help you to understand the proposals that follow it. Then read the relevant part of the chapter while viewing the corresponding map as indicated.

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

### Printing

If printing, please note that the maps which accompany chapters 1 to 5 should ideally be printed on A3 paper. If you don't have the facility to print at A3 size, we suggest you print the text of the chapter 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.

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# Introduction

## 1. Purpose of the report

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 around the whole coast: we call this the England Coast Path; the other relating to a margin of coastal land associated with the route where people will be able to spread out and explore, rest or picnic in appropriate places.

To secure these objectives, we must submit 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.

Each report covers a different stretch of coast. This report sets out Natural England's proposals to the Secretary of State under section 51 of the National Parks and Access to the Countryside Act 1949 for improved access along the Essex coast between Maldon and Salcott.

Our 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]; and
- For the first time, there would be secure statutory rights of public access to some areas of beach 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.

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

## 2. The determination process

The report 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 report 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 the report; and
- Any owner or occupier of affected land may make an objection to Natural England about the report.

Guidance on how to make representations and objections about the report, together with the forms which must be used in each case can be viewed here:

<https://www.gov.uk/guidance/england-coast-path-comment-on-a-proposed-new-stretch>

**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 Maldon to Salcott, which can be viewed here:**

<https://www.gov.uk/government/collections/england-coast-path-maldon-to-salcott>

**Together with more information about how to make representations or objections.**

Once all representations and objections have been considered, the Secretary of State will make a decision about whether to approve our proposals, with or without modifications. Chapter 3 of our Coastal Access Scheme explains these processes in more detail (see Annex A: Bibliography).

The Secretary of State may confirm the report in full, confirm it with modifications to our proposals, or reject some or all of our proposals. In the latter case we would prepare an amended report for consideration by the Secretary of State, relating to the part(s) of the coast affected by the rejected proposals. The same procedures for representation and objection would apply to the amended report.

Once proposals for the Maldon to Salcott 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 on the Maldon to Salcott stretch by order on a date decided by the Secretary of State. We will publicise the commencement of the rights to ensure they are known about and understood locally.

Parts 6 to 8 of the Overview explain more about the arrangements that we envisage will be necessary for the establishment and maintenance of the route and the procedures which we will follow to make any subsequent changes that prove necessary once proposals for the Maldon to Salcott stretch 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 five chapters, each relating to a particular length of coast on this stretch. Each chapter is accompanied by detailed maps of the relevant length of coast. The maps are numbered according to the chapters to which they relate. For example, maps 1a to 1c illustrate the proposals described in chapter 1.

Each **chapter** comprises four parts:

- **Part 1** – This introduces our proposals for that length of coast. It sets the context and summarises any proposed use of our discretion in relation to aligning the route along an estuary, or to recommend 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.
- **Part 2** – This contains tables which form the detailed commentary to our formal proposals to the Secretary of State. The tables provide key details about the route sections along that particular length of coast, and should be read in conjunction with the relevant maps as identified:
  - 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 this section** – 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.
- **Current surface of this section** – This is a description of the existing surface of the proposed section of the trail.
- **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 subject to significant erosion or other coastal processes or significant encroachment by the sea should be capable of being repositioned in accordance with formal proposals in this report, without needing further confirmation of the change by the Secretary of State. 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 boundary of the margin** – This describes 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 proposed 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 paragraphs 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. An explanation of why we have chosen to use this discretion is contained within each relevant chapter. The banks or barriers which would normally qualify as default landward margin are referred to throughout this report as ‘sea walls’. This mirrors the local terminology.
- **Proposed exclusions or restrictions** – This indicates whether, at the time the proposals were prepared, we had identified any requirement for exclusions or restrictions that might affect either the section of trail itself or the adjacent margin. Any such exclusion or restriction identified might either come into

force immediately following commencement or at some future date. It will sometimes be necessary to introduce new exclusions or restrictions in the future, even if not identified at the time of preparing our proposals. See Part 9 of this document and Part 2.4 of the approved Coastal Access Scheme for more information.

- In the second table or set of tables for each chapter, we set out any other options that were considered during our initial planning (in relation to the route and the coastal margin), and explain why they did not form part of our proposals.

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

- **Part 3** – This sets out our formal proposals to the Secretary of State for which we are seeking approval in relation to the length of coast covered by the chapter. These proposals give legal effect to the position summarised by the preceding tables.

**Examples of tables in each chapter, with explanation of their contents:**

The route section number or numbers (as shown on the accompanying maps).

This column shows whether this route section could be repositioned in future in response to erosion etc without further approval by Secretary of State. See notes to table.

If we have proposed any change or clarification to the landward extent of the margin, this column says why.

This column indicates if we have proposed any restriction or exclusion over trail or margin.

### 1.2.1 Section details: Maldon to Heybridge Basin – maps 1a to 1c

1	2	3	4	5	6a	6b	7
Map(s)	Route section number(s)	Current status of this section	Current surface of this section	Roll-back proposed? (See Part 8 of Overview)	Landward boundary of margin (See maps)	Reason for landward boundary discretion	Proposed exclusions or restrictions (See Part 9 of Overview)
1a	MSC-1-S001	Public footpath	Concrete	No	Landward edge of trail	Not used	Margin
	MSC-1-S002	Other existing walked route	Concrete	No	Pavement edge	Clarity and cohesion	Margin
	MSC-1-S003	Other existing walked route	Tarmac	No	Landward edge of trail	Not used	Margin
	MSC-1-S004	Multi-use route	Concrete	No	Landward edge of trail	Not used	Margin
	MSC-1-S005	Public highway	Tarmac	No	Landward edge of trail	Not used	Margin

The relevant map(s) for the route section(s).

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

This column specifies existing surface type of the proposed trail section.

This column indicates where the landward boundary of the coastal margin would be, adjacent to each route section. This might be by default, because it meets the description of 'coastal land types' in the Scheme, or because we propose to exercise our discretion to extend or reduce the margin.

### 1.2.2 Other options considered: Maldon to Heybridge Basin – maps 1a to 1c

Map(s)	Section number(s)	Option(s) considered	Reasons for not proposing this option
1b	MSC-1-S024 to MSC-1-S038	<p>We considered aligning the route from Fullbridge (Maldon) to Battle Rise (Heybridge) along the existing public rights of way that run along the sea wall crest upstream and then follows the Chelmer &amp; Blackwater Navigation towpath towards Heybridge Basin (as shown on map 1b). The main strength of this option is that it provides a green walking corridor away from the built-up area of The Causeway.</p> <p>No other options were identified for the trail in relation to this map.</p>	<p>We opted for the proposed route because it is closer to the estuary and provides minimum interruption to the route's continuity. We concluded that overall the proposed route struck the best balance in terms of the criteria described in Chapter 4 of the Coastal Access Scheme.</p> <p>This option can be used as an informal link to the route but will not form part of these proposals.</p>

The relevant map(s) for the route section(s).

The trail section number(s) (as shown on the accompanying maps).

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.

## Notes on Maps:

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

### *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 and to enable us to differentiate, by shading the line differently, 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 a good deal 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, 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 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 also 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 formal proposals which accompany each map;
- 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 the formal proposals which accompany each map.

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 report 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 disapplies the excepted land provisions within it, and may also make provision for the removal or relaxation of specific national restrictions that would otherwise apply. Section 4.8 of the Coastal Access Scheme explains these provisions in more detail.

# Preparation of the report

## 4. General approach

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 report, 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 Essex Local Access Forum (LAF);
- County and District Council officers, including ecology, geology, historic environment, planning, transport, countryside ranger staff and the river bailiff;
- local officers from the Environment Agency, in relation to flood defence, coastal assets and coastal erosion management on this stretch of coast; and
- local officers of Historic England and Essex County Council, in relation to historic features on this stretch of coast.

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

- the Royal Society for the Protections of Birds (RSPB);
- Essex Wildlife Trust;
- the Ramblers Association;
- Sustrans;
- the National Farmers Union (NFU);
- the British Association for Shooting and Conservation (BASC);
- the Country Land and Business Association (CLA);

- local wildfowling groups;
- local coastal community team;
- HM Coastguard; and
- GeoEssex

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. A key part of this early engagement was a series of drop-in sessions held to capture views and to offer face-to-face site meetings.

We also engaged with relevant specialists, both within Natural England and from other organisations, to consider any potential for impacts on key sensitive features. See part 5 below for more information.

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, including the posting of notices adjacent to land parcels of unknown ownership.

## **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 public drop-in meeting at Woodrolfe Park, Tollesbury on 14th July 2016 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. Tollesbury Wick Marshes to Old Hall Marshes (chapter 4 of the proposals).

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 this report.

## 5. Key issues along this stretch

### a) Recreational Issues

**Map B gives an overview of existing public access to the Essex coast between Maldon and Salcott, showing public rights of way along the stretch.**

The Maldon to Salcott stretch of the Essex coastline is well-served by existing public rights of way, public highways and pavements. The coastal public footpaths run predominantly on the crest of the sea wall affording expansive views across the Blackwater Estuary. There is one short gap in the access provision at Salcott. Other than this minor gap in the coastal right of way network, there are few apparent access issues on the Maldon to Salcott stretch that might be addressed by the Marine and Coastal Access Act 2009.

Through the urban areas of Maldon and Heybridge, for the most part the existing paths (a combination of public rights of way, highways and other walked routes) maintain close proximity to the coast on a promenade, minor roads and pavement. In order to keep interruptions to a minimum we have aligned the proposed route along The Causeway north of Fullbridge (the lowest road crossing on the estuary), see table 1.2.2 in chapter 1. Once the edge of the Blackwater Estuary is regained at Battle Rise, Heybridge Hall Gardens, the proposed route follows the sea wall crest footpath onwards to Salcott. A short section of the coastal footpath in Tollesbury passes close to a marina and the iconic sail lofts offering variety and interest in the maritime heritage of the stretch.

There is no land with associated access rights under the Countryside and Rights of Way Act 2000 (CROW), either on or adjacent to the proposed trail (i.e. no Section 15, 16 or 28 land or registered common land).

There is one island off the coast: Osea Island. This island falls within the coastal margin – see chapter 2 for more information. Currently access to Osea Island is via the mile-long narrow causeway at low tide or by boat (through invitation only, the island is private).

During Stage 1 of the implementation process we asked interested organisations and individuals to tell us about any relevant issues and opportunities on this stretch. The key opportunities that emerged from these discussions were:

- Interpretation and visitor engagement opportunities, linking in with plans by Maldon District Council, primarily through the Maldon and Blackwater Estuary Coastal Community Team.
- Future Maldon District waterfront improvement plans (emerging Maldon and Heybridge Central Area Masterplan), which has strong synergy with the key objective of the England Coast Path: to improve public access to, and enjoyment of, the English coastline by creating clear and consistent public rights along the English coast for open-air recreation on foot.



- Improved access to those with reduced mobility through the removal of step stiles (the proposal is to replace these with pedestrian or kissing gates).

The key issues were:

- Safety of walkers on the mudflats and salt marsh.
- Disturbance issues for wildlife, caused by people and dogs (particularly of overwintering and breeding birds).
- Trampling of sensitive salt marsh and vegetated shingle flora.
- Problems with uncontrolled dogs affecting livestock.

