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**England Coast Path Proposals –
Harwich to Shotley Gate Stretch:
Assessment of effects on Nature Conservation
and Geological Sites and Features**



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Introduction

About this document

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:

- To secure a long-distance walking route around the whole coast; the 'England Coast Path' (ECP) or 'the trail'.
- To secure an associated area of land within which, in appropriate places, people will be able to spread out and explore, rest or picnic. This is called 'coastal margin', and the accessible parts of it 'spreading room'.

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

Where implementation of a coastal access report would be likely to have a significant effect on a site designated for its international importance for wildlife, a Habitats Regulations Assessment (HRA) must be carried out. An HRA is required for Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar (wetland) sites. The HRA is published alongside the relevant coastal access report.

In making our coastal access proposals we must also take into account any adverse effects they may have on sites or features not covered by international legislation. We do this by producing a Nature Conservation Assessment (NCA), which covers Marine Conservation Zones (MCZs), Sites of Special Scientific Interest (SSSIs) and undesignated sites and features of local importance.

Note: these sites and features are only considered by the NCA in so far as they are not already considered by any HRA that has been produced.

This NCA should therefore be read in conjunction with the published Coastal Access Reports and Overview for the Harwich to Shotley Gate Stretch, and the associated HRA. It is arranged site by site. The Coastal Access Reports contain a full description of the access proposals, including any additional mitigation measures that have been included. These Reports can be viewed here:

<https://www.gov.uk/government/publications/england-coast-path-from-harwich-to-shotley-gate-comment-on-proposals>

Maps A - C show legally designated sites along this stretch of coast; Map D shows the locations of Local Wildlife Sites. There are no MCZs on or close to the Harwich to Shotley Gate stretch.

See Annex 1 for an index of designated sites and features for this stretch of coast, including features that have been considered within the HRA.

Annex 2 provides an overview of environmental/ wildlife protection features to be taken into account when ECP establishment and maintenance works are carried out.

The Stour Estuary

The Stour estuary forms the boundary between north-east Essex and south-east Suffolk. The shallow terrain and soft, readily eroded geology of the two counties have led to the formation of a complex of estuaries which defines the character of much of the local coastline. In the local context the Stour estuary is moderate in size, and relatively wide and shallow, with numerous areas of saltmarsh. It flows into the North Sea, along with the adjacent Orwell estuary, via Harwich Harbour, which is flanked by Harwich International Port on one side, and the Port of Felixstowe on the other.

The Harwich to Shotley Gate Stretch of the ECP extends from Harwich Promenade, along the Essex bank of the Stour estuary to Manningtree and Lawford, and back along the Suffolk bank of the estuary to Shotley Gate. The proposed trail route is almost 44km in length and is mostly rural in nature, with urban areas at either end.

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

- A large proportion of existing PRoW have been adversely affected by coastal erosion, leading to them being undermined and currently located, in a legal sense, on cliff face or foreshore.
- There are also places where existing lengths of PRoW are located a considerable distance inland, with limited or non-existent views of the estuary.

Nature conservation and geological sites and features considered by this NCA

Sites of Special Scientific Interest

- Stour Estuary SSSI
- Stour and Copperas Woods SSSI

Local Wildlife Sites

- Te123 Harwich Beach, Harwich
- Te120 Station Lane Grassland, Dovercourt
- Te119 The Hangings, Dovercourt
- Te111 Copperas Wood East, Ramsey
- Te104 East Grove, Wrabness
- Te90 Wrabness Depot and Marsh, Wrabness
- Te52 Hopping Bridge Marsh, Mistley

Noteworthy species (other than those covered by the HRA)

- Marsh harrier *Circus aeruginosus* (breeding)

Nature conservation sites and features excluded from consideration by this NCA

Cattawade Marshes SSSI is excluded from consideration because:

- a. It is close to, but landward of the proposed trail alignment, which follows the seaward pavement of the busy A137.

- b. It is not of a land type that would make it part of the coastal margin by default, so it is not directly affected by our proposals under coastal access legislation.
- c. The site is managed by the RSPB, which discourages access it.
- d. Establishment of the ECP is expected to bring about a negligible increase in the already high levels of access to land seaward of the site. It is probable that a small proportion of walkers may use the popular, existing east-west public footpaths (via the adjacent Dedham Vale Area of Outstanding Natural Beauty) to get to/ from the ECP in this area, but these PRoW are isolated from the SSSI by the freshwater River Stour (to the north) and the saltwater Stour estuary (to the south).

