

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

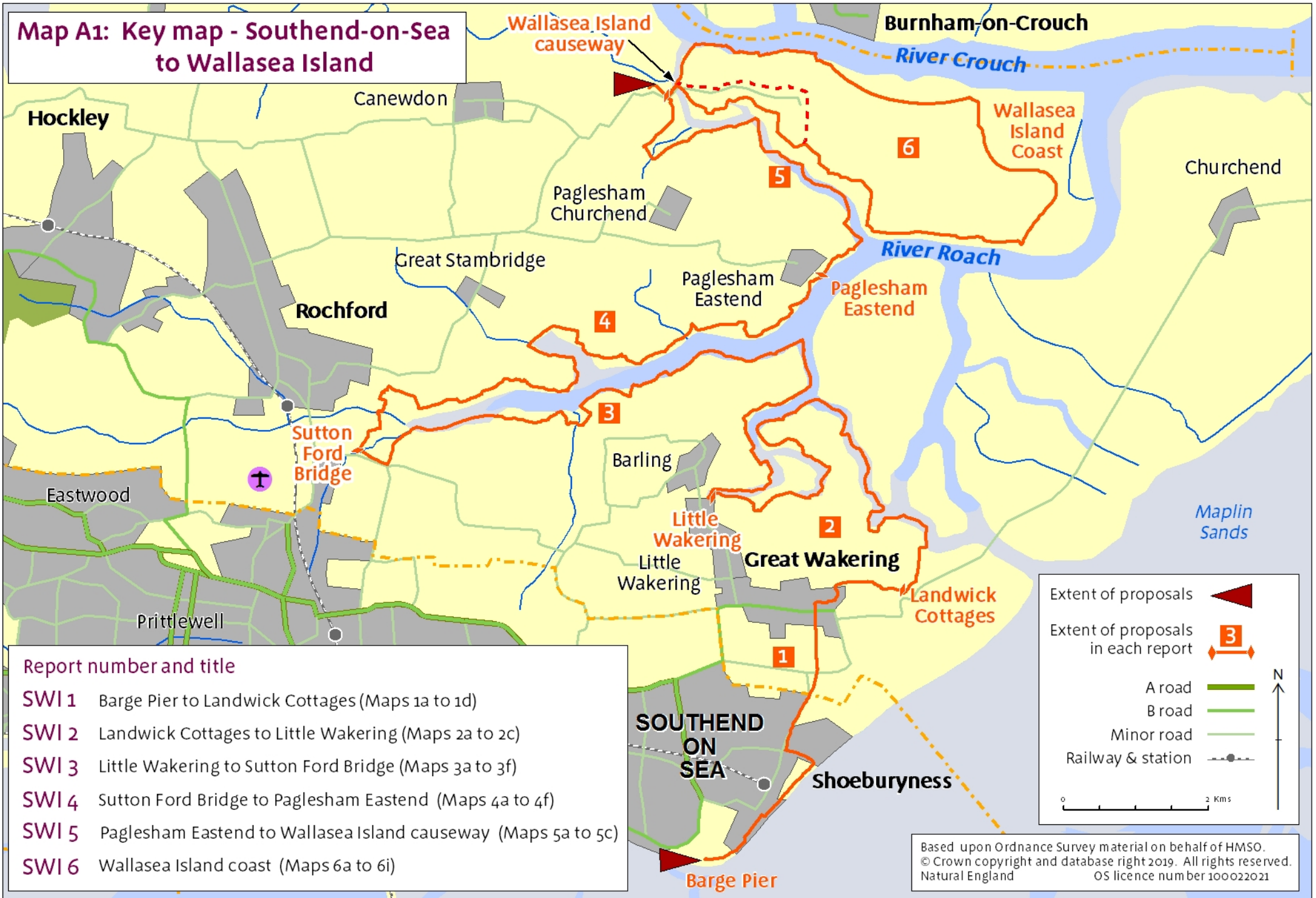


# England Coast Path Stretch: **Southend-on-Sea to Wallasea Island**

Overview of Natural England's statutory reports to the Secretary of State for Environment, Food and Rural Affairs.





# Map A1: Key map - Southend-on-Sea to Wallasea Island





## Report number and title


- SWI 1** Barge Pier to Landwick Cottages (Maps 1a to 1d)
- SWI 2** Landwick Cottages to Little Waking (Maps 2a to 2c)
- SWI 3** Little Waking to Sutton Ford Bridge (Maps 3a to 3f)
- SWI 4** Sutton Ford Bridge to Paglesham Eastend (Maps 4a to 4f)
- SWI 5** Paglesham Eastend to Wallasea Island causeway (Maps 5a to 5c)
- SWI 6** Wallasea Island coast (Maps 6a to 6i)


Extent of proposals 

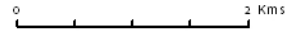
Extent of proposals in each report 


A road 

B road 

Minor road 

Railway & station 

0 2 Kms 

N 

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## Report number and title

SWI 1: Barge Pier to Landwick Cottages (Maps SWI 1a to SWI 1d)

SWI 2: Landwick Cottages to Little Wakering (Maps SWI 2a to SWI 2c)

SWI 3: Little Wakering to Sutton Ford Bridge (Maps SWI 3a to SWI 3f)

SWI 4: Sutton Ford Bridge to Paglesham Eastend (Maps SWI 4a to SWI 4f)

SWI 5: Paglesham Eastend to Wallasea Island causeway (Maps SWI 5a to SWI 5c)

SWI 6: Wallasea Island coast (Maps SWI 6a to SWI 6i)

## Using the Key Map

Map A (opposite) shows the whole of the Southend-on-Sea to Wallasea Island 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 6 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.

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## 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 Southend-on-Sea and Wallasea Island. 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 SWI 1a to SWI 1d illustrate the proposals in report SWI 1, which deals with the length from Barge Pier, Shoebury Ness to Landwick Cottages, Great Wakering.

# 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 waters<sup>1</sup>, 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 Essex between Southend-on-Sea and Wallasea Island. 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 some areas of coastal land adjoining the path 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.

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.

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<sup>1</sup> 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 Southend-on-Sea to Wallasea Island, which can be viewed here <https://www.gov.uk/government/publications/england-coast-path-from-southend-on-sea-to-wallasea-island-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 six 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 SWI 1a to SWI 1d illustrate the proposals described in report SWI 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 Proposals Tables explained

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

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

permission from or traditional toleration by the owner of the land, or through any type of pre-existing legal right that remains in force.

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

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

In each report the Part 3 Proposals Tables, in conjunction with the Part 2 Proposals Narrative and the Part 4 Proposals Maps, set out our formal proposals to the Secretary of State in relation to the length of coast in



question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.

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

Example table 1: Section details

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"> <li>■ it offers a safer and more convenient route with a newly created tarmac surface which is accessible to all.</li> <li>■ it avoids passing through the working area of the boat yard.</li> <li>■ the surface of the existing footpath along the flood bank is uneven and often waterlogged.</li> </ul> <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"> <li>■ it avoids increased footfall on the fragile limestone grassland flora which is designated as a SAC and SSSI feature.</li> <li>■ it is comparable, in terms of the safety and convenience of walkers.</li> </ul> <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 Essex Local Access Forum (LAF);
- 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 and Essex County Council, in relation to historic features on this stretch of coast; and
- the Ministry of Defence, in relation to defence interests on this stretch of coast.

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

- the Royal Society for the Protection of Birds (RSPB);
- Essex Wildlife Trust (EWT);
- the Ramblers Association;
- 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;
- Royal National Lifeboat Institution (RNLI); and
- GeoEssex (local geodiversity interest).

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 public drop-in sessions held to capture views and offer face-to-face meetings.

We also engaged with internal specialists and relevant organisations locally - including Essex Wildlife Trust, Royal Society for the Protection of Birds, English Heritage - 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. Barge Pier to Landwick Cottages (Report SWI 1 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 Southend-on-Sea to Wallasea Island stretch centres entirely on estuarial waters of Rivers Thames, Roach and Crouch.

#### 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 parts of the Thames, Roach and Crouch Estuaries 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 Thames, Roach and Crouch Estuaries;
- sets out the options for estuary trail alignment which we have identified as a result of this analysis, and;
- describes and explains our chosen proposal in each case.

#### b) Estuary discretion

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

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

#### c) Core national duties and considerations relevant to estuaries

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

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

The Scheme notes at paragraph 10.1.4 that because the seaward limit of estuarial waters is an arbitrary point from an access perspective, we are likely to use our discretion at most estuaries to extend the trail upstream to a more convenient point than this seaward limit. Paragraph 10.1.5 then adds “We will always



give careful consideration to our option to extend the trail as far as the first bridge or tunnel with pedestrian public access” – both for reasons of continuity, and with a view to any additional recreational benefits that might result within the estuary itself from doing so.

Chapter 10 of the Scheme explains the **statutory estuary criteria** that section 301(4) of the 2009 Act requires to be taken into account in deciding whether or not to include an estuary in our proposals. These are discussed in more detail in subsections e) to g) below in relation to the Thames, Roach and Crouch Estuaries, respectively.

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**

Roach estuary and parts of the estuaries of the river Crouch and the River Thames. The Roach and Crouch are characterised by broad, sinuous creeks, low lying islands, mudflats, tidal saltmarsh and reclaimed coastal grazing marsh extending many miles from the open sea. The Thames is a much wider and more extensive funnel-shaped estuary which meets the Roach at Haven Point, northeast of Southend on the Essex coast. The Roach also empties into the Crouch estuary at the east end of Wallasea Island.

Together the Thames, Roach and Crouch estuaries form a belt of estuary systems along the east coast from Holliwel Point in Essex (the mouth of the Crouch) to Warden Point on the Isle of Sheppey in Kent. For the purposes of our coastal access duty we have divided these estuaries into a number of stretches, with the intention that proposals for each stretch will be published as a series of reports. The overall ambition for this part of the coast is to realise a continuous path along it and it is helpful to bear in mind this context in reading our analysis of the individual estuaries which follows.

## **e) Thames estuary**

### **Geographical limits of our discretion**

The seaward limit of the transitional waters of the Thames Estuary runs from Haven Point, MOD Shoeburyness, Essex (TQ 977 877) to Warden Point, Isle of Sheppey, Kent (TR 020 724). See Map A2.