The first issue will be addressed by our proposal to exclude access from the intertidal salt marsh and mudflats under s25A of CROW (unsuitable for public access), although this will only relate to new access rights being proposed and will not affect any existing private rights. The second issue will be addressed in part at least by our proposals which include seasonal exclusions on access (s26(3)(a) of CROW) where there are ground-nesting birds present (little tern and ringed plover). The third issue is largely addressed through a combination of the two CROW exclusions above. The fourth issue will be addressed by our proposal to remind walkers to keep dogs on a short lead at all times in the vicinity of livestock (using appropriately sited local signage which will provide advice on responsible dog ownership).

We will continue to work closely with partners and owner / occupiers, including Maldon District Council and Essex County Council, to plan and deliver wider environmental and public benefits as part of these England Coast Path proposals.

## **b) Natural environment**

Data relating to sensitive features was assessed by officers from Natural England with a knowledge of the conservation objectives of the sites and features under consideration. We looked for evidence of any potential for our proposals to have a detrimental effect on protected sites and species. This included potential effects arising from the works that would be necessary to establish and/or maintain the proposed route and from people's use of the new access rights. The proposals have been thoroughly considered before being finalised and our initial ideas were modified during an iterative design process, with input from people with relevant expertise within Natural England and other organisations.

We paid particular regard to sites with certain key designations for their wildlife and/or geological interest (See Map C: Key statutory environmental designations on the Maldon to Salcott stretch):

- European sites, including: Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites (see glossary for a fuller explanation of ‘European sites’);
- Sites of Special Scientific Interest (SSSI);
- Marine Conservation Zones (MCZ); and
- National Nature Reserves (NNR)

Appropriate separation of duties within Natural England is in place to ensure that impartial judgements can be made in the light of the available evidence about any potential impacts of particular options on key sensitive features before reaching our final decision. This approach ensures that Natural England fully complies with the letter and spirit of the law, throughout the Habitats Regulation Assessment process relating to European sites described below. As a matter of good practice, staff also adopted this separation of roles in assessing the potential for our proposals to affect other protected sites and species, including Sites of Special Scientific Interest (SSSIs), Marine Conservation Zones (MCZs) and National Nature Reserves (NNRs).

With regard to European sites, a Habitats Regulations Assessment was carried out on the proposals in this report, using procedures compliant with the associated legislation.

It was concluded, on the basis of objective information, that our proposals will not have a likely significant effect on any of the qualifying features of the European site, either alone or in combination with other plans or projects. We therefore advise the Secretary of State that further assessment in this respect is not required.

In reaching this conclusion we identified specific measures which would in our judgement be necessary in some places on the stretch to prevent any likely significant effect on the European sites. Our proposals incorporating these measures have been incorporated into the relevant chapters of the proposals, they include:

- **General:**

- Appropriate signage will be installed at several key locations to give information about the presence and importance of overwintering, nesting and roosting birds at specific sites along the coast.

- **Chapters 1, 2 and 3:**

- No specific measures identified.

- **Chapter 4:**

- A proposed s26(3)(a) direction under the Countryside and Rights of Way Act 2000 to exclude access to parts of the coastal margin in the vicinity of

Shinglehead Point and Blockhouse Bay (Tollesbury Wick Marshes) between 1st May and 15th August each year. This exclusion will not affect the route itself.

## ■ Chapter 5:

- A proposed s26(3)(a) direction under the Countryside and Rights of Way Act 2000 to exclude access to parts of the coastal margin in the vicinity of Quarters Spit (Old Hall Marshes) between 1st May and 15th August each year. This exclusion will not affect the route itself.

In many cases, the proposed directions under s25A of CROW (unsuitability for public access) have negated a requirement for a direction under s26(3)(a) of CROW (nature conservation grounds). All such long-term exclusions or restrictions must be reviewed periodically. In the event that a direction relating to s25A was no longer deemed necessary, we would consider whether a direction under s26(3)(a) of CROW would be necessary in the same area of the margin. In reaching the decision in relation to proposed s25A directions, we have consulted local interests including landowners, the river bailiff and H.M. Coastguard. In summary, we have concluded that the majority of the salt marsh and intertidal mudflats on the Blackwater Estuary, Tollesbury Fleet and Salcott Channel pose dangers that are neither well understood nor readily apparent to visitors and are consequently unsuitable for a new right of public access. We are aware that some of these areas may be subject to other existing rights of access. Any such existing rights will not be affected by this proposed exclusion.

With regard to other protected sites and protected species, we concluded that our proposals could be implemented without taking any special measures to protect them.

Once a route for the trail has been confirmed by the Secretary of State, we will hold further discussions with relevant environmental specialists from Natural England and work with Essex County Council to ensure any works on the ground are carried out with due regard to the results of the appraisals and that all relevant statutory requirements have been fulfilled.

Please refer to the **Access and Sensitive Features Appraisal** for more information.

## c) Landscape

We collated data relating to the sensitive landscape features. This included data about the presence of Built Conservation Areas on this stretch of coast.

(See Map D: Built Conservation Areas on the Maldon to Salcott stretch)

We looked for evidence of any potential for our proposals to have a detrimental effect on sensitive landscape features. This included potential effects arising from the works that would be necessary to establish and/or maintain the proposed route including the

use of local vernacular in the design of access signage and furniture, local materials used for path surfacing and alignment of the route to complement any designed and/or protected landscapes.

Our conclusion from this assessment is that our proposals would not undermine the landscape character or the sensitive features within the Maldon District Council Built Conservation Areas (Maldon, The Chelmer and Blackwater Navigation, Heybridge Basin, Goldhanger, Tollesbury and Tolleshunt D'Arcy).

Once a route for the trail has been confirmed by the Secretary of State, we will hold further discussions with Maldon District Council about any works on the ground that are necessary to prepare for commencement of the access rights.

#### **d) Historic Environment**

Data relating to the historic sites and features was collated for us by Historic England and Essex County Council (Place Services). This included data about the presence of historic sites and features on this stretch of coast and specialist advice as to the potential vulnerability of the sites and features to access. The data was then assessed by Natural England in consultation with officers from Historic England and Essex County Council. We looked for evidence of any potential for our proposals to have a detrimental effect on protected sites or features. This included potential effects arising from the works that would be necessary to establish and/or maintain the proposed route and from people's use of the new access rights.

The immediate hinterland along the northern shore of the Blackwater Estuary includes a number of Scheduled Monuments including decoy ponds and an ancient mound. The foreshore includes a substantive coastal fish weir (inaccessible from public rights of way), significant remains of buried ancient land surfaces (neolithic and mesolithic) and coastal settlements (prehistoric).

We paid particular regard to Scheduled Monuments (See Map C: Key statutory environmental designations on the Maldon to Salcott stretch). As there is no proposed landward spreading room in the vicinity of these Scheduled Monuments and a widespread proposed s25A CROW exclusion to the intertidal salt marsh and mudflats, there are no identified pathways that could instigate potential adverse impacts.

Our conclusion from this assessment is that our proposals would not undermine the conservation objectives for the historic environment within the Maldon to Salcott stretch.

Once a route for the trail has been confirmed by the Secretary of State, we will hold further discussions with Historic England and Essex County Council about any works on the ground that are necessary to prepare for commencement of the access rights.

## **e) 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, and are reflected in the chapters of the report insofar as they were relevant to the individual lengths of coast described.

### *'Urban'*

Set at the head of the Blackwater Estuary, the historic town of Maldon is predominantly urban in character with a strong maritime heritage and many listed buildings centred mainly on the High Street. The Promenade Park and Hythe Quay are among the main attractors for residents and visitors alike. Other coastal settlements include the historic villages of Heybridge Basin, Goldhanger, Tollesbury and Salcott.

No major issues were raised by owners and occupiers in urban areas during the planning stages. Any possible issues based on the extent of coastal margin are to be largely addressed by the provisions in the legislation for particular categories of land to be automatically 'excepted' from coastal access rights – including land covered by gardens, buildings and their curtilage. Annex C: Excepted land categories sets out these provisions in more detail.

### *'Rural'*

Away from coastal settlements, the estuary is characterised by agricultural land, caravan sites, sailing clubs, a marina and two large nature reserves. A number of wildfowling clubs operate in the area. The low-lying hinterland is defended throughout by long-established sea walls. The proposed route is aligned with the existing public footpath on the sea wall crest. Seaward, the estuary is dominated by salt marsh and intertidal mudflats. A mile-long narrow causeway connects Osea Island to the mainland.

The proposed route alignment, associated coastal margin and landward boundary have been discussed in detail with owners and/or occupiers so as to try to minimise any potential disruption to existing land management practices. The general consensus is that the landward boundary should be defined by the top landward edge of the sea wall public footpath, so the landward sea wall slope and associated folding is not included as part of the coastal margin. Concerns were expressed about the hidden dangers of the intertidal areas, damage to the fragile salt marsh flora and fauna, disturbance to ground-nesting birds using the cockle/shingle spits, control of dogs in the vicinity of livestock, impacts on wildfowling, financial impacts on business interests, the condition of the sea wall footpath and car parking provision.

In developing our proposals we have tried to address the majority of these concerns mindful of the need to strike a fair balance between public access and landowner interests. Details of the avoidance and mitigation measures addressing these concerns can be found in the appropriate chapters of the report.

## f) Coastal processes

The principal source of information regarding coastal processes on this stretch of coast is the Essex and South Suffolk Shoreline Management Plan 2 (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, we have not identified any lengths of coast within this stretch which are particularly susceptible to coastal erosion or other geomorphological processes, such as landslips.