Restrictions and exclusions

Local restrictions and exclusions relating to coastal access rights may be implemented through directions given by Natural England. There are several grounds on which a direction may be given. Section 6.6 of the *Coastal Access Scheme* sets these out and explains our approach to their use.

Of particular relevance to this assessment is that most areas of saltmarsh and mudflat within the Stour estuary are considered unsuitable for public access and we therefore propose that they are excluded from the new coastal access rights at all times, regardless of any other considerations. Provision for us to do this is made under section 25A of the Countryside and Rights of Way Act 2000 (CROW).

Because the majority of the coastal margin will have coastal access rights excluded from it under s25A, we do not expect there to be any impact on nature conservation features from new coastal access rights in these areas. Should the exclusion under s25A become unnecessary at any time in the future we will consider the need for further measures to protect the designated features of interest. On the Stour estuary this would be likely to include measures to restrict or exclude access under section 26(3)(a) of CROW, which may be used to protect sensitive wildlife.

We also propose that dogs are excluded from a large area within the coastal margin at Copperas Wood (north of the railway line) in order to reduce the potential for disturbance of non-breeding waterbirds. This direction is made under s26(3)(a) of CROW and supports existing management by the RSPB.

We propose one other direction on the Harwich to Shotley Gate stretch, made under section 24 of CROW, which relates to land management: a 'dogs on leads' restriction to apply from 1 August to 31 January each year, to reduce the potential for disturbance of game birds on a commercial shoot adjacent to Holbrook Bay.

Please see maps F1-F6, and 6a, of the Overview for details of proposed restrictions and exclusions. Note that the only significant area of saltmarsh within the estuary not covered by the proposed s25A exclusion is Hopping Bridge Marsh; the narrow ribbon of saltmarsh adjacent to The Walls, Mistley, which is outside the SPA/ Ramsar site boundary. Most areas of intertidal mud are also covered, but there are narrow strips which are not; these are generally alongside beaches and are also depicted on Overview maps F1-F6. Details of proposed restrictions and exclusions may also be seen on similar maps produced for individual reports (HSG 1 – 6).

Assessment of coastal access proposals on Sites of Special Scientific Interest

Stour Estuary SSSI

Overview

This site is part of the Stour and Orwell Estuaries SPA and Ramsar site.

Extract from Stour Estuary SSSI citation: 'The Stour estuary is nationally important for thirteen species of wintering wildfowl and three species on autumn passage. The estuary is also of national importance for coastal saltmarsh, sheltered muddy shores, two scarce marine invertebrates and a scarce vascular plant assemblage.

The estuary also includes three nationally important geological sites. They provide exposures of early Eocene sediments containing volcanic ash formations, between Harwich and Wrabness. The same rocks are also important for the fossil fruits and seeds that they contain. At Stutton, much younger Pleistocene sediments have yielded an important and rich fossil vertebrate fauna.'

Note: Notified features of the SSSI that are also qualifying features of the European site are covered by the HRA and therefore omitted from this assessment.

The remaining SSSI features *are* covered in this assessment, as follows (see also Annex 1):

- Aggregations of non-breeding birds - Wintering mute swan *Cygnus olor*
- Population of Schedule 5 annelid worm - Tentacled lagoon-worm *Alkmaria romijni*
- Population of Schedule 5 sea anemone - Starlet sea anemone *Nematostella vectensis*
- Sheltered muddy shores (including estuarine muds) - Intertidal mudflats
- EC - Pleistocene Vertebrata (Pleistocene deposits of fossilised mammal remains)
- EC - Tertiary Palaeobotany (Fossilised fruits and seeds of the Tertiary period)
- EC - Quaternary Of East Anglia (Succession of volcanic ashes that reflect volcanism in the Hebridean area and the North Sea during the earliest Eocene)

Current situation

Mute swans normally nest at suitable locations in the upper reaches of the Stour estuary at Cattawade, and further upstream. Non-breeding birds may gather in large flocks on cereal fields in the summer and large concentrations gather on the estuaries during the winter months. The bulk of the Stour estuary population is traditionally centred on the granaries at Mistley Quay (TM 118 318). Ringing recoveries have identified an interchange between sites on the Stour and other estuaries and, in particular, Ipswich docks on the neighbouring Orwell estuary. Non-breeding populations of mute swan on the Stour estuary exceed the threshold for international importance, which Frost and others (2019) estimate to be 500 (1% of an estimated 50,000 national population). Wintering flocks are fairly transient, their movements depending on the availability of food.