The first pedestrian crossing accessible at all times is the Woolwich foot tunnel (TQ 432 795), 54 km from Southend and the upstream limit of our discretion.

### **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 between Southend and the seaward limit of the Thames estuary.

There is a frequent ferry service across the Thames between Gravesend and Tilbury, approximately 28 km upstream of Southend-on-Sea. The ferry runs for 6 days per week (except Sundays and Bank Holidays) all year round and is financially supported and championed by the local authorities of either side of the river. It is also well used locally by people commuting to work at Tilbury Docks. This ferry does not directly serve this stretch but is noted here for context.

#### **ii) Character of the Estuary**

##### **Estuary width**

The width of the Thames Estuary is variable. At Haven Point (the seaward limit shown on map A2) it is more than 9.8 miles / 15.8 kilometres wide, at Southend Pier it is over 5 miles / 8 kilometres. Upstream of Southend, beyond the stretch of coast considered in these reports, it gradually narrows to 250 m at the upstream limit of the transitional waters at Battersea in London.

### **Topography of the shoreline**

The northern shoreline of the outer Thames estuary (Barge Pier, Gunners Park) has an open coast character with extensive views to Kent and across the southern North Sea.

### **Nature of affected land**

This part of the Thames is predominantly urban and defended by concrete sea defences below which are narrow public beaches. North-eastwards towards Foulness Island there is a narrow sandy beach (East Beach, Shoeburyness) which gives way to low-lying sand / shingle areas and saltmarsh backed by clay-cored seabanks towards Haven Point (the seaward limit of estuarial waters). There are extensive flats seaward of the beaches (mosaic of sand and mud).

### **Features of interest**

The intertidal areas of the Thames estuary are designated as part of the: Benfleet & Southend Marshes Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site; Foulness SSSI / SPA / Ramsar site, Outer Thames Estuary SPA and the Essex Estuaries Special Area of Conservation. Public attractions include Gunners Park nature reserve, a rich wildlife area with panoramic sea views (managed by Essex Wildlife Trust in partnership with Southend-on-Sea Borough Council). An existing well marked pedestrian route links Gunners Park to East Beach, a popular bathing / picnic spot. Beyond the beach the shoreline falls within the Ministry of Defence (MOD) Shoeburyness estate and is subject to MoD byelaws restricting public access.

Much of the former Shoebury Garrison has been converted for residential use and the proposed route passes many iconic buildings and landmarks.

### **iii) Recreational Benefit**

There are already existing coastal walking routes at Southend and Shoebury which could be sign-posted to form a continuous and well-signed route along this part of the Thames estuary, showcasing its attractive and diverse waterside character and creating access rights to its beaches and other coastal land for the first time. Southend-on-Sea is a popular seaside resort, well connected by public transport and attracts approximately 6.5 million annual visits so a way-marked route on this part of the Thames has potential to benefit a large number of people. It also has the potential to form part of a continuous coast path around the Thames: Natural England has already submitted proposals for a route from Grain to Woolwich on the south bank, passing the Gravesend-Tilbury ferry, and will submit proposals for the north bank between Tilbury and Southend-on-Sea in due course.

There is more limited scope to improve access to the MOD Shoeburyness estate on the coast northeast of the urban areas, because it is subject to military bylaws that strictly limit recreational use. However, a way-marked route inland of the defence estate would enable local people and visitors to discover more about the wildlife-rich, largely rural and remote nature of coastal Essex away from the main tourist attractions (see the commentary on the Roach and Crouch estuaries below).

### **iv) Excepted land**

Between Barge Pier and East Beach the proposed Southend-on-Sea to Wallasea Island (SWI) route follows the coast closely, with few areas of excepted land (e.g. private houses). Northwards beyond East Beach the MOD fence defines a large area of excepted land on MOD Shoeburyness which is subject to military byelaws. An inland route, as proposed in reports SWI 1 and SWI 2, would be necessary here to connect Southend to the rest of the Essex coast.

## v) Options for Thames Estuary

- Option 1 – use our discretion to align the trail along this part of the Thames Estuary from Barge Pier (Shoeburyness) to Oxenham Farm on the Roach estuary, the nearest point to the seaward limit of the two estuaries which is not subject to military byelaws. This would provide clearly way-marked access along the characteristically open coast at this part of the estuary at modest expense and allow connections to the upstream Thames and to the Roach estuary, offering the potential to extend the route further along the Essex coast.
- Option 2 – do not extend the trail further upstream than the seaward limit of the Thames estuarial waters. There would be no clearly defined route along this part of the estuary and the potential for a continuous route in either direction would be lost.

### Proposed route of the trail

Our proposal is to adopt Option 1, namely to align the trail along the Thames Estuary. This provides a continuous route between Southend and the Roach estuary and offers the strategic potential for a much longer route linking the estuarial waters of the Thames, Roach and Crouch with the open coast to north and south. It would also allow walkers to enjoy the unique character of this part of the Thames while bringing a welcome boost to tourism and local businesses.

## f) Roach estuary

### Geographical limits of our discretion

The seaward limit of the transitional waters of the Roach Estuary is downstream of the confluence with the River Crouch and is therefore jointly with the Crouch estuary, a line from north-east of Holliwel Point on its northern shore (TR 033 974), to Foulness Point on its southern shore (TR 043 953). It also shares a limit where the Havengore Creek (part of the Roach estuary) enters the Thames estuary at its seaward limit between Haven Point (TQ 977 877) and Havengore Head (TQ 981 881).

The first pedestrian crossing point of the River Roach upstream from the seaward limit is a footbridge located close to the disused Stambridge Mill site (TQ 886 902), 1 km east of the first road bridge crossing in Rochford town centre.

### 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 are no ferry services available to cross the River Roach and adjoining creeks.

#### ii) Character of the Estuary

##### Estuary width

At its confluence with the Crouch estuary (the east end of Wallasea Island), the Roach estuary is approximately 600 m wide. In its middle reach, the estuary is typically 300 m wide. At the first available crossing by footbridge near Stambridge Mills, the river and adjacent saltmarshes form a wetland area about 150 m in width.

##### Topography of the shoreline

The shoreline of the Roach estuary consists of a main channel (between Rochford and the confluence with the Crouch) and a number of smaller creeks which form the islands and peninsulas either side of the main channel. Whilst Rochford is approximately 8 miles upstream from the confluence of the Roach and the Crouch and a similar distance from its confluence with the Thames, the shoreline in both directions is considerably longer.

## **Nature of affected land**

The tidal Roach is defended by constructed seabanks (typically clay cored). On some sections – for example the south side of Wallasea Island – these are substantial where they protect extensive low lying ground to landward, but in other parts such as the upper Roach estuary near to Rochford, much less substantial where land tends to rise directly behind. The narrowness of the Roach estuary and tributary creeks, and the loss of saltmarsh to coastal erosion and sea-level rise, means that only small areas of saltmarsh exist in most parts of the estuary, although larger expanses can be found in some places.

On the landward side of sea defences the land use is predominantly arable for combinable crops with few small settlements close to the shoreline and one industrial zone on the margins of Rochford. Wallasea Island forms the side of the estuary near to its mouth and here previously reclaimed arable land is in the process of conversion to a range of wetland habitats within the RSPB's Wallasea Island Wild Coast project (a nature reserve). Barling Marsh, on the south side of the Roach estuary around Barling, is an ex-landfill site undergoing active restoration. Fleet Head, the peninsula two miles north of Great Wakering, includes an extensive area of species-rich, unimproved coastal grazing marsh which is sensitively managed through targeted cattle grazing.

## **Features of interest**

The intertidal areas of the estuary are designated as part of the Crouch and Roach Estuaries SSSI, SPA and Ramsar site, Foulness SSSI, SPA and Ramsar site and the wider Essex Estuaries SAC. The RSPB's Wallasea Island Wild Coast Project, which already attracts 20,000 visitors per year, is expected to become a major attraction, with plans for a more regular ferry service from Burnham-on-Crouch - see below i) Ferry Services.

The small historic market town of Rochford is at the head of the Roach estuarial waters and is connected to the attractive villages of Paglesham Eastend and Paglesham Churchend by the Roach Valley Way walking trail. Paglesham Eastend is reputedly the last resting place of HMS Beagle, the iconic flagship on which Charles Darwin made his voyage of pioneering scientific discovery. The year 2020 marks the bicentenary of the launch of HMS Beagle.

### **iii) Recreational Benefit**

A way-marked route around the Roach estuary would make accessible an attractive waterside landscape with far-reaching views, outstanding wildlife interest and peaceful countryside only a few miles from the major conurbation of Southend-on-Sea. There is scope for significant improvements on the south side of Wallasea Island and the south bank of the main channel between Rochford and Barling where there is no existing waterside path. A route along the Roach would also offer the potential for a continuous route linking to Southend-on-Sea and up the Thames into London, and from Wallasea Island along the Crouch estuary and further north along the Essex coast. Exercising our estuary discretion will improve links between existing estuary paths and Rochford town with its onward rail connections.

### **iv) Excepted land**

The Islands of Foulness and Potton on the southern side of the Roach estuary near to its mouth form part of the MoD Shoeburyness estate and are subject to military bylaws, meaning they are excepted from coastal access rights (see section 6(c) – Defence Interests below). In order to link the Thames and Roach rivers it is necessary to identify a route inland of the MoD estate from Haven Point.

There is little other excepted land around the Roach estuary as few buildings are located close to the shoreline or on the seaward side of the seabank. The only significant areas of excepted land are Purdeys Industrial Estate at Sutton Ford Bridge and the nearby site of the derelict Stambridge Mills.

## v) Options for Roach Estuary

- Option 1 – use our discretion to align the trail around the full extent of the estuary, including the south coast of Wallasea Island, as far as the first available crossing point (footbridge) at Stambridge near Rochford. This will provide continuous access along this part of the coast with the scope to extend it towards London and/or further along the Essex coast, including the north coast of Wallasea Island.
- Option 2 – stop at the limit of the Roach estuarial waters (or the nearest land point to it which is not excepted by reason of Military byelaws), leaving users to make their own way around the estuary.
- Option 3 - use our discretion to align the trail around the full extent of the estuary, but omitting an alignment around Wallasea Island. This would provide a continuous route to link to the River Crouch, but would not improve opportunities for users to enjoy the special qualities of the Island that a route around it would offer.