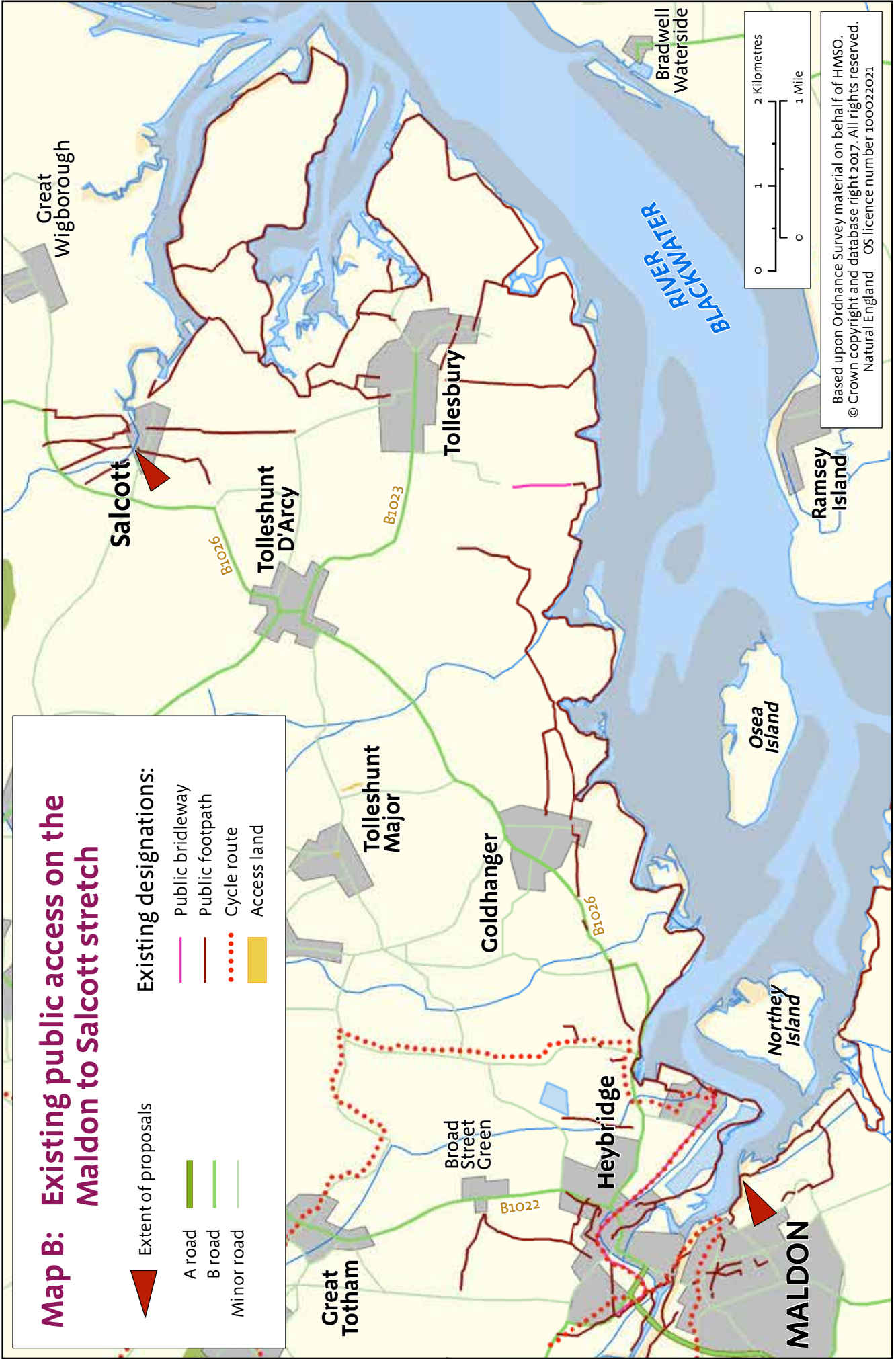
In general where the coast is defended with some certainty (through long-term Hold the Line policies in the Shoreline Management Plan), we have not made any specific proposals to enable the trail to adapt to coastal change - for example, where the trail would be:

- on, or on the landward side of sea defences which would protect it.

We have not made any specific proposals to enable the trail to adapt to control coastal change on this length of coast between Maldon and Salcott.










## Map B: Existing public access on the Maldon to Salcott stretch

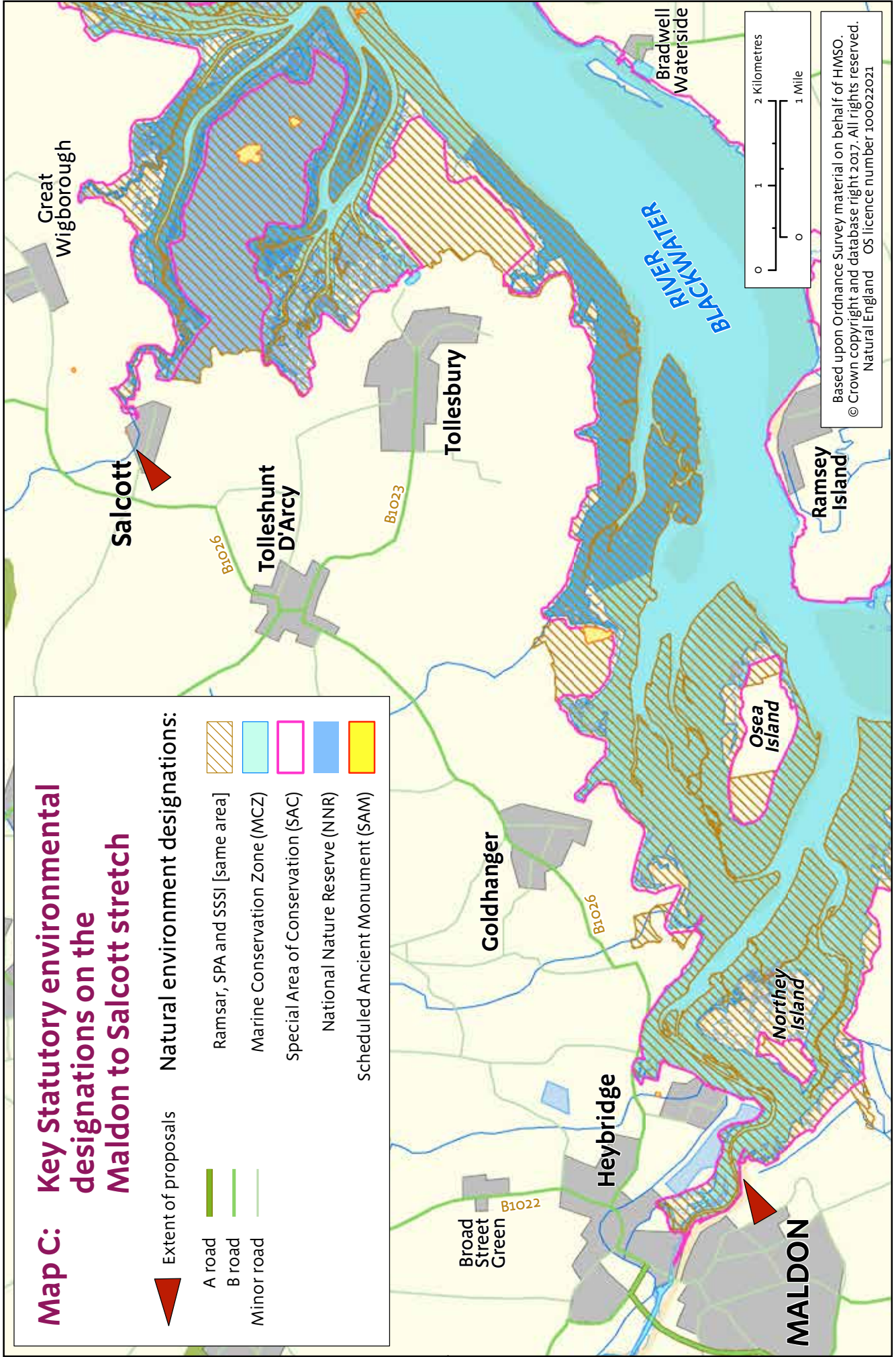
- Extent of proposals**
- A road
  - B road
  - Minor road
- Existing designations:**
- Public bridleway
  - Public footpath
  - Cycle route
  - Access land



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## Map C: Key Statutory environmental designations on the Maldon to Salcott stretch

- |   |                     |   |                                |   |                                    |
|---|---------------------|---|--------------------------------|---|------------------------------------|
|  | Extent of proposals |  | A road                         |  | Ramsar, SPA and SSSI [same area]   |
|  | B road              |  | Marine Conservation Zone (MCZ) |  | Special Area of Conservation (SAC) |
|  | Minor road          |  | National Nature Reserve (NNR)  |  | Scheduled Ancient Monument (SAM)   |
- Natural environment designations:**



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# Implementation of the proposals

## 6. Physical establishment of the trail

Below we summarise how our proposed route for the trail would be physically established to make it ready for public use before any new rights come into force. There is further detail in the proposals about some of the provisions mentioned here.

The trail would make extensive use of the existing coastal public footpaths on the ground. We have identified a need to replace or improve existing infrastructure on the Maldon to Salcott stretch. Our estimate of the capital costs for physical establishment of the trail on the proposed route is **£46,099** and is informed by:

- information already held by the access authority, Essex County Council, in relation to the management of the existing coastal public footpath; and
- information gathered while visiting affected land and talking to the people who own and manage it about the options for the route.

There are 3 main elements to the overall cost:

- A significant number of new signs would be needed on the trail, in particular where the proposed route is not otherwise obvious on the ground.
- Strategically placed information panels would be needed to inform walkers of the unique character of the Essex coast, the hidden dangers of the salt marsh and intertidal mudflats, the need to keep dogs under effective control (on short leads in the vicinity of livestock at all times) and to enjoy the coast responsibly.
- The surfaces and access furniture of the existing paths and footways on the proposed route are generally of a suitable standard for the trail, but there are some places where new gates and surface treatment would enhance the convenience of the trail. These are mentioned in the detailed descriptions for the relevant route sections in the proposals.

Table 1 explains our estimate of the capital cost for each of the main elements of physical establishment described above.

**Table 1: Estimate of capital costs**

Item	Cost
Signs & interpretation	£26,639
Gates & access	£6,192
Surfacing and other works	£13,268
<b>Total</b>	<b>£46,099</b> (Exclusive of any VAT payable)

Once the Secretary of State's decision on our report has been notified, we, or Essex County Council on our behalf, will consult further with affected land owners and occupiers about relevant aspects of the design, installation and maintenance of the new signs and infrastructure that are needed. All such works would conform to the published standards for National Trails and the other criteria described in our Coastal Access Scheme.

## 7. Maintenance of the trail

Because the trail between Maldon and Salcott will form part of the National Trail being created around the whole coast of England called the England Coast Path, we envisage that it will be maintained to the same high quality standards as other National Trails in England (see The New Deal; Management of National Trails in England from April 2013 at Annex A).

Our estimate of the annual cost to maintain the trail is £23,564 (exclusive of any VAT payable).

In developing this estimate we have taken account of the formula used to calculate Natural England's contribution to the maintenance of other National Trails.

## 8. 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 chapters.

### Roll-back

Roll-back is not applicable to the Maldon to Salcott proposals for the reasons given in paragraph 5f above.

### Other changes

We will normally be required to submit a variation report seeking approval from the Secretary of State in order to make changes to the route of the trail or 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 Maldon to Salcott stretch are summarised below.

There is one location off Station Road, Fullbridge (known as Sadd's Wharf) where, at the time of preparing the report, we foresee a future opportunity to improve access provisions for other reasons. This potential future change is described in chapter 1 (paragraph 1.1.13), in relation to route sections MSC-1-S-024 to MSC-1-S037. The land in question has planning consent for redevelopment which could include a riverside walk to improve the overall accessibility and continuity of the trail around Heybridge Creek. In such circumstances the alignment of the England Coast Path would be reviewed and any resulting proposals to change the alignment of the trail would require the submission of a variation report to the Secretary of State.

However, even without a variation report:

- i** We would be able to impose new or modify existing local restrictions or exclusions on coastal access rights as necessary, and people with a legal interest in the land would be able to apply to us for such directions under certain circumstances – see chapter 6 of the Coastal Access Scheme.
- ii** Further work could be carried out where necessary either to establish or maintain the route, or to provide any means of access to the coastal margin, using powers and procedures set out in Schedule 20 of the Marine and Coastal Access Act 2009 and chapter 3 of 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 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.

## 9. Restrictions and exclusions

Below, we provide the details and explain the practical effects of any directions to exclude or restrict coastal access rights proposed by this report.