Mute swans gather on the long ribbon of mown grass at The Walls, Mistley (TM 112 320), encouraged by food provided by members of the public. This practice has a long history and is the only place on the estuary where they gather in close proximity to the proposed trail alignment and where interactions with walkers and dogs are likely to occur. Mute swans are generally habituated

to the presence of humans and outside of the breeding season demonstrate a remarkable indifference to levels of noise and activity, including by dogs, that would disturb other waterbirds.

Both tentacled lagoon-worm and starlet sea anemone are listed in Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Both species inhabit mixed sediments comprised of unsorted pebbles, gravels, sands and mud, and large boulders. This type of shoreline tends to occur in more sheltered locations, and is not found where there is strong wave action. It is probable that if they are currently affected by current human activity it is primarily by boat users and bait diggers.

Intertidal mudflats are key physical and ecological components of the estuarine system. The Stour Estuary SSSI citation notes that 'There is an extensive area of estuarine sediments and the expected range of zonation of mixed substrata and estuarine sediments are present, including a clear variation in the composition of sediment communities along the salinity gradient up the estuary'. There is a range of ecological communities and individual species associated with these habitats, some of which are nationally important (see above). They provide an extensive, food-rich habitat for a wide range of protected waterbird species.

Within the Stour estuary SSSI there are **three nationally important geological sites**, including:

At Wrabness (approximately TM 168 321), the cliffs and foreshore include exposures of early Eocene sediments containing volcanic ash formations. They provide 'the most complete succession of volcanic ashes attesting to the influence of volcanism in the Hebriddean area and the North Sea during the early Eocene'. This is the most important site for such deposits in southern England; they occur in over 30 separate layers. The Eocene deposits also contain fossilised fruits and seeds, the histological details of which being unusually well preserved.

In the cliffs and foreshore to the south of Stutton village and at Stutton Ness (approximately TM 145 333 and TM 152 330 respectively), there is a rich fossil vertebrate fauna evident in the much younger, sandy, Pleistocene strata, underlain by London Clay. These fossils includes a wide range of species including lion, straight-tusked elephant, mammoth and giant deer. The sediments also contain fossilised remains of invertebrates, and of plant pollen likely to have been deposited as the climate cooled in the 'Ipswichian interglacial' within the Pleistocene Epoch, between 75 and 128 thousand years ago.

Risk analysis

We have concluded that our proposals are unlikely to result in significant adverse effects on any of the above features, for these reasons:

- **Mute Swans (wintering):** Their lack of sensitivity to changes in access, habituation to humans and a high degree of tolerance of dogs means they are unlikely to be adversely affected by coastal access proposals.
- **Tentacled lagoon-worm and starlet sea anemone:** On the Stour estuary these species are most likely to be found in muddy shores exposed at low tide. These areas are unlikely to be attractive to walkers and are normally accessed only by bait diggers and boat users. The locations of the deeper, softer, and therefore more hazardous areas of mud within these wider areas are difficult to identify. As noted above, we proposed to exclude access to the great majority of intertidal mud in the Stour estuary under s25A of CROW because it is not suitable for safe public access.

- **Intertidal mudflats:** As noted above, these habitats are visually uninviting, potentially hazardous, and largely excluded from coastal access rights under our proposals.
- **Geological exposures at Wrabness and Stutton:** By their nature these features are vulnerable to damage by physical contact, and they are largely in areas currently accessed by the public and within the coastal margin under our proposals. However, the cliffs' steep and unstable characteristics make them unappealing and hazardous to climb. The exposures on the foreshore are frequently inundated and are uninviting to walk on. We have concluded that any activity likely to result from establishment of the England Coast Path is likely to be negligible in the context of ongoing/ rapid coastal erosion and relatively high levels of existing public access to the areas in general.

Establishment works

No special precautions are necessary to accommodate these features when carrying out coastal access establishment works.

Stour and Copperas Woods SSSI

Overview

This site is not part of a European site.

Stour and Copperas Woods together comprise the largest area of woodland in north-east Essex. They are ancient woods on glacial sands and gravels on the southern shore of the Stour estuary, between Wrabness and Ramsey. They have a coppice-with-standards structure and contain the only example in the county where coastal and woodland habitats are found side by side.