## Proposed route of the trail

Our proposal is to adopt Option 1, namely to align the trail along the Roach Estuary. This would offer a continuous waterside route along the Roach for the first time and allow walkers to enjoy the unique character of the estuary while bringing a welcome boost to tourism and local businesses. It also offers the potential for further extensions along the Crouch and Thames estuaries linking eventually to the open coast.

## g) Crouch estuary

### Geographical limits of our discretion

The seaward limit of the transitional waters of the Crouch Estuary runs from north-east of Holliwel Point on its northern shore (TR 033 974), to Foulness Point on its southern shore (TR 043 953).

The first pedestrian crossing point upstream of the seaward limit is at Battlesbridge, 27 km upstream from the seaward limit.

The seaward limit and the first pedestrian crossing point are both beyond the scope of this series of reports: here we consider only the part of the Crouch estuary along the north coast of Wallasea Island from the causeway, which links the west end of the Island to mainland Essex, and the confluence with the Roach estuary at the east end of the Island. Proposals for a walking route on the north bank of the Crouch upstream as far as Burnham-on-Crouch have already been submitted to the Secretary of State at the time of writing, whilst access proposals for the remainder of the estuary between Wallasea Island and Burnham on Crouch will be submitted later this year.

### 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

A small ferry for a maximum of 12 foot passengers is operated on demand and for a small fee (adult £4 one way) between the Town Quay, Burnham-on-Crouch and Essex Marina on Wallasea Island. However it is only scheduled to run from Easter (Good Friday) to the end of September and on 6 days a week (not Wednesdays) between the hours of 10:00 and 17:00. The ferry service may be suspended in adverse weather conditions or during exceptional tides when no alternative transport is provided.

Rochford District Council granted planning permission in September 2019 for a new ferry jetty and floating pontoon at Grassland Point on the north coast of Wallasea Island. This will permit the operation of a new



service from Burnham-on-Crouch but a possible date for its implementation and the likely frequency and extent of the service have yet to be developed.

## **ii) Character of the Estuary**

### **Estuary width**

At its seaward limit the Crouch estuary is more than 1.4 miles / 2.3 kilometres wide. At the Wallasea Island causeway (linking the west end of Wallasea Island to mainland Essex) the Crouch estuary is about 450 m wide.

### **Topography of the shoreline**

The north shore of Wallasea Island broadly follows the line of the main river channel but there is a narrow creek at the west end (Lion Creek) leading to the causeway which connects the Island to mainland Essex. The causeway may be flooded during the highest spring tides.

### **Nature of affected land**

The Island's north coast is mainly rural in character with scattered dwellings, small scale industrial use, a yacht marina and a caravan park. The former seabank here was breached in several places in 2006 with a new substantial seabank forming the line of flood defence generally at 300-500 m inland. New mudflats and saltmarshes have formed by natural processes within this area (Allfleets Marsh) with remnant seabanks slowly eroding. These saltmarshes, mudflats and the full width of the island at this eastern end form part of the RSPB's Wallasea Wild Coast habitat creation project and nature reserve. To the western end of the island the existing lower seabank remains the effective line of defence against the sea. In this area there are only mudflats beyond the seabank and no significant areas of saltmarsh, except within Lion Creek.

### **Features of interest**

The RSPB reserve is the main feature of interest on Wallasea Island, covering about three quarters of the land area and attracting visitors by ferry from Burnham-on-Crouch. Interest in the reserve is expected to expand as the Wild Coast project develops. The north coast of the Island also includes the Essex Yacht Marina, Baltic Wharf where timber products are imported, and a caravan site. The intertidal areas of the estuary are designated as part of the Crouch and Roach Estuaries SSSI / SPA / Ramsar site, and the Essex Estuaries SAC. There are good views across the River Crouch to the riverside frontage of Burnham-on-Crouch less than a kilometre across the channel.

## **iii) Recreational Benefit**

There is a well-established and waymarked route along the north coast of the Island. Its inclusion in the England Coast Path would attract more visitors to the RSPB reserve and offer scope to develop a circular walk around the perimeter of Wallasea Island, offering significant benefits to people living in the nearby towns and villages. From the causeway there is potential to extend the walking route along the remainder of the Crouch and Roach estuaries, linking eventually to the Thames estuary and London and to the open coast of Essex in the other direction.

### **iv) Excepted land**

In the north-west corner of Wallasea Island there are developed land uses (industrial, marina and caravan site) that would be excepted. However, as the proposed route will be along the seabank these would largely fall landward of the coastal path and the only parts of these that fall into the coastal margin, and therefore excepted, are jetties and landing stages.

### **v) Options for the Crouch estuary**

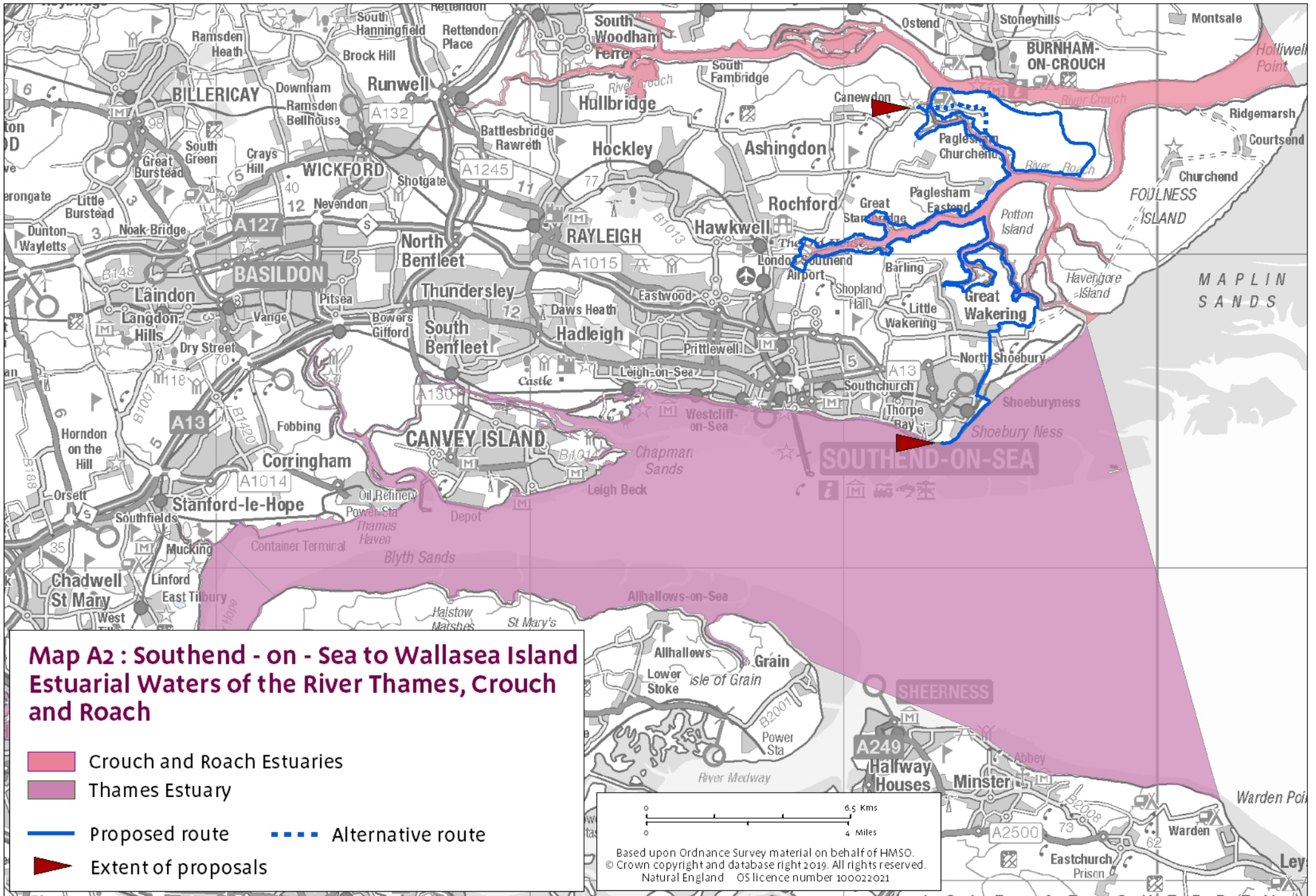
- Option 1 – use our discretion to align along the part of the Crouch estuary which follows the north coast of Wallasea Island from the causeway, which links the west end of the Island to mainland Essex, and the confluence with the Roach estuary at the east end of the Island. This would create a circular walk around the Island coast

- Option 2 – stop at the Wallasea Island marina, where the seasonal ferry would allow users to cross the River Crouch during the operating season.
- Option 3 – do not use our discretion to align along the north coast of Wallasea Island. There would be no clearly defined route along this part of the estuary and the potential for a continuous route around the Island would be lost. This would still allow for a potential route upstream along the Crouch linking to the open coast beyond Burnham-on-Crouch.

### **Proposed route of the trail**

Our proposal is to adopt Option 1, namely to align the trail along the part of the Crouch Estuary which follows the north coast of Wallasea Island. This would allow walkers to walk around the entire island coast and enjoy the unique character of this part of the estuary.

The proposal leaves scope to propose a connecting route around the Crouch estuary between Wallasea Island and Burnham on Crouch at a later date.



**Map A2 : Southend - on - Sea to Wallasea Island  
Estuarial Waters of the River Thames, Crouch  
and Roach**

- Crouch and Roach Estuaries
- Thames Estuary
- Proposed route      Alternative route
- Extent of proposals

0 ————— 6.5 Kms  
0 ————— 4 Miles

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## 6. Other considerations on this stretch

### a) Recreational Issues

We have considered interrelationships between our proposals and the Essex and Southend-on-Sea Rights of Way Improvement Plans. Our proposals will supplement the ambitions described in these plans by enhancing provision of access at the coast.

Map B gives an overview of existing public access to the Essex coast between Southend-on-Sea and Wallasea Island, showing public rights of way and access land.