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

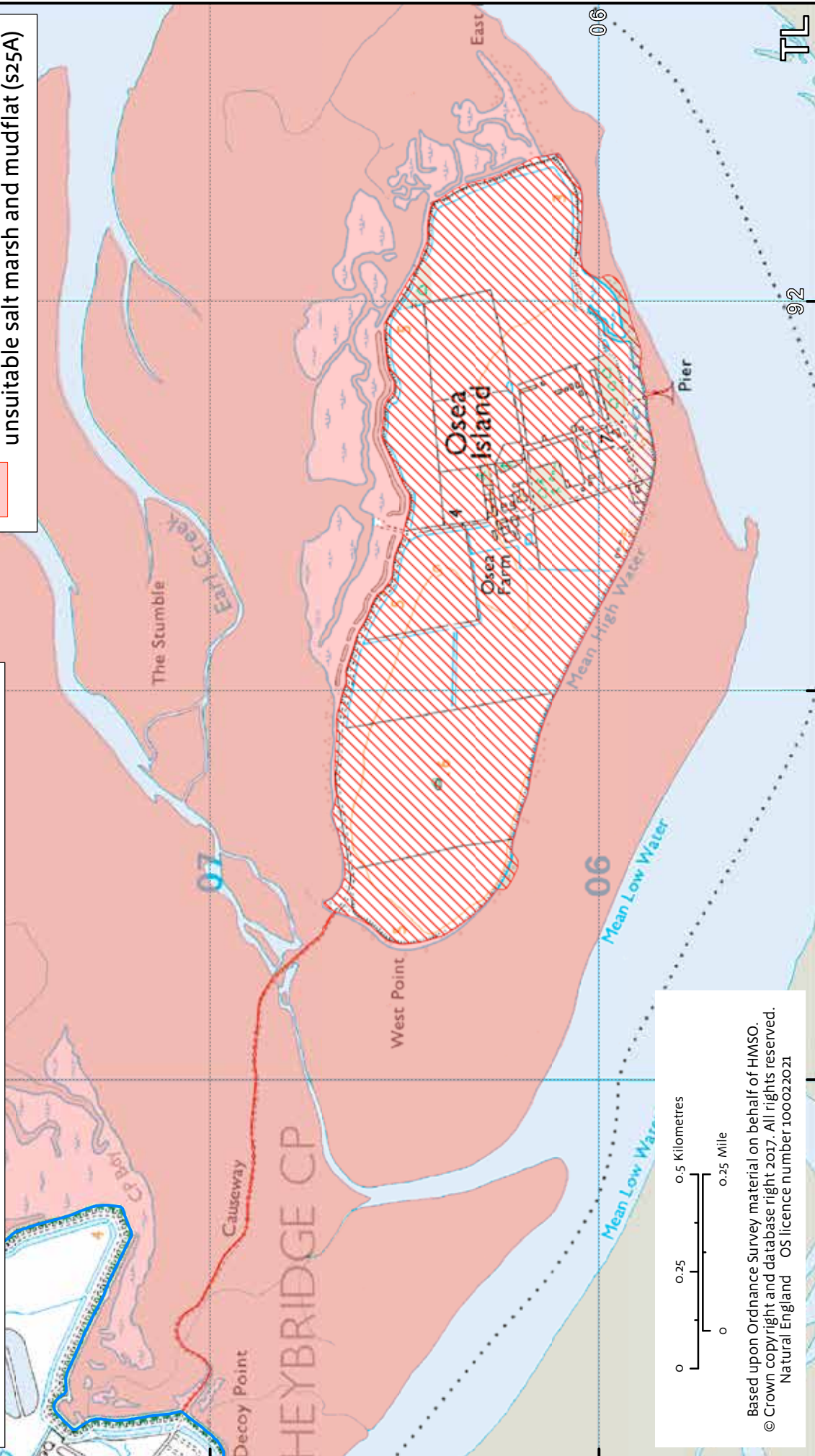
Report chapter	Location/extent (see relevant map for more information)	Type of restriction	Purpose of restriction	Grounds and relevant section of CROW	Duration
1	Intertidal areas of the coastal margin (Maldon to Heybridge Basin) – map F	No public access	Unsuitable for public access	Salt marsh and flat – s25A	All year round
2	Osea Island + causeway (Heybridge Basin to Goldhanger) – map E	No public access	Commercial activities and special events	Land management – s24	All year round
2	Intertidal areas of the coastal margin (Heybridge Basin to Goldhanger) – maps G and H	No public access	Unsuitable for public access	Salt marsh and flat – s25A	All year round
3	Intertidal areas of the coastal margin (Goldhanger to Tollesbury Wick Marshes) – maps I and J	No public access	Unsuitable for public access	Salt marsh and flat – s25A	All year round
4	Intertidal areas of the coastal margin (Tollesbury Wick Marshes to Old Hall Marshes) – maps K and L	No public access	Unsuitable for public access	Salt marsh and flat – s25A	All year round
4	Shinglehead Point (Tollesbury Wick Marshes) – map O	No public access	Sensitive wildlife	Nature conservation – s26(3)(a)	1 <sup>st</sup> May to 15 <sup>th</sup> August every year
5	Intertidal areas of the coastal margin (Old Hall Marshes to Salcott) – maps M and N	No public access	Unsuitable for public access	Salt marsh and flat – s25A	All year round
5	Quarters Spit (Old Hall Marshes) – map P	No public access	Sensitive wildlife	Nature conservation – s26(3)(a)	1 <sup>st</sup> May to 15 <sup>th</sup> August every year

## Map E: Osea Island

### Proposed direction under s24 CROW - Land Management

Chapter 2 (Heybridge Basin to Goldhanger)

- Proposed route
- Proposed long-term access exclusion
- Proposed long-term access exclusion: unsuitable salt marsh and mudflat (s25A)



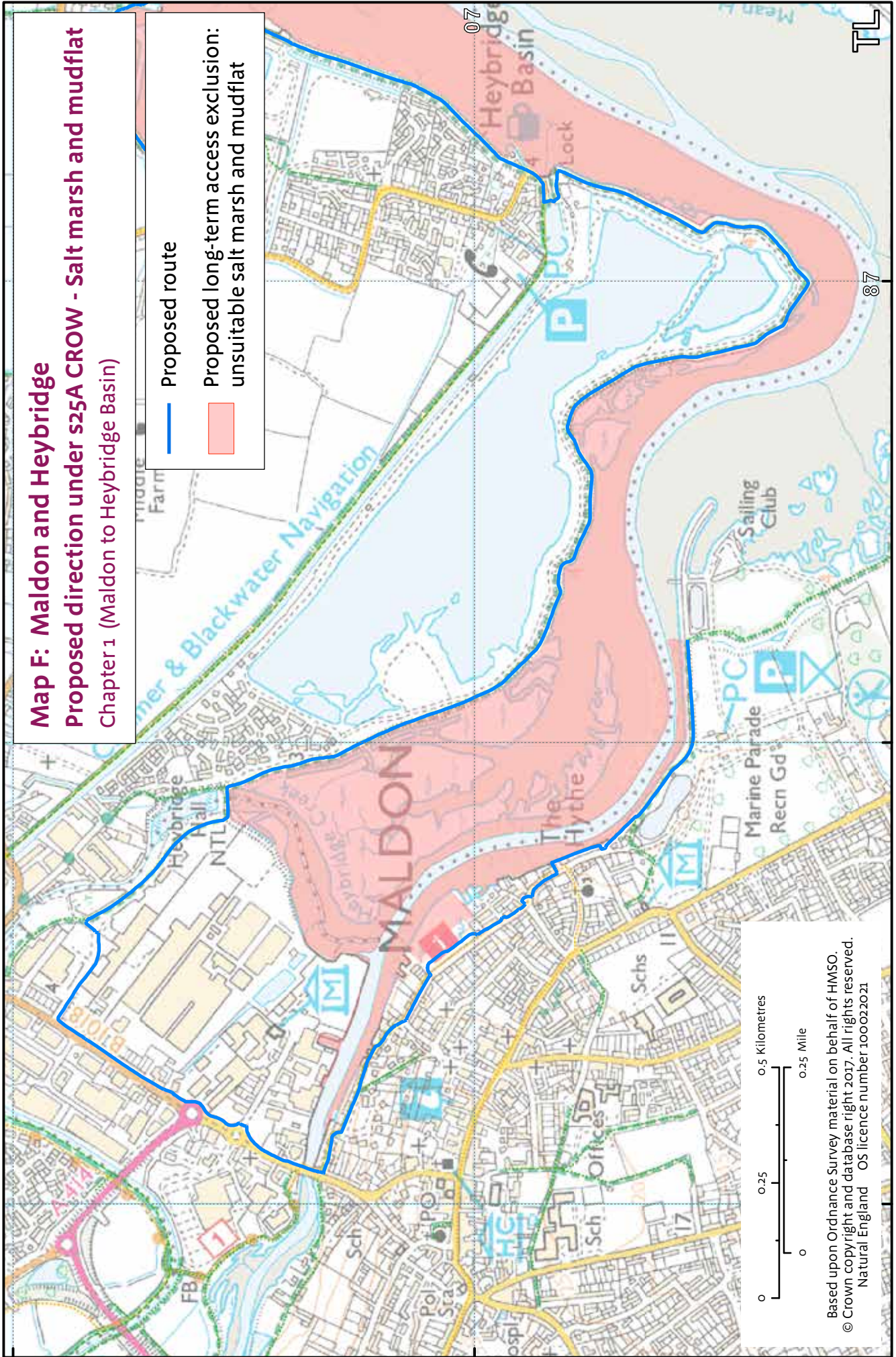
## Map F: Maldon and Heybridge

### Proposed direction under s25A CROW - Salt marsh and mudflat

Chapter 1 (Maldon to Heybridge Basin)