There is popular and well-established access provision through the urban areas of Shoeburyness at the southern extent of this stretch.

To the north and east of this area is MOD Shoeburyness, an extensive tract of land that includes the islands between the outer Thames and the River Roach. Public access there is strictly limited and controlled by byelaws – see part 6c ‘defence interests’ for further information – and our proposed route cuts inland along existing routes via Great Wakering to Oxenham Farm to avoid it (see reports SWI 1 and SWI 2).

North of Oxenham Farm the creeks and channels of the River Roach are well served by public footpaths along the crests of seabanks via Rochford as far as the Wallasea Island causeway. Some of these paths form part of the Roach Valley Way, a promoted route linking Rochford, the Pagelshams and Hockley. There are also paths linking inland at intervals along the seabank. There is one significant gap in the existing access provision along the Roach, along the south bank east of Rochford – see report SWI 3 for our proposal to address this issue.

On Wallasea Island there is a right of way (footpath) following the seabank on the north side all the way to the far eastern side. There is then no right of way access around the remaining east and southern sides, although a permissive route for walking has been provided along the realigned eastern seabank within the Wallasea Island RSPB reserve. Our proposals would link existing routes with new route sections to form a continuous route that circumnavigates the island for the first time – see report SWI 6.

The only land with existing open access rights on this stretch is an area of Registered Common Land known as Great Wakering Common. The proposed route passes over the common and we propose to include the full extent of the common within the associated coastal margin – see report SWI 1 for details. We do not envisage any change to the way the public currently enjoy the common for quiet recreation. It provides an attractive, traffic-free alternative to pavement walking away from the coast.

The Ramblers have asked for signage at Oxenham Farm to alert the public to rights of way closures when the MOD are flying red flags (denoting active firing). The southern seabank public footpath at Havengore Bridge (TQ 969 882) is closed (securely gated) when firing is taking place. The red flags are not easily discerned from Oxenham Farm during poor visibility (e.g. fog). This matter will be addressed, for the reasons set out elsewhere in Report SWI 2.

### b) Protection of the environment

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.



A key feature for the Essex Estuaries as a whole is that during the winter months and spring and autumn migration periods, it supports internationally recognised populations of non-breeding waterbirds. The extensive areas of soft mud exposed at low tide are the main feeding areas but the birds also need suitable undisturbed places to roost (e.g. larger blocks of saltmarsh) and several species use inland areas that provide supporting habitat for feeding and resting. An Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy (Essex RAMS) Document is under development with support from local Councils, including Southend-on-Sea and Rochford. The strategy includes developer tariffs and is expected to be implemented over the planning period. It incorporates SANG (suitable alternative natural greenspace) and SAMM (strategic access management and monitoring) designed to avoid effects of increased visitors and urbanisation which arise from additional housing near a European designated site. We have worked closely with the Essex Place Services team and collaborating Essex local planning authorities developing this strategy to ensure consistency of approach to managing recreational pressures across the county's coast.

This stretch of coast also bears the marks of a long and distinctive history. Landmarks from its coastal heritage include ancient settlements, military landmarks and the wreck of Charles Darwin's flagship HMS Beagle, some of which are Scheduled Monuments (see Map D: Key Historic Designations and Sites). Data relating to the historic sites and features was collated for us by Essex County Council. This included data about the presence of historic sites and features on this stretch of coast (Selected Heritage Inventory for Natural England: SHINE) and specialist advice as to the potential vulnerability of the sites and features to public 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. Our conclusion from this assessment is that our proposals would not undermine the conservation objectives for the historic environment within the Southend-on-Sea to Wallasea Island stretch.

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-southend-on-sea-to-wallasea-island-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-southend-on-sea-to-wallasea-island-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.

#### **Rural coast**

The majority of the coast on the Southend-on-Sea to Wallasea Island stretch is rural in character. The land is low lying, and protected with sea defences in the form of grassed seabanks. In many places these are substantial, but less so where land is rising to landward and the extent of land protected is not significant.



Mostly, these seabanks are no longer grazed by cattle or sheep. Where the banks are grazed by livestock (e.g. Fleethead, Barling Magna Parish) we have considered the potential for conflict between grazing and increased use of the seabanks for public access, and have recognised the need to increase public awareness of the presence of livestock and to ensure appropriate behaviour and control of dogs around them (see 6f below). Landward areas are predominantly in use for arable farming, largely restricting any possibility of extending the coastal margin landward. Several wildfowling clubs operate in the area and have expressed concerns over public safety, especially in locations where there is currently no public access. We have proposed a seasonal exclusion to address these concerns as detailed in Section 8 Restrictions and Exclusions and report SWI 6.

Our proposed route generally follows the outermost seabank directly adjacent to the intertidal zone. Beyond this there are extensive areas of saltmarsh and mud or sandflats. Many landowners and other local residents made us aware of their concerns about the risks that would be created by greater public access to these areas. We also consulted local emergency services on this risk and both HM Coastguard and the RNLi advised that these areas are inherently too dangerous to be subject to a general right of access because of the hazards associated with rapid tidal inundation across wide areas dissected by deep channels and interspersed with areas of soft sands or mud. We have therefore proposed a year round public access exclusion under Section 25A of the CROW Act for public safety reasons across all areas of saltmarsh and intertidal mudflats in the coastal margin – see part 9 of the Overview and reports SWI 2 to SWI 6 for further details of where this exclusion would apply.

### **Urban and industrial coast**

A small proportion of this stretch is urban or has industrial use: chiefly on the eastern edge of Southend-on-Sea Borough, where the route passes close to Rochford town and at the western end of Wallasea Island.

The issues raised by other owners and occupiers on this part of the stretch generally related to the operational needs of businesses or to the privacy of residents. These issues are 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 – including land covered by buildings and their curtilage and land used as a garden. Land which becomes subject to development in the future will also become excepted from the coastal access rights if it is developed in these ways. Annex C: Excepted land categories sets out these provisions in more detail.

We have been particularly mindful in urban and industrial areas of public safety in developing a route. Where public highways need to be used we have taken advice from the local highways authority on use of roadways without footways where this cannot be avoided and safe crossing points. There are also several points where a slipway or access to landing stages crosses our proposed route, although at each of these the route is following an existing right of way. On Wallasea Island there are busy slipways seaward of the proposed route; we propose to exclude access to these to avoid impacts that might otherwise occur if there were access rights there – see report SWI 6.

### **Defence interests**

From the outset of developing these proposals, we spoke to the Ministry of Defence (MOD) as the major landowner covering the islands of Foulness, Rushley and Potton plus large tracts of foreshore around Shoebury Ness which forms MOD Shoeburyness. Existing public access rights and activities in this area are strictly controlled under the terms of military byelaws.

Military byelaws also greatly limit the legal scope for new access proposals, because the land to which they apply is automatically excepted from coastal access rights (see Annex C).

Natural England explored opportunities with the Ministry of Defence for improving public access to MOD Shoeburyness, but following discussions it was decided that increased access was not compatible with the use of the site for reasons of public safety. This means that the proposed England Coast Path route does

not include Foulness, Rushley and Potton islands (and coastal access rights are excluded from Potton island swing-bridge and the connecting causeways / fords at Rushley and Potton islands). Current public rights of way within the MOD landholdings are unaffected by our proposals, but subject to strict access control by the MOD / QinetiQ (for information within the Foulness / Shoeburyness Danger Area telephone 01702 383211).

#### **d) Coastal processes**

The principal source of information regarding coastal processes on this stretch of coast is the Essex and South Suffolk Shoreline Management Plan (see Annex A: Bibliography), a non-statutory policy document for the management of flood risk and coastal erosion. With reference to this document, and with advice from the Environment Agency and officers from 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.

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).

This includes parts of the defended coastline around the Pagleshams and Wallasea Island described in reports SWI 3 – SWI 6 is identified in the Shoreline Management Plan as potentially being at risk from rising sea levels in the future. On these lengths of coast we propose to recommend that at-risk parts of the trail are able to roll back so that they can be repositioned without further reference to the Secretary of State, once he has approved the initial route. There is more detail about these roll-back arrangements in part 7 of the Overview and in the relevant reports.

#### **e) Other substantive issues**

##### **Walkers and livestock**

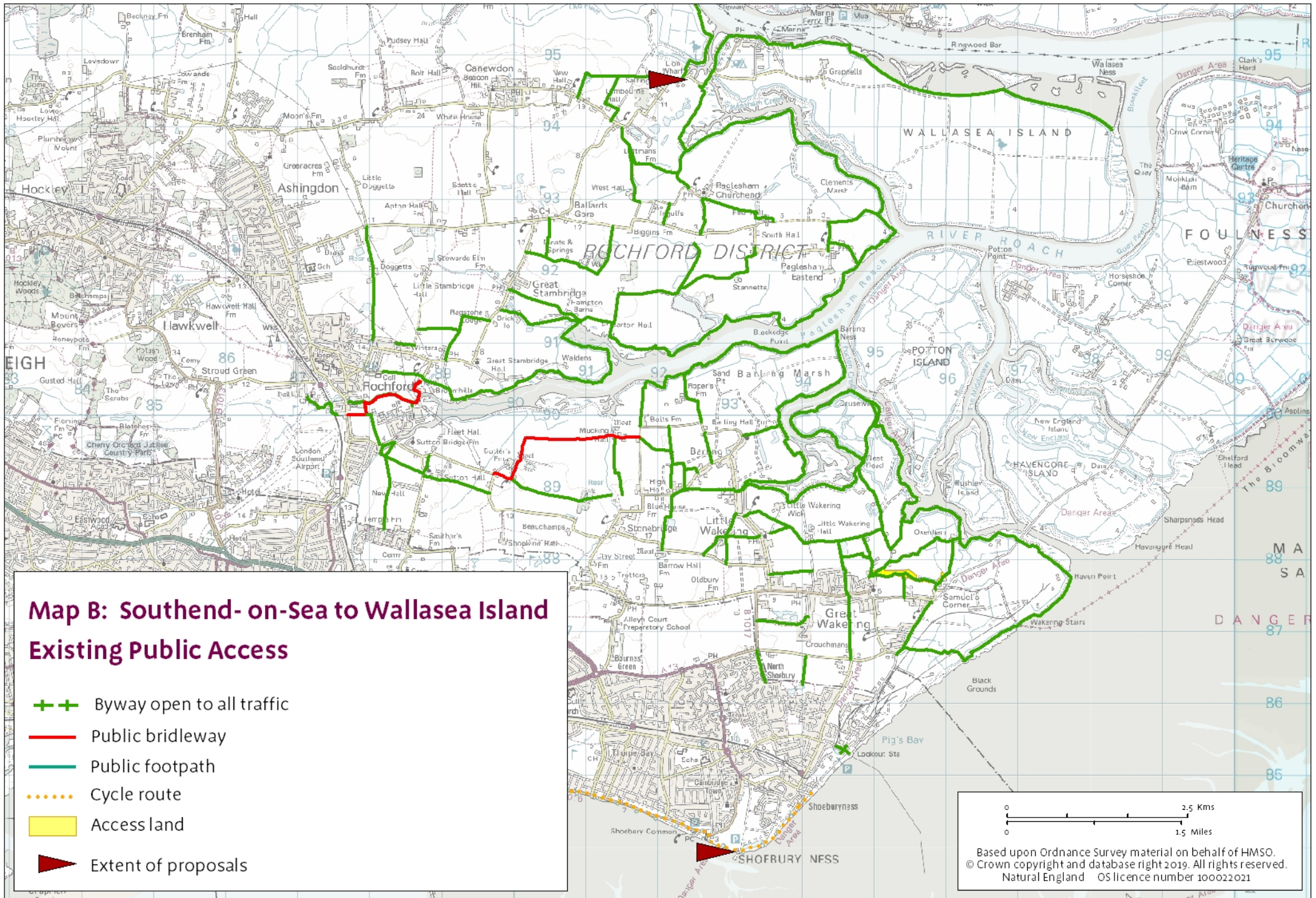
One section of seabank at Fleet Head, Little Wakering, west of Potton Island (sections SWI-2-S021 to SWI-2-S025 of the proposed route in report SWI 2) is seasonally grazed by cattle and we have considered whether this poses a risk to trail users. This is mostly through the spring / summer season when cattle have access to the landward coastal grazing marshes and grass-covered flood defences. The cattle may be distant from trail users at times when they spread out across the extensive landward grassland. However, at some times the cattle may gather / graze on the seabank, leaving little room for separation between trail users and cattle. Greatest concern would arise where trail users are accompanied by dogs and cattle have young calves with them that they instinctively protect, as this could lead to a potentially dangerous situation developing for trail users, their dogs, and also for calves if dogs are not under proper control.

It should be noted that the proposed route where cattle graze is a public footpath so the situation is not a new one, and there are no recorded incidents from this section, demonstrating that access is compatible where appropriate precautions are taken. However, we considered what mitigation could be used to mitigate the risks, particularly on sections of access where users less familiar with cattle presence might be expected. Cattle grazing is integral to sustainable management of the coastal grazing marsh and adjacent seabanks: access to the seabank allows cattle to graze safely and have access to fresh water, supplementary feed and grassland at all times. Providing alternative routes or separation of trail users with

additional fencing would not be practical options for the section involved. We have therefore concluded that the only practical solution is to raise public awareness through new signs, which we envisage installing as part of the establishment works. The signs would include messages to:

- raise awareness of the likely presence of cattle at main access points where appropriate so that users can decide whether to proceed and are prepared to turn back if they encounter cattle that cannot be avoided in the space where coastal access rights apply;
- provide concise advice on appropriate behaviour that will reduce the risk to users and dogs accompanying them if they are in close proximity to cattle;
- in particular request that users keep dogs on a lead in the vicinity of cattle and remove dog faeces as these can create a health risk to grazing cattle; and
- advise that if dog owners feel threatened by cattle, as a last resort, it is safer to unclip the dog from the lead.





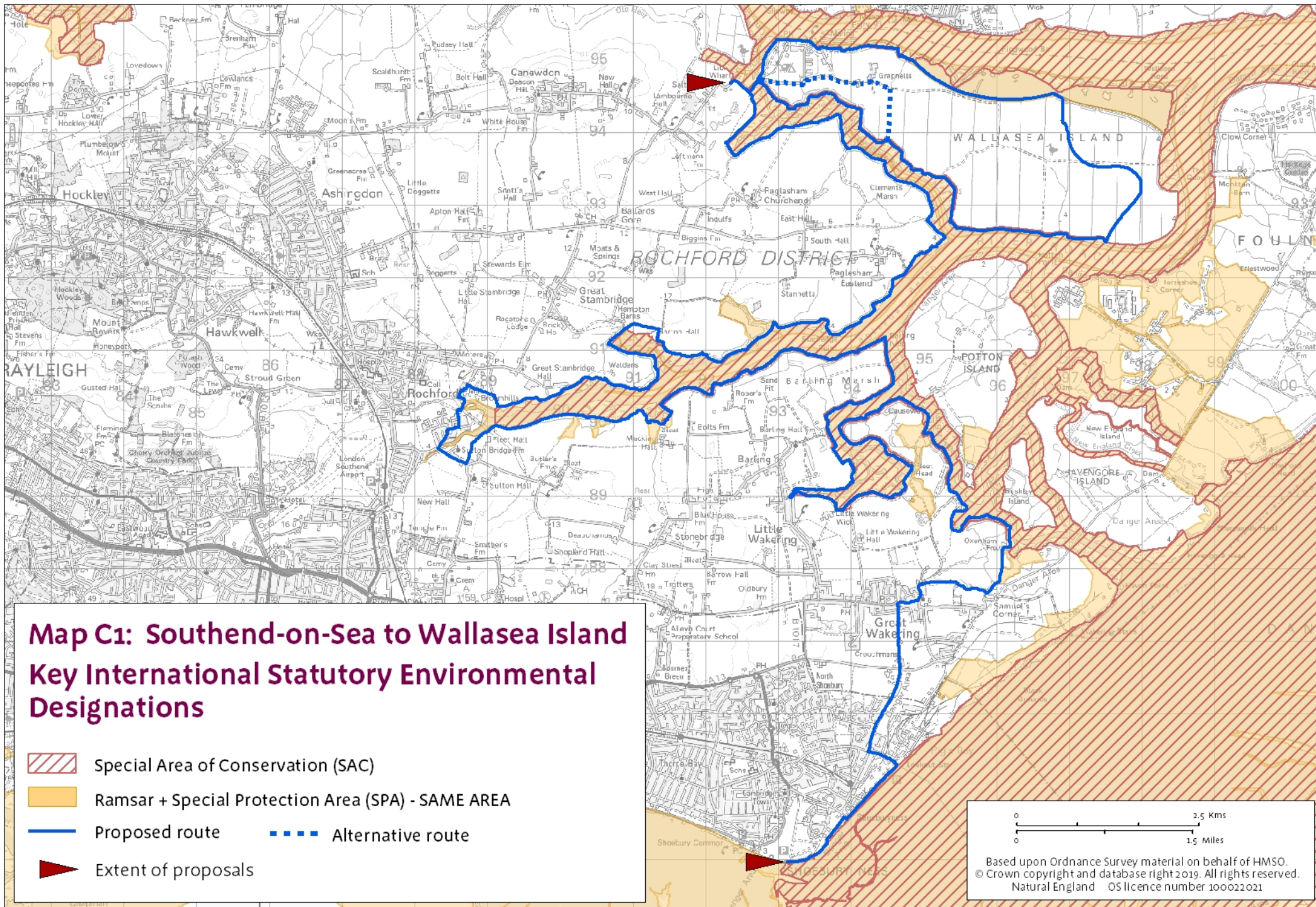
**Map B: Southend-on-Sea to Wallasea Island**  
**Existing Public Access**

- - - Byway open to all traffic
- Public bridleway
- Public footpath
- - - Cycle route
- Access land
- ▶ Extent of proposals