Proposed route

Proposed long-term access exclusion:  
unsuitable salt marsh and mudflat



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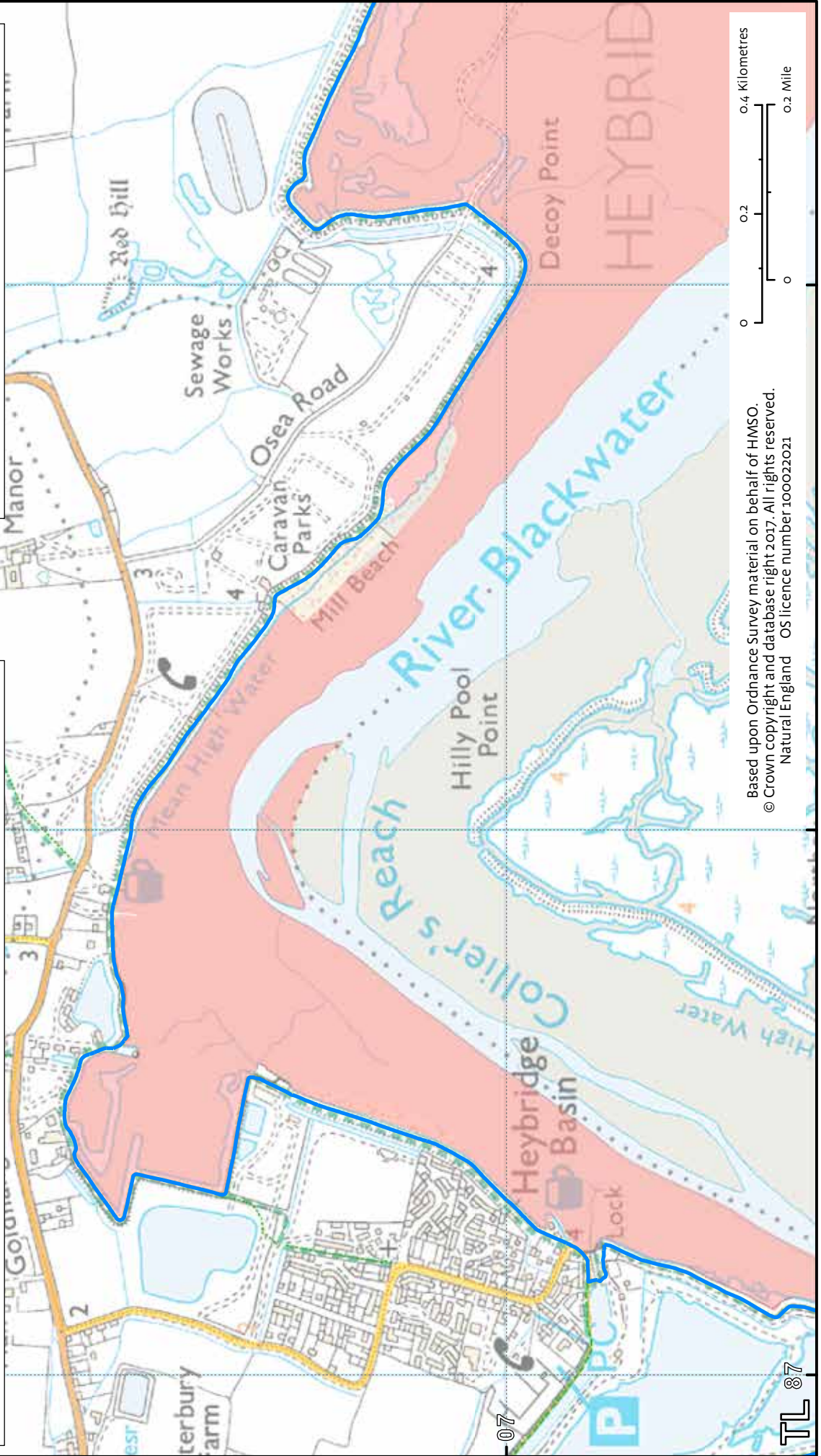
### Map G: Heybridge Basin to Osea Causeway

### Proposed direction under s25A CROW - Salt marsh and mudflat

Chapter 2 (Heybridge Basin to Goldhanger)

Proposed route

Proposed long-term access exclusion:  
unsuitable salt marsh and mudflat



0.4 Kilometres

0.2

0

0.2 Mile

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
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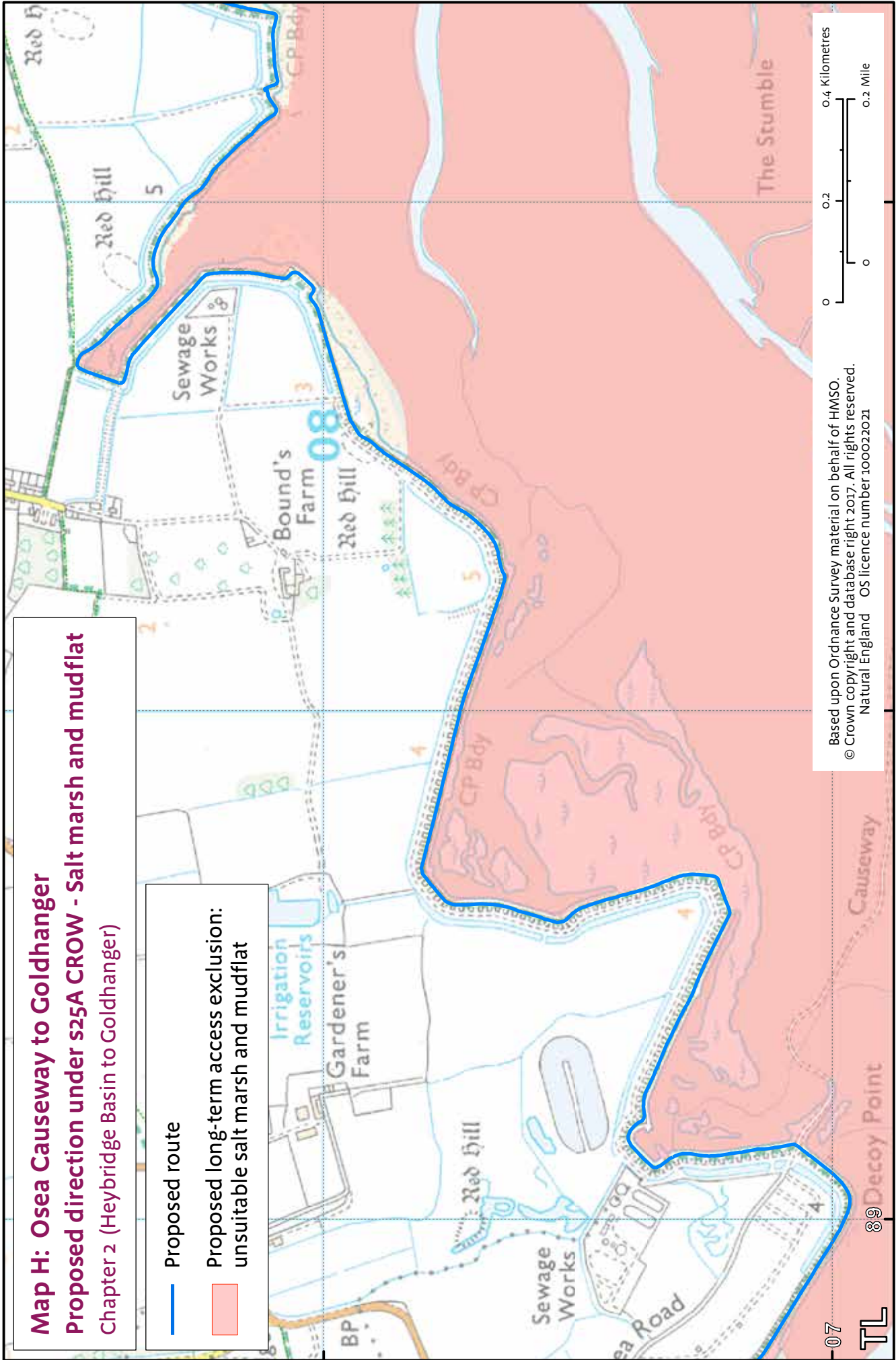
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**Map H: Osea Causeway to Goldhanger**  
**Proposed direction under s25A CROW - Salt marsh and mudflat**

Chapter 2 (Heybridge Basin to Goldhanger)

-  Proposed route
-  Proposed long-term access exclusion: unsuitable salt marsh and mudflat

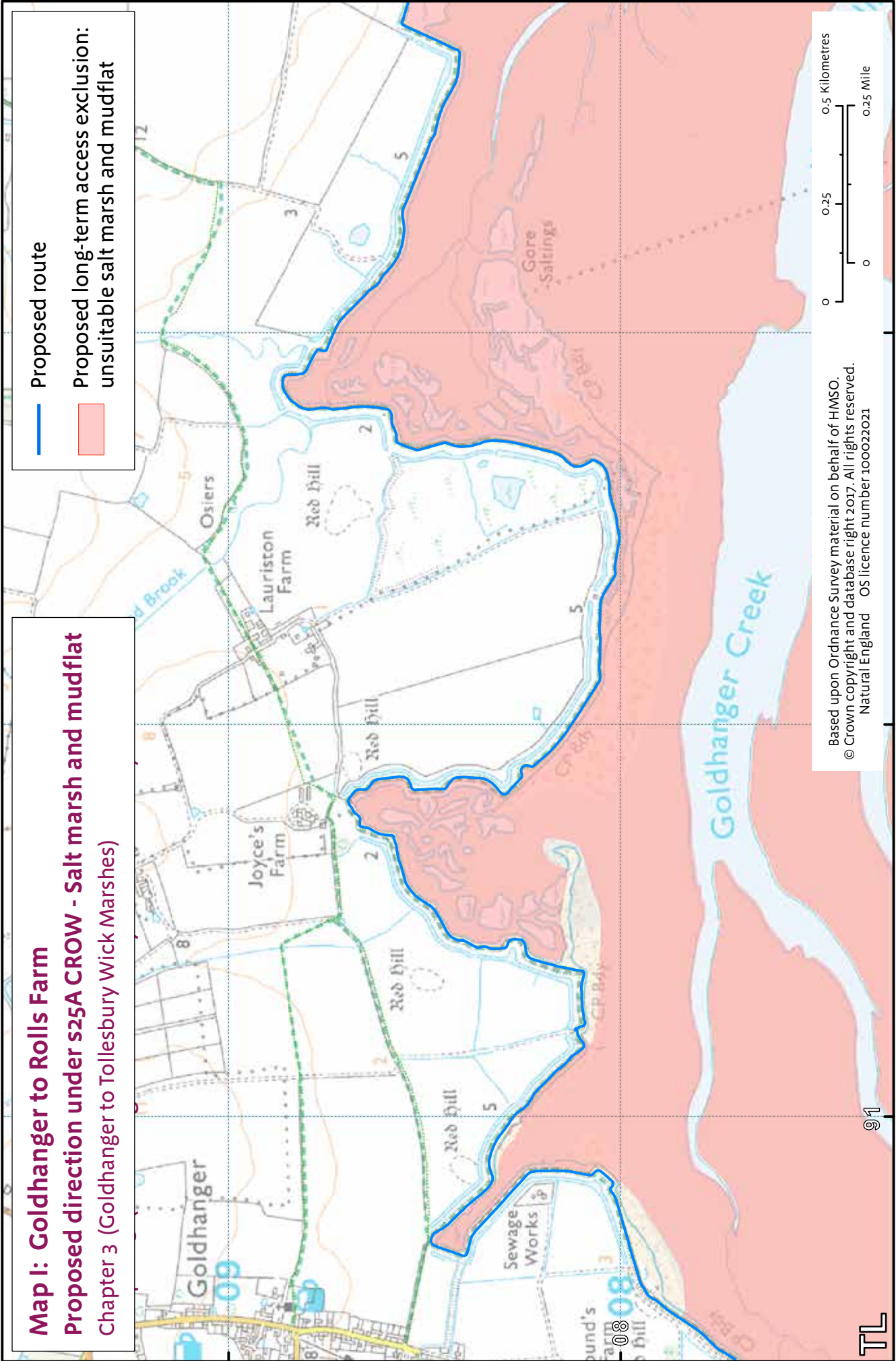


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# Map 1: Goldhanger to Rolls Farm

## Proposed direction under s25A CROW - Salt marsh and mudflat

Chapter 3 (Goldhanger to Tollesbury Wick Marshes)