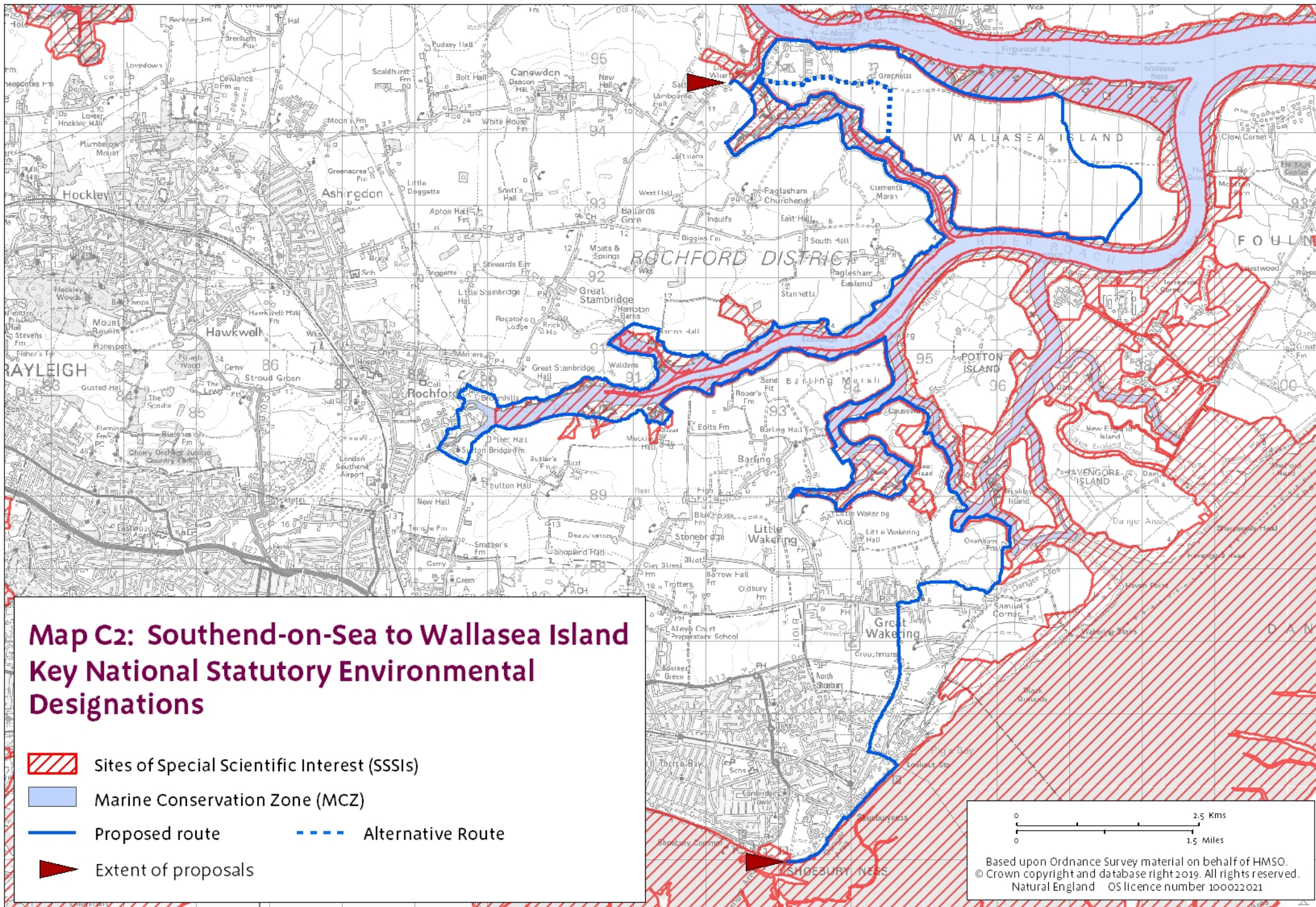
0 2.5 Kms  
 0 1.5 Miles

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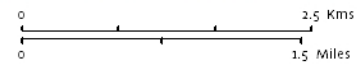




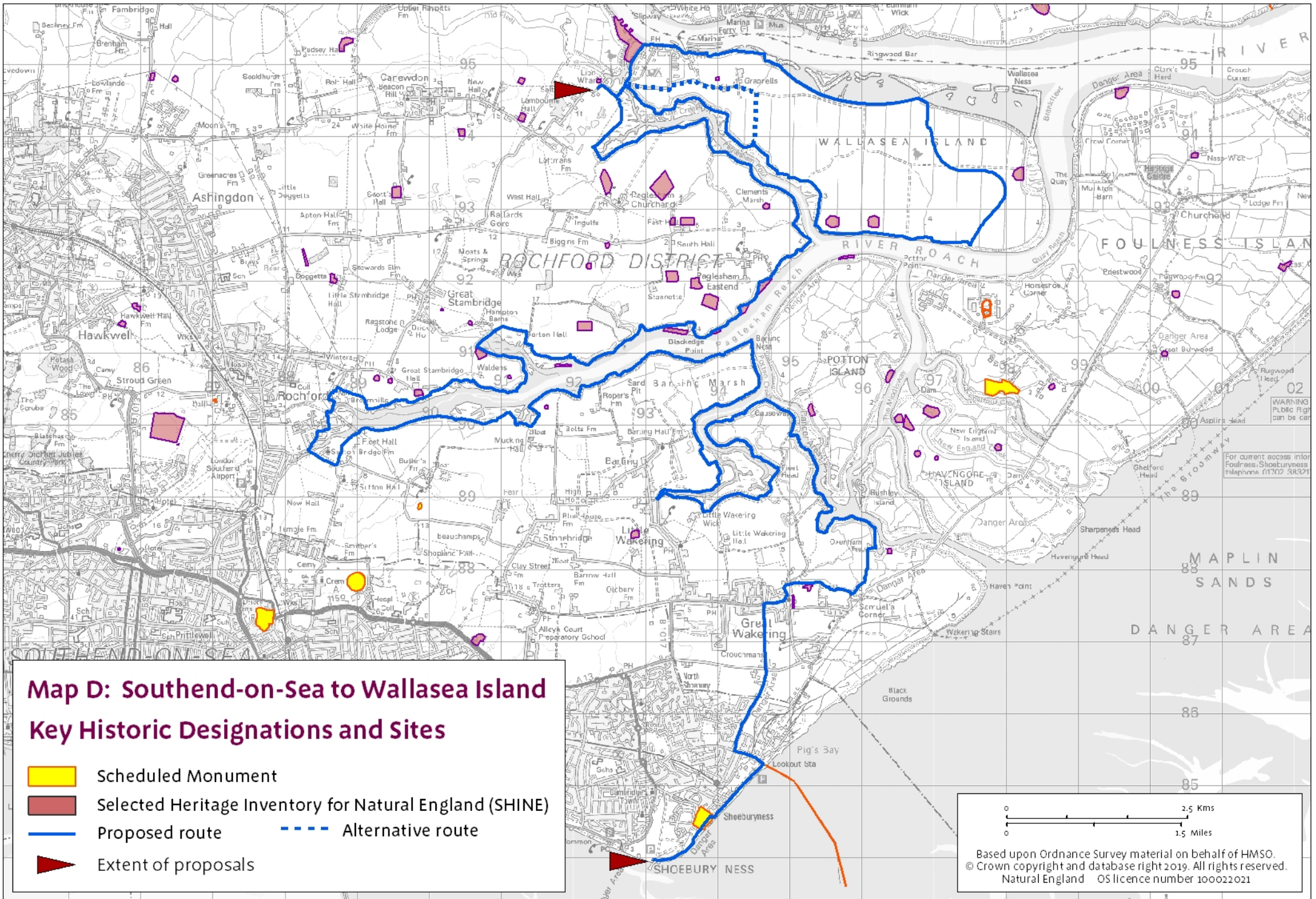


## Map C2: Southend-on-Sea to Wallasea Island Key National Statutory Environmental Designations

-  Sites of Special Scientific Interest (SSSIs)
-  Marine Conservation Zone (MCZ)
-  Proposed route
-  Alternative Route
-  Extent of proposals

  
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## Map D: Southend-on-Sea to Wallasea Island Key Historic Designations and Sites

- Scheduled Monument
- Selected Heritage Inventory for Natural England (SHINE)
- Proposed route
- Alternative route
- Extent of proposals

0 2.5 Kms  
0 1.5 Miles

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## Other issues

### 7. Future changes

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

#### Roll-back

Reports SWI 3 to SWI 6 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.

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

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
SWI 1 to SWI 6	Saltmarsh and flat seaward of the trail See maps E1 to E5	No public access	Unsuitable for public access	Saltmarsh and flat s25A	All year
SWI 2 Landwick Cottages to Little Wakering	Oxenham Farm See Map E2	No public access	Sensitive wildlife	Nature conservation s26(3)(a)	All year
SWI 6 Wallasea Island coast	Wallasea Island RSPB reserve See map E4	No public access	Sensitive wildlife	Nature conservation s26(3)(a)	All year
SWI 6 Wallasea Island coast	Trail around Wallasea Island (east and south only where not following public rights of way) See map E4	No dogs	Sensitive wildlife	Nature conservation s26(3)(a)	All year
SWI 6 Wallasea Island coast	Trail on north side of Paglesham Creek See map E5	No public access (alternative route proposed)	Prevent disruption to wildfowling	Land management s24	Annually from 1 <sup>st</sup> September to 20 <sup>th</sup> February
SWI 6 Wallasea Island coast	Baltic Wharf and Essex Marina, Wallasea Island See maps E5	No public access	Prevent disruption to ongoing commercial activity / public safety	Land management s24 and Public safety s25(a)	All year



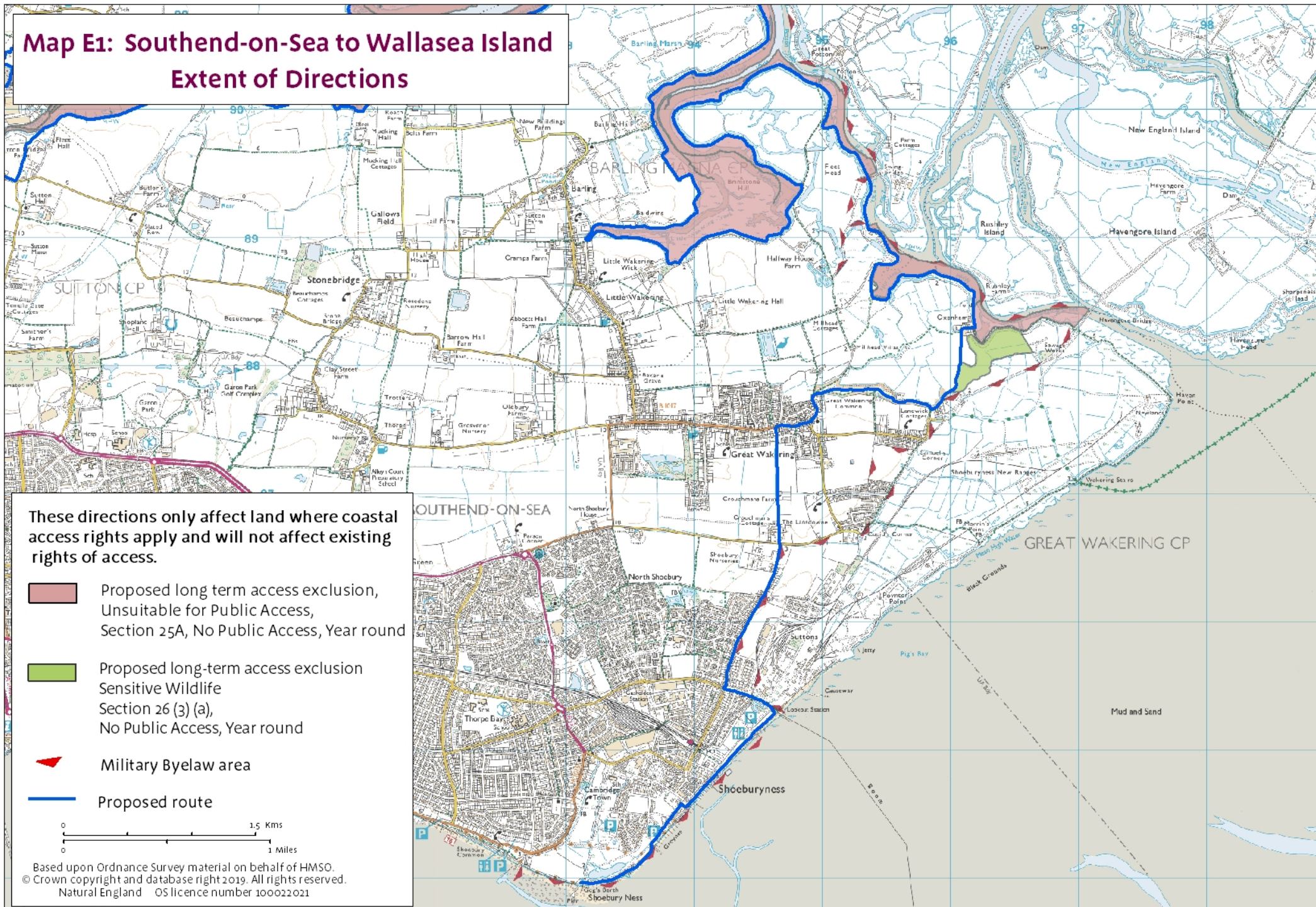
These directions will not prevent or affect:

- 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.

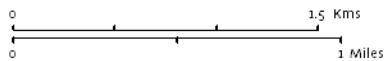
Where land already has open access rights for the public under Part 1 of the CROW Act (the right to roam over mountain, moor, heath, down and registered common), those pre-existing rights are replaced by coastal access rights wherever the land in question falls within the coastal margin. Where that happens, our report may in some circumstances propose to exclude the replacement rights, even where they were not excluded previously, based on an updated analysis of relevant powers and requirements. There are no such proposals on this stretch of coast.

# Map E1: Southend-on-Sea to Wallasea Island Extent of Directions



These directions only affect land where coastal access rights apply and will not affect existing rights of access.

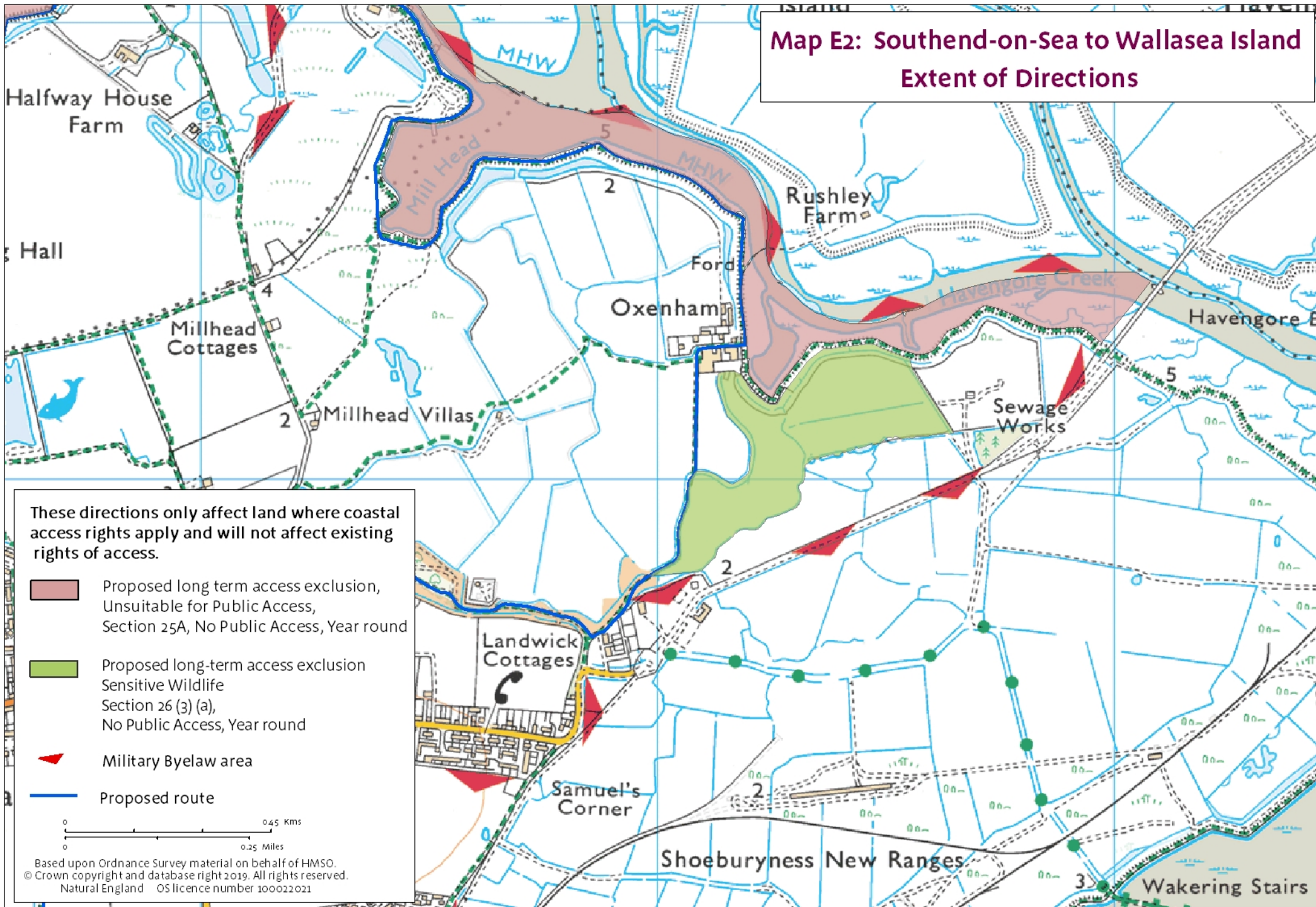
- Proposed long term access exclusion, Unsuitable for Public Access, Section 25A, No Public Access, Year round
- Proposed long-term access exclusion Sensitive Wildlife Section 26 (3) (a), No Public Access, Year round
- Military Byelaw area
- Proposed route



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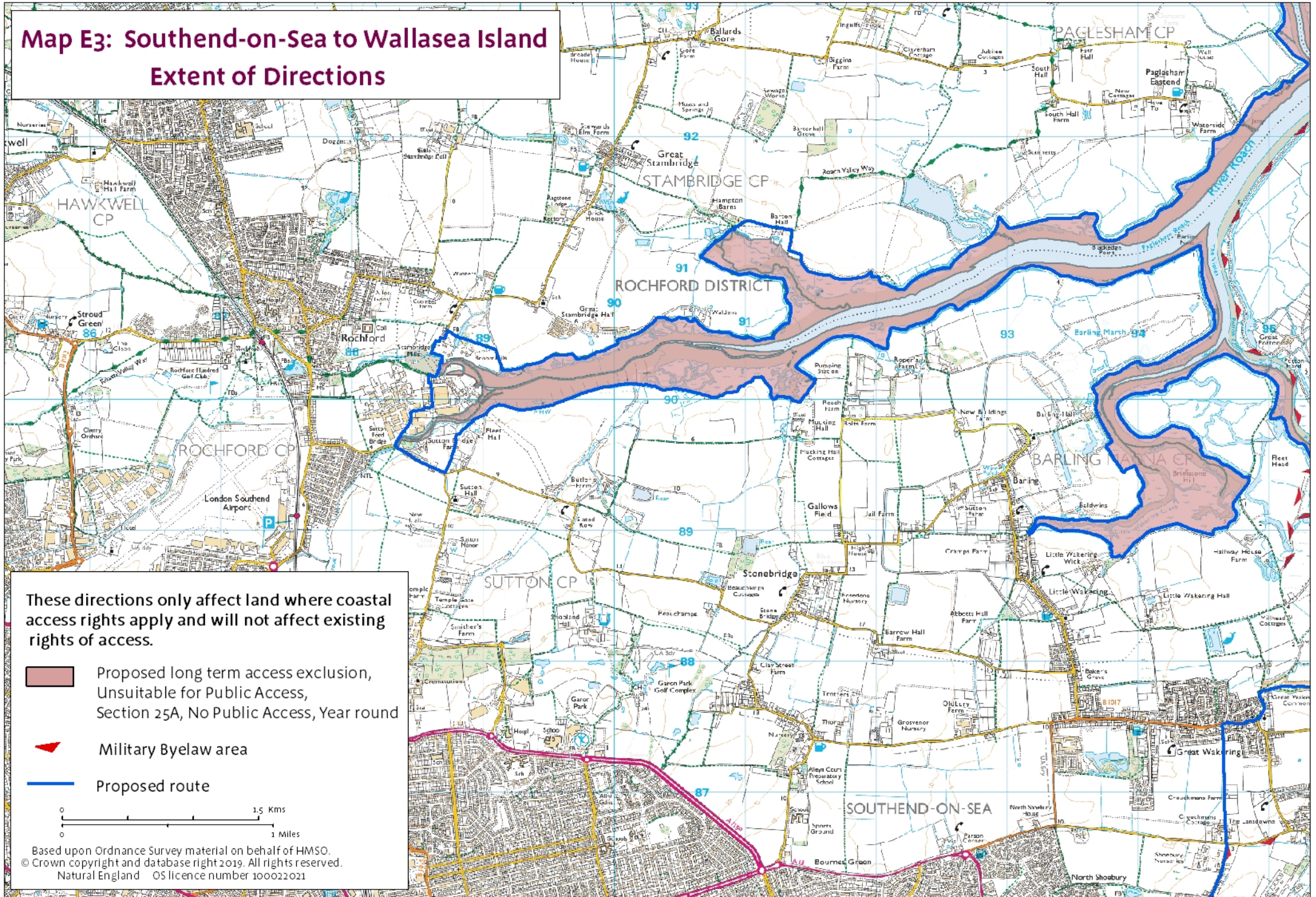