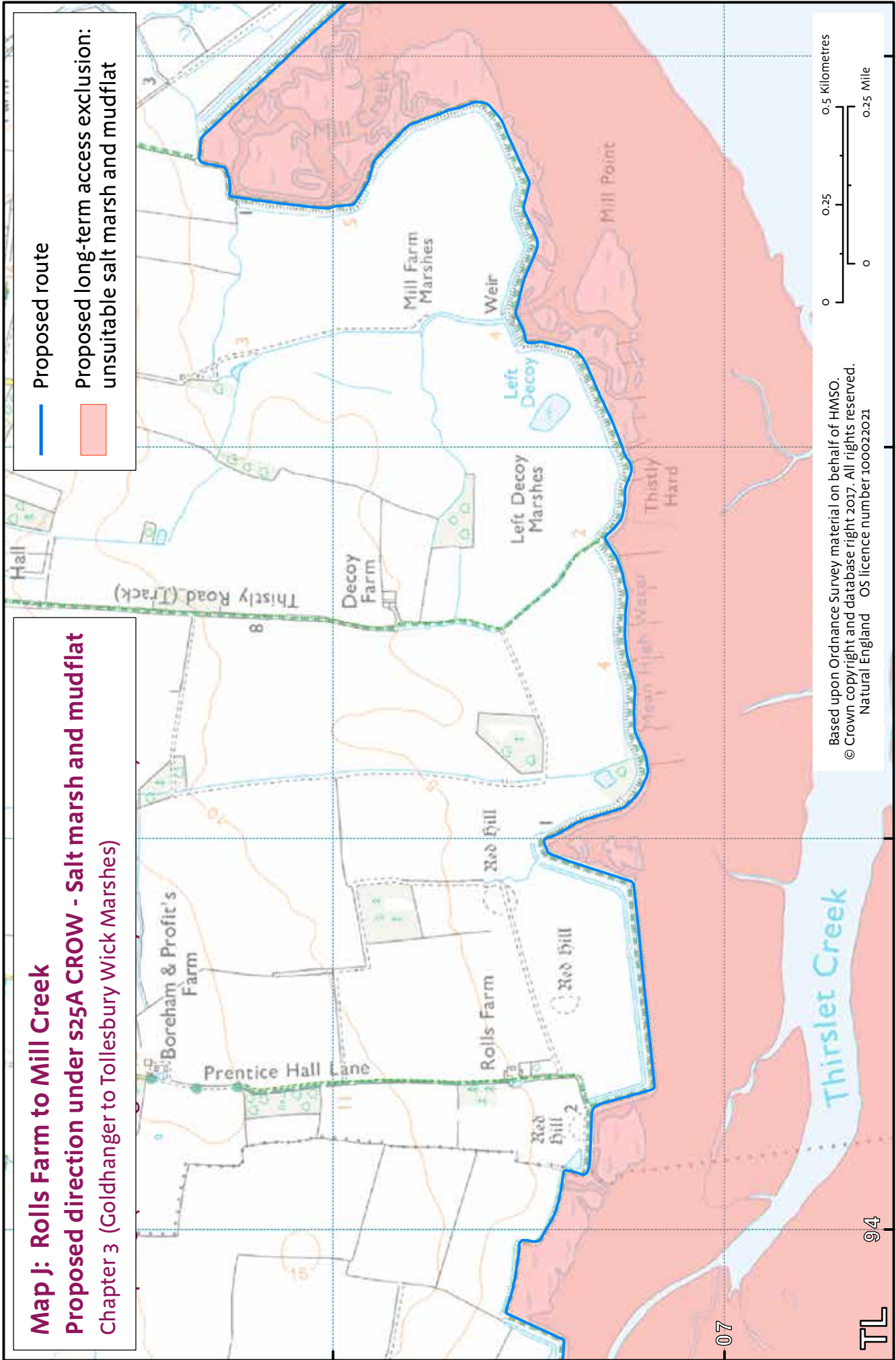
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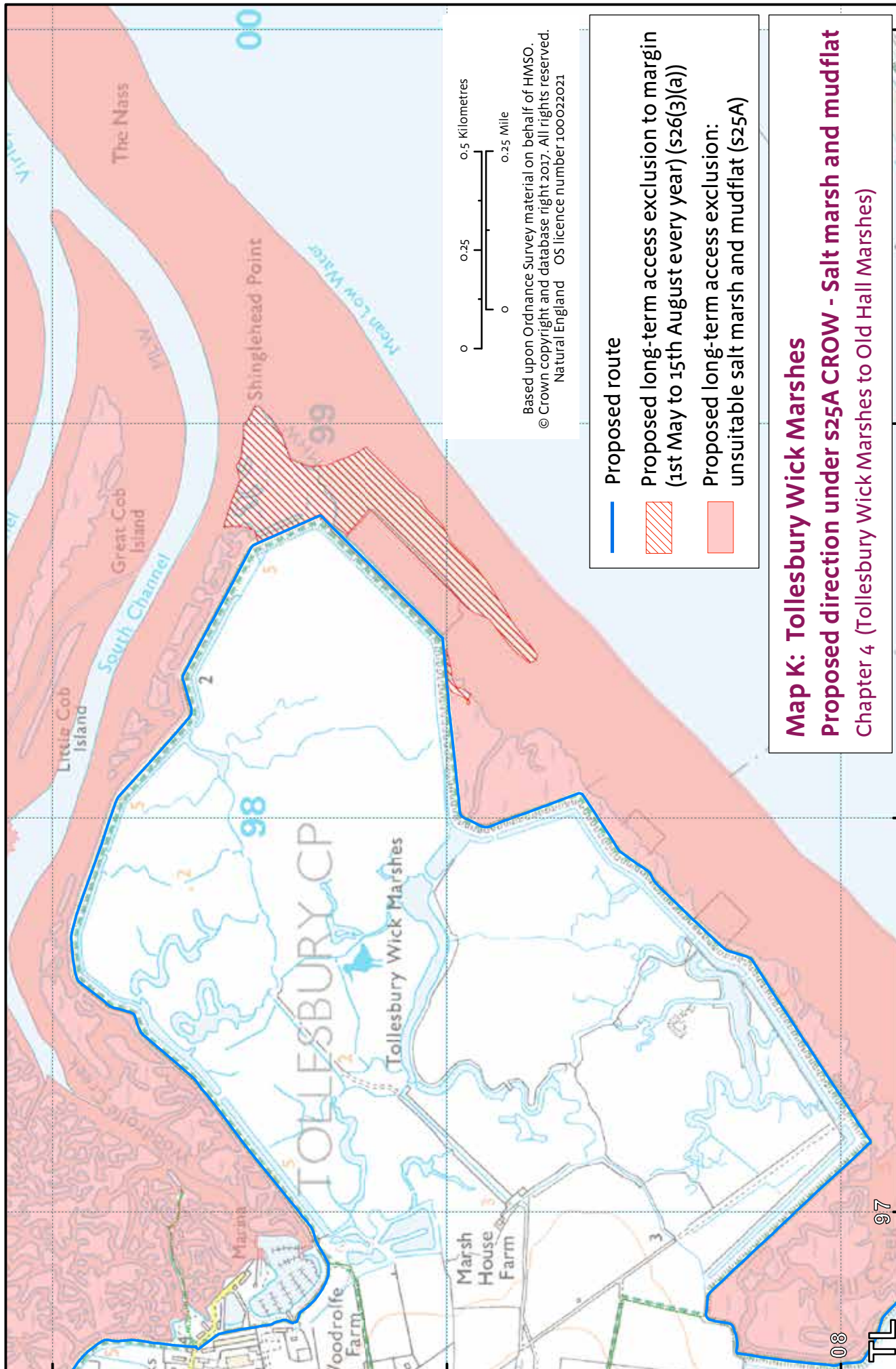
## Map J: Rolls Farm to Mill Creek

### Proposed direction under s25A CROW - Salt marsh and mudflat

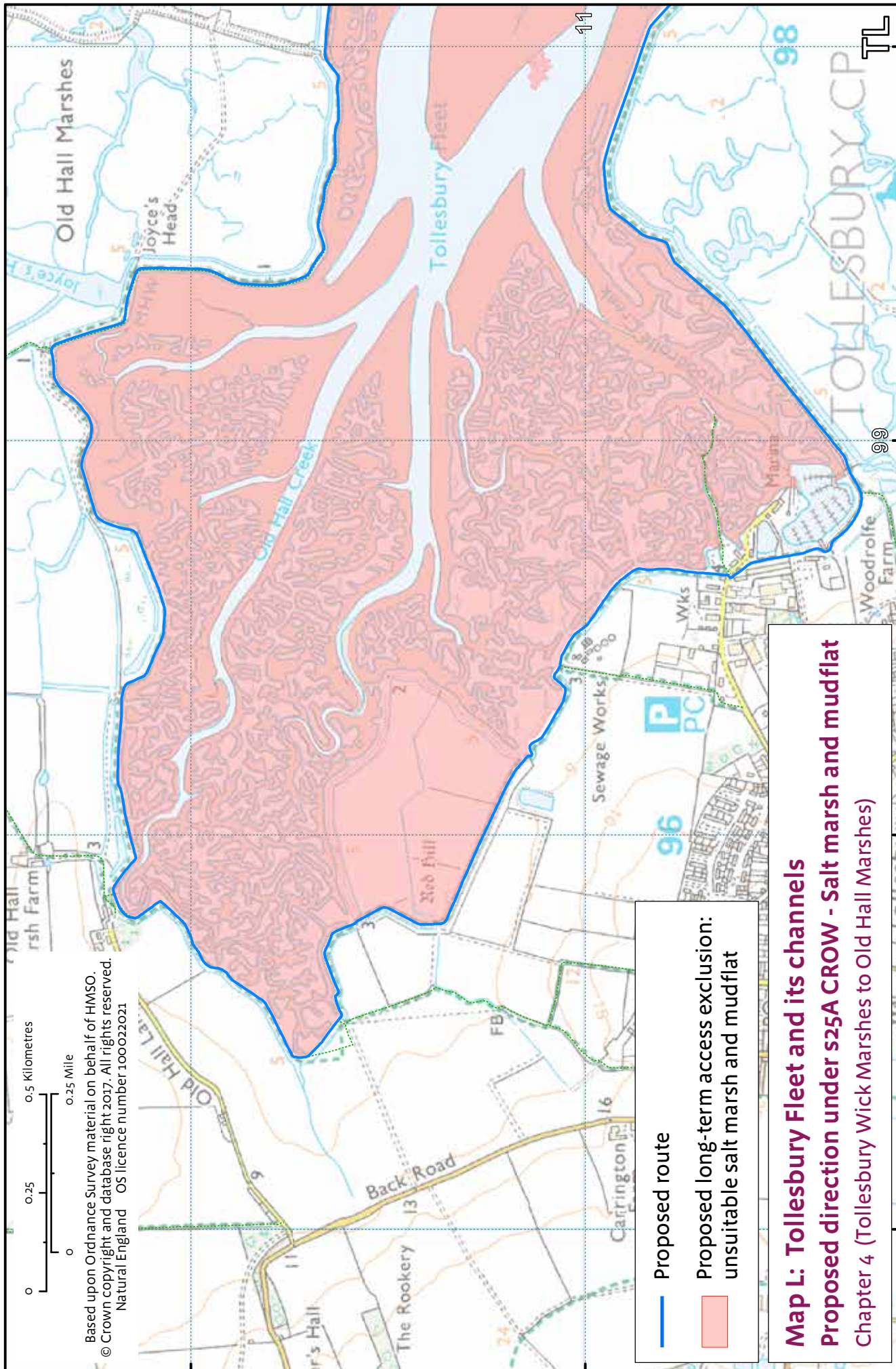
Chapter 3 (Goldhanger to Tollesbury Wick Marshes)



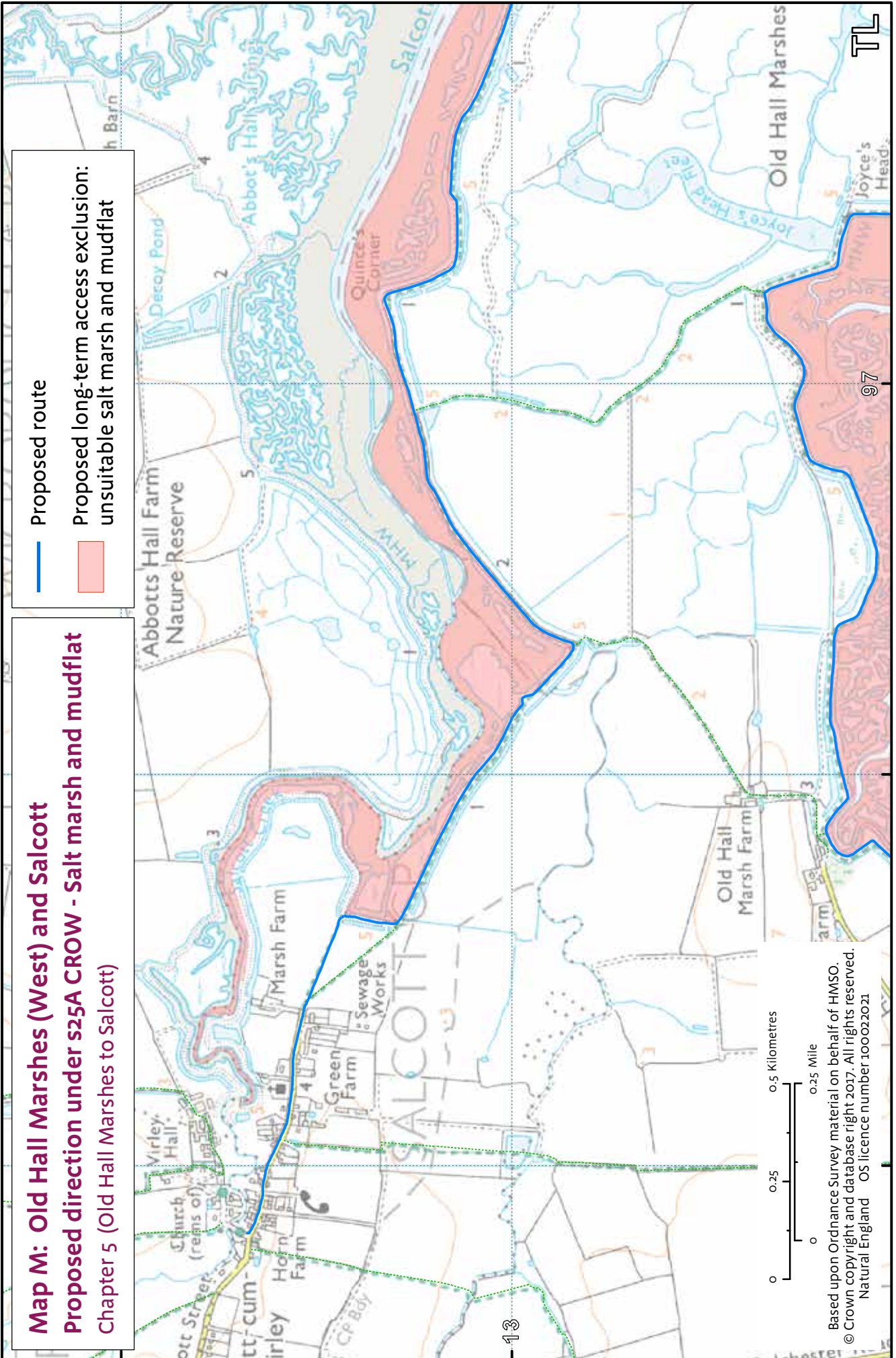
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**Map K: Tollesbury Wick Marshes**  
**Proposed direction under s25A CROW - Salt marsh and mudflat**  
 Chapter 4 (Tollesbury Wick Marshes to Old Hall Marshes)

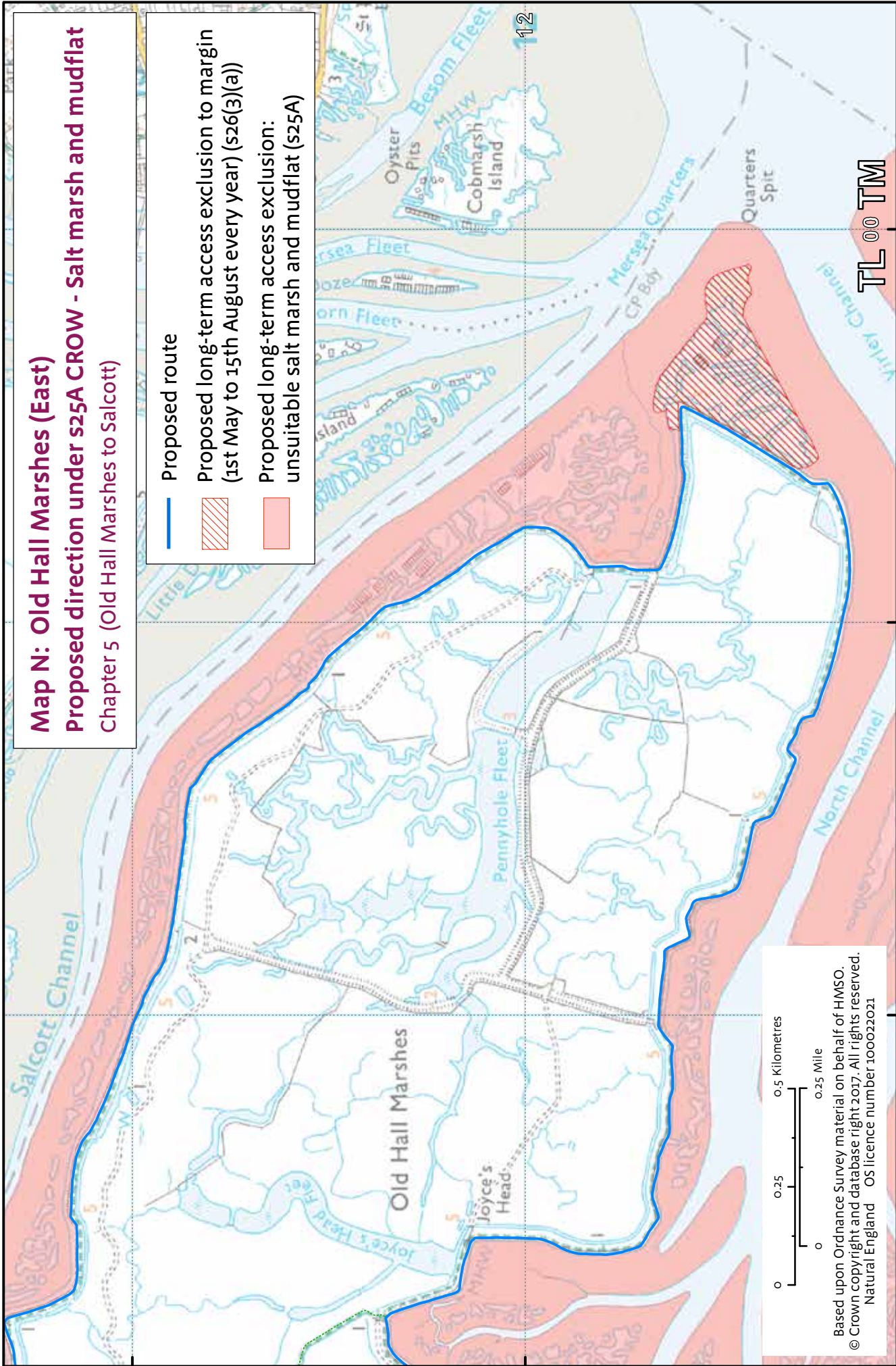


**Map M: Old Hall Marshes (West) and Salcott**  
**Proposed direction under s25A CROW - Salt marsh and mudflat**  
 Chapter 5 (Old Hall Marshes to Salcott)



**Map N: Old Hall Marshes (East)**  
**Proposed direction under s25A CROW - Salt marsh and mudflat**  
 Chapter 5 (Old Hall Marshes to Salcott)

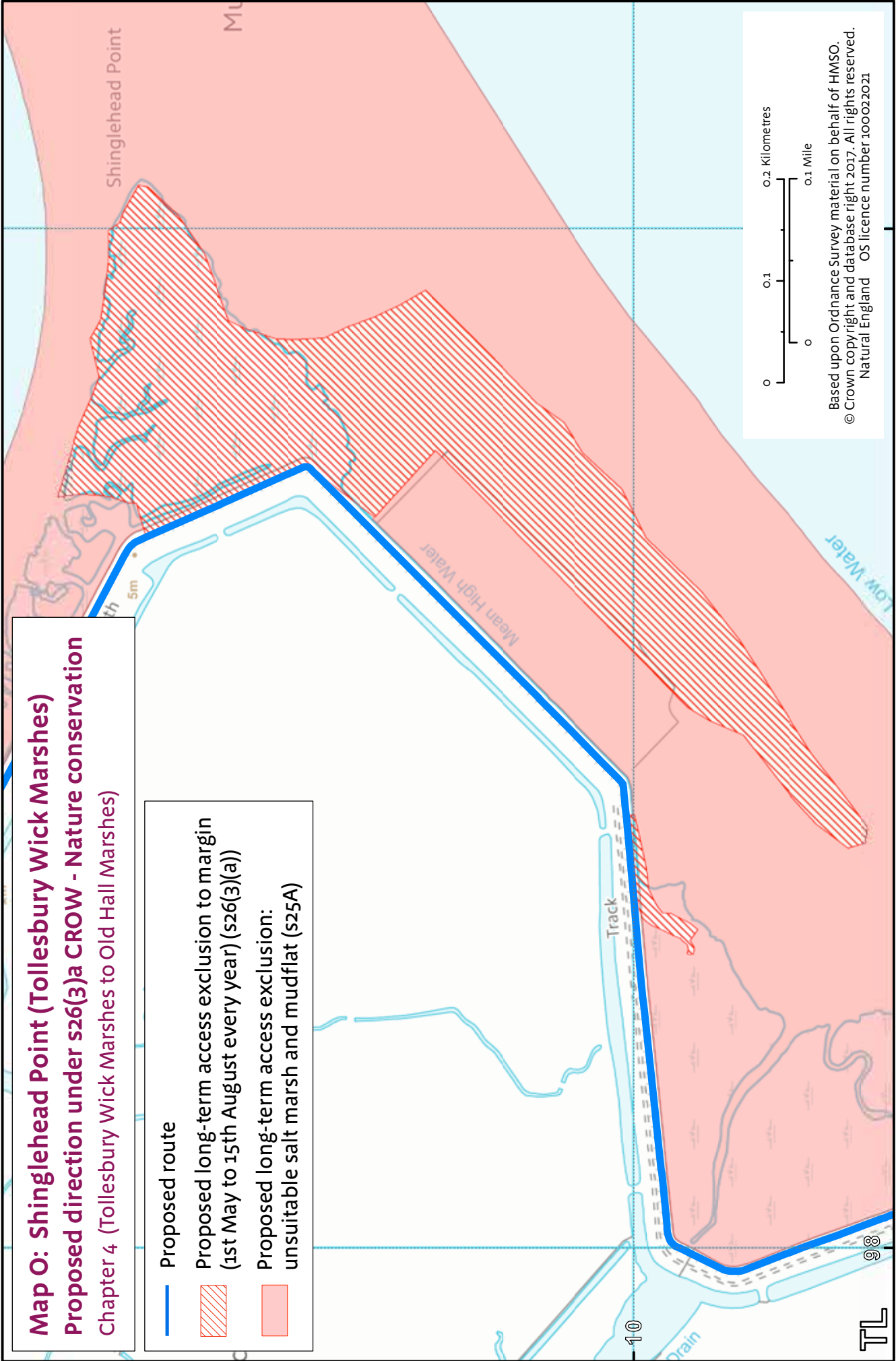
-  Proposed route
-  Proposed long-term access exclusion to margin (1st May to 15th August every year) (s26(3)(a))
-  Proposed long-term access exclusion: unsuitable salt marsh and mudflat (s25A)