## Map E2: Southend-on-Sea to Wallasea Island Extent of Directions



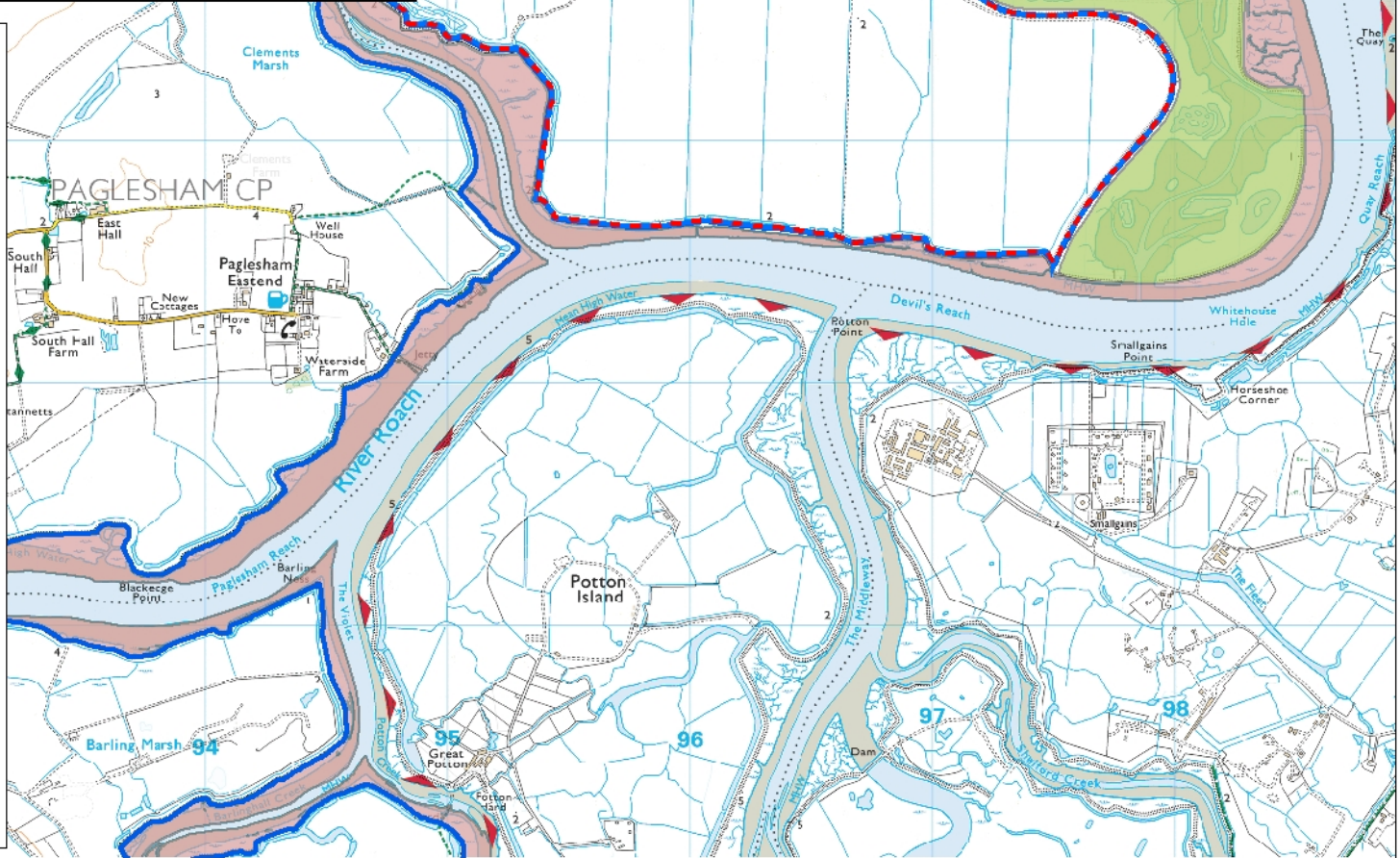
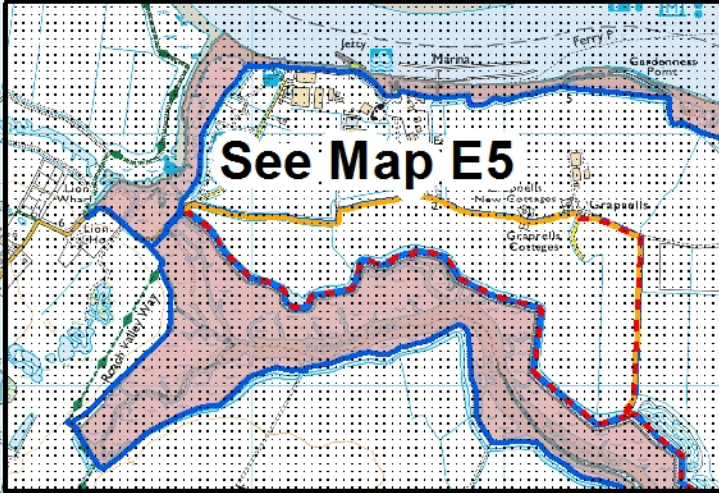


# Map E3: Southend-on-Sea to Wallasea Island Extent of Directions










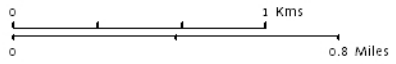


# Map E4: Southend-on-Sea to Wallasea Island Extent of Directions



These directions only affect land where coastal access rights apply and will not affect existing rights of access.

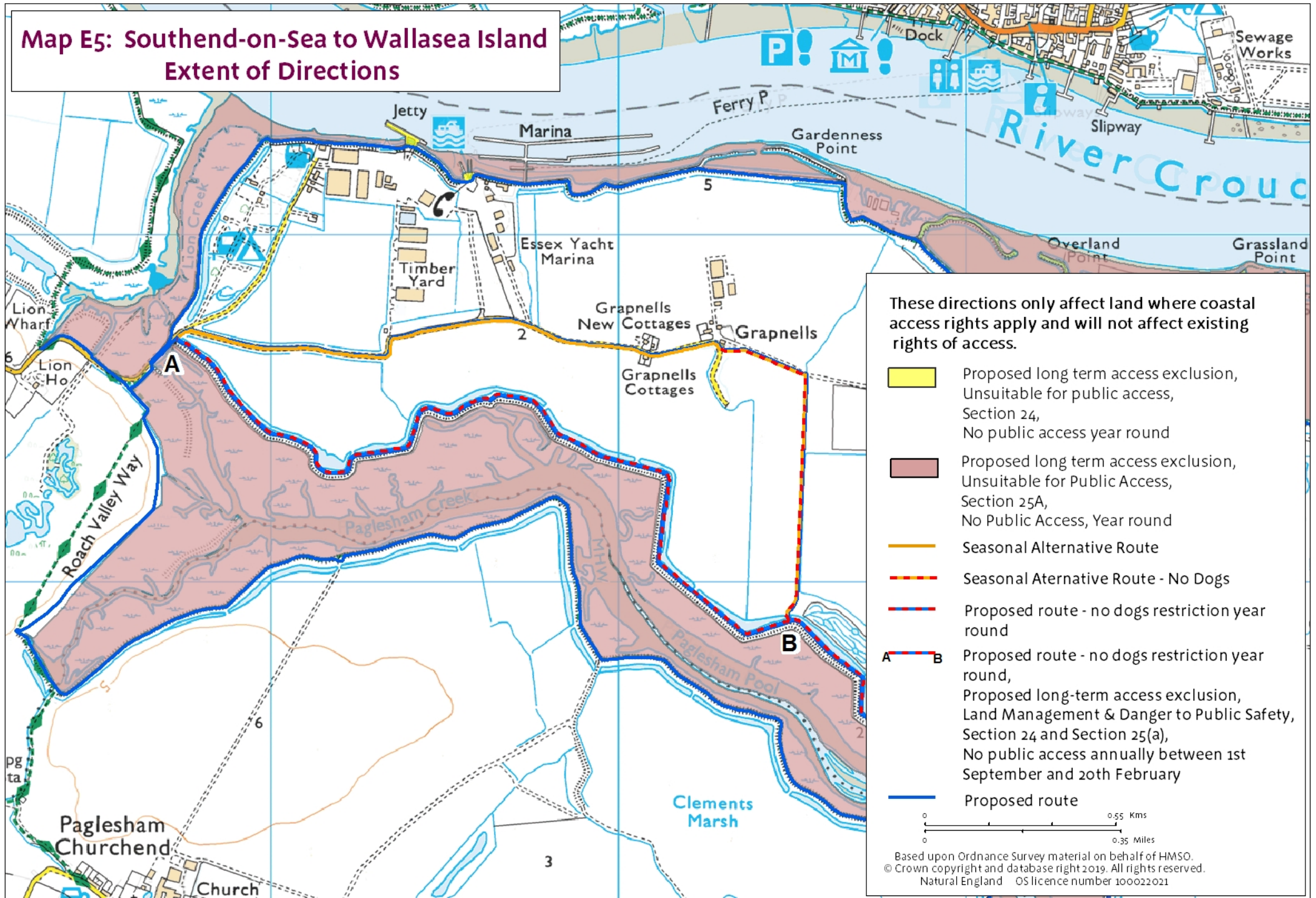
-  Proposed long term access exclusion, Unsuitable for Public Access, Section 25A, No public access year round
-  Proposed long-term access exclusion Sensitive Wildlife Section 26 (3) (a), No public access year round
-  Military Byelaw area
-  Seasonal Alternative Route
-  Seasonal Alternative Route - No Dogs
-  Proposed route - no dogs restriction year round
-  Proposed route



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# Map E5: Southend-on-Sea to Wallasea Island Extent of Directions



## 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](http://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](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 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:

### **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>

### **Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS)**

Habitats Regulations Assessment Strategy document 2018-2038

<https://cbccrmdata.blob.core.windows.net/noteattachment/FINAL%20Essex%20Coast%20RAMS%20Strategy%20110119%20SH%20NMR%20v2%20150119.pdf>

### **Essex Highways Rights of Way Improvement Plan (2009)**

<https://www.essexhighways.org/uploads/files/final-rowip.pdf>

### **Southend-on-Sea Borough Council Rights of Way Improvement Plan (2007)**

<https://democracy.southend.gov.uk/Data/The%20Council/200812111830/Agenda/att13934.pdf>

### **Destination Southend-on-Sea. A Tourism Strategy and Destination Plan for the Borough of Southend (2017)**

[http://www.southend.gov.uk/download/downloads/id/5394/destination\\_southend.pdf](http://www.southend.gov.uk/download/downloads/id/5394/destination_southend.pdf)

### **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:**

River Roach looking East

By Patrick Welsh, Natural England

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