0 0.25 0.5 Kilometres  
 0 0.25 Mile

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


**Map O: Shinglehead Point (Tollesbury Wick Marshes)**  
**Proposed direction under s26(3)a CROW - Nature conservation**  
 Chapter 4 (Tollesbury Wick Marshes to Old Hall Marshes)

- Proposed route
- Proposed long-term access exclusion to margin (1st May to 15th August every year) (s26(3)(a))
- Proposed long-term access exclusion: unsuitable salt marsh and mudflat (s25A)

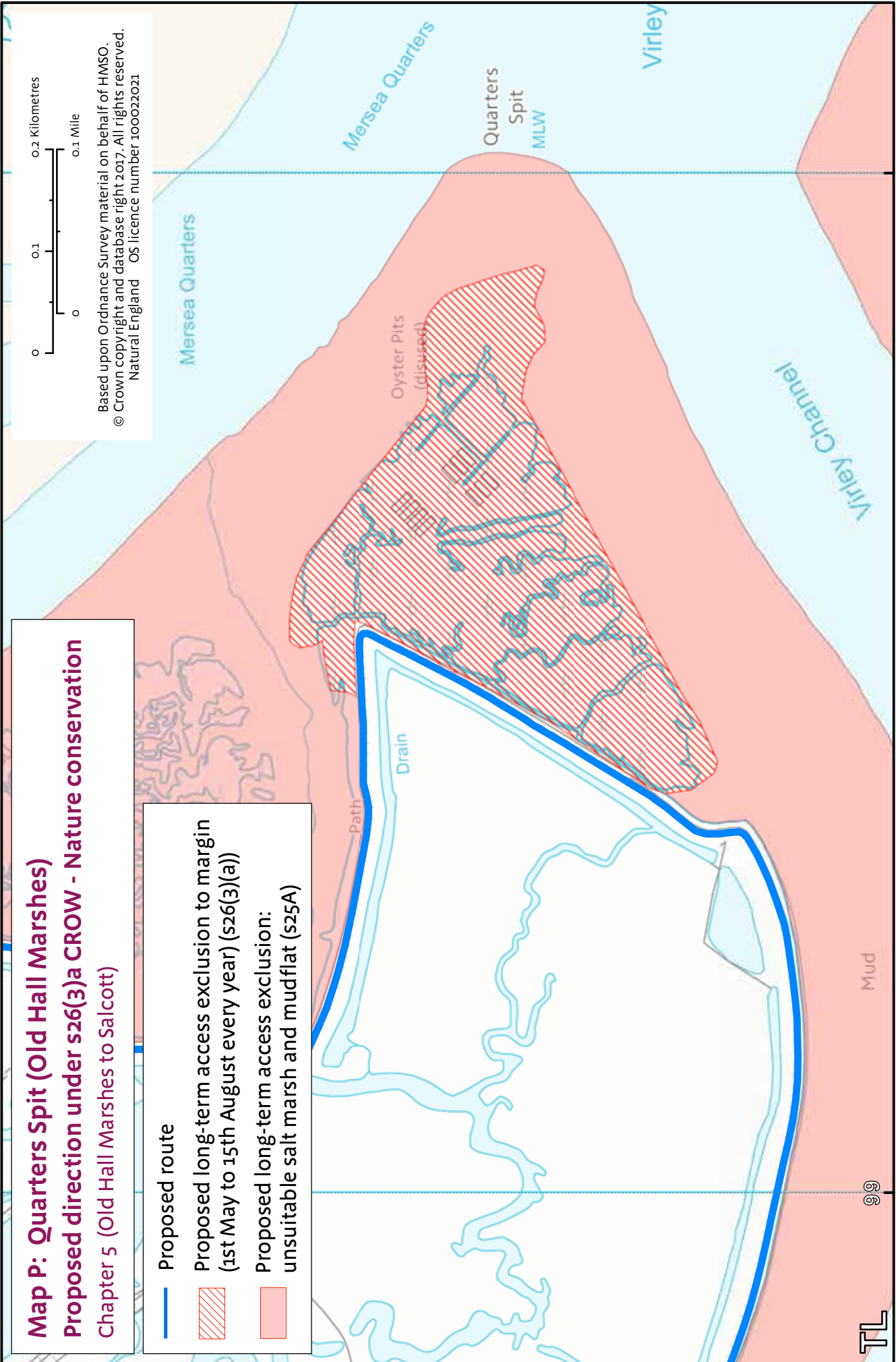


**Map P: Quarters Spit (Old Hall Marshes)**  
**Proposed direction under s26(3)a CROW - Nature conservation**  
 Chapter 5 (Old Hall Marshes to Salcott)

-  Proposed route
-  Proposed long-term access exclusion to margin (1st May to 15th August every year) (s26(3)(a))
-  Proposed long-term access exclusion: unsuitable salt marsh and mudflat (s25A)



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## Annexes

### Annex A: Bibliography

Information about Natural England's coastal access programme:

#### **Natural England**

[www.gov.uk/englandcoastpath](http://www.gov.uk/englandcoastpath)

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](http://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](http://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](http://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](http://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](http://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](http://www.legislation.gov.uk/uksi/2010/1976/contents/made)

Environmental legislation referred to in the report

#### **Habitats Directive**

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

European Commission

[http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)

Other published information used in the preparation of the report:

#### **Essex and South Suffolk Shoreline Management Plan SMP2 (2010)**

Royal Haskoning – on behalf of the East Anglia Coastal Group

<http://eacg.org.uk/smp8.asp>

#### **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

The terms and their explanations below are simply for guidance and are not intended to have any legal effect.

Any terms shown in bold type within each explanation are included as a separate entry elsewhere in the glossary.

**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 the report uses 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** as part of our report for a stretch of coast, for use by the public at times when access along part of the normal route is excluded under a **direction**. The associated term **optional alternative route** denotes an alternative route which the public has the *option* to use at times when the normal route (even though not formally closed) is unsuitable for use because of flooding, tidal action, coastal erosion or other geomorphological processes. Figure 17 in chapter 6 of the Scheme explains alternative routes in more detail. Paragraphs 4.10.16 to 4.10.18 of the Scheme explain more about the potential use of optional alternative routes.

**appropriate assessment** means, for the purposes of the Scheme, an assessment of the implications of a plan or project for a **European site** in view of the site's conservation objectives, made in accordance with Article 6.3 of the **Habitats Directive**. Natural England is required to conduct an appropriate assessment where it concludes that the introduction of **coastal access rights** in the form proposed is likely to have a significant effect on the conservation objectives for a European site. Our proposals to the Secretary of State include as necessary any local measures designed to prevent such a likely significant effect arising from improved access. Section 4.9 of the Scheme explains in more detail how we fulfil this requirement where it is relevant.

**Birds Directive** means the European Community Council Directive 2009/147/EEC on the conservation of wild birds. See bibliography for publication details.

**building** has the same meaning given in Schedule 1 of **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 the report uses 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**. It is explained at section 1.3. 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 report 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 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**.

**European site** means a site:

- classified as a Special Protection Area (SPA) for birds under the **Birds Directive**; or
- designated as a Special Area of Conservation (SAC) under the **Habitats Directive**; or
- proposed to the European Commission as a site eligible for designation as a SAC for the purposes of Article 4.4 of the Habitats Directive (a candidate SAC).

Natural England is required in the circumstances described under **appropriate assessment** above to conduct such an assessment of the implications of the introduction of **coastal access rights** for European sites. It is Government policy, stated in the National Planning Policy Framework that, whilst not European sites as a matter of law, the following sites should be subject to the same procedures and protection as European sites:

- Any potential SPA or possible SAC;

- Any site listed or proposed as a Wetland of International Importance especially as Waterfowl Habitat under the Ramsar Convention on Wetlands of International Importance 1971 (a Ramsar site); and
- Sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

For this purpose, any reference in the report to a European site or sites should be taken to include all the categories of site above.

**excepted land** – see Annex C of the Overview.

**exclude/exclusion** are terms the report uses to 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 report it is taken to mean the land between mean low water and mean high water.

**gate** is used in several ways in the report:

- ‘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 report uses 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 Directive** means the European Community Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora. See bibliography for publication details.

the **legislation** is the term the report uses 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.

**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 report, and to invite representations from it on its report – see chapter 3 of the Coastal Access Scheme for details.

**national restrictions** – see Annex D of the Overview.

**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 to Natural England about a proposal in the 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.

**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 kind of **legal interest** over it.

**representation** means a representation made by any person to Natural England regarding a proposal in its final report. 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 report, without further confirmation by the Secretary of State. Section 4.10 of the Scheme explains in more detail how this works.

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

**Scheduled Monument** means a site or monument of national importance given legal protection by virtue of being listed on the Schedule of Monuments under section 1 of the Ancient Monuments and Archaeological Areas Act 1979.

**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.

**Site of Special Scientific Interest (SSSI)** means a site notified under section 28 of the Wildlife and Countryside Act 1981 (as amended) as nationally important for its wildlife and/or geological or physiographical features.

**spreading room** is the term the report uses 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.

**strategic environmental assessment** means the overall requirements of European Community Council Directive 2001/42/EC. Sections 4.9.9 and 4.9.10 of the Scheme describe the circumstances in which we would conduct a strategic environmental assessment.

**stretch** is the term the report uses to describe the whole coastline affected by proposals it contains.

**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 by or under the direction without requiring confirmation by the Secretary of State in the report, 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 the report uses to describe the strip of land people walk along when following the route identified for the purposes of the **Coastal Access Duty**: see section 1.2. Following approval by the Secretary of State of the proposals in our coastal access report, 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 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:  
Bird watcher at Goldhanger Creek  
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