The following SSSI feature is covered in the assessment that follows (see also Annex 1):

- W10 *Quercus robur* – *Pteridium aquilinum* – *Rubus fruticosus* Woodland (Broadleaved woodland dominated by oak, with bracken and bramble)

This habitat type is a component of both Stour and Copperas Woods, but Stour Wood is some distance landward of the proposed trail alignment and therefore not relevant to this assessment.

Current situation

Copperas Wood is bisected by the Manningtree to Harwich branch line, which runs east-west through the wood. The northern half of the wood is managed by the RSPB, which allows visitors but denies access by dogs throughout the year. The southern half of the wood is managed by Essex Wildlife Trust, and is also open to the public.

There is no road access to Copperas Wood, but there is a car park about 1km away, in Stour Wood, which is linked to Copperas Wood by a permissive footpath. The promoted Essex Way also passes within the western edge of Copperas Wood. The Essex Way links with Ramsey Village to the south-east and follows the estuary shoreline westwards from the wood, where it connects with the busy Stone Point/ Balhaven hut site, and (via other public footpaths) Wrabness village.

The appealing landscape attracts significant numbers of visitors, especially in the summer, access being facilitated by the car park and a good network of PRow.

Risk analysis

The northern and southern halves of Copperas wood are affected by our proposals in different ways:

- The northern half is only affected directly by the trail in that the latter passes through the wood's western edge, on the alignment of the Essex Way; a popular existing route. All of this half of the wood falls within the coastal margin, though, and woodland is not an excepted land type, so it will be subject to a right of access under coastal access legislation. However, the lack of an east-west route through this part of the wood (the convergence of shoreline and railway blocks access to/ from the east) means that numbers of visitors will be self-limiting. The only serious concern raised by the RSPB has been the potential for dogs to stray from the wood to disturb waterbirds feeding and roosting within the estuary. They currently manage this risk by denying access to the wood by dogs at any time of year, and we propose to reinforce this management by making a direction to exclude access by dogs from the woodland seaward of the railway line. This will be publicised by signs at the points at which walkers are most likely to leave the trail to enter the reserve. Please see the Overview and Report HSG 2 for details, and the associated HRA.
- The southern half of Copperas Wood is more directly affected by our proposals, in that we propose that the trail passes through much of it on a broadly east-west alignment. We propose that alignment be partly on an existing track, and partly on a meandering walking route already established by Essex Wildlife Trust. We propose that the trail avoids the eastern 400m of the wood, which is narrow and linear in shape, and instead follows the arable field edges immediately to south of the wood in this area, for the following reasons:
 - The narrowness of this part of the wood means that the habitat and species within it would be disproportionately affected by a new access route within it.
 - As there is no existing access route here, additional establishment and maintenance costs would be incurred.
 - The presence of the trail itself (as opposed to a general right of access to the coastal margin) would be likely to result in a higher standard of maintenance being carried out for safety reasons, potentially involving removal of larger amounts of dead/ dying woody material; an important component of woodland ecology.

The effect of our proposed alignment in the south of Copperas Wood would be that much of it would be within the coastal margin, although any woodland to landward of the trail would not be included.

Deciduous woodland of this type is regarded as being relatively insensitive to disturbance, and moderate levels of access already take place. However, there are two main ways in which our proposals might have an impact:

1. **The trail itself.** An important consideration is that there are currently no public footpaths going eastwards from Copperas Wood, whereas there is a popular route along the shoreline westwards. The logical alternative route for anyone wishing to walk eastwards is the B1352 road, which is particularly hazardous for walkers. We propose that this gap in footpath access be 'bridged' by a new segment of trail between Copperas Wood and Ray Lane, Ramsey. This would, potentially make the trail in this area popular with both long-distance walkers and local residents, the latter exploiting the new link to connect with local footpaths and create circular walks. It is likely that this will give rise to a large increase in the numbers of people using the trail to the east of the wood (where there is no existing access) and a moderate increase in the numbers of people walking through the southern half of Copperas Wood, where there is currently permissive access.

Conclusion: We have concluded the combination of adherence to a track and existing walked route within the woodland, and the relatively insensitive nature of the habitat should not result in significant adverse impacts, despite the increase in recreational activity.

2. **The coastal margin.** As noted above, the wood to seaward of the trail will, by default, be within the coastal margin, and woodland is not an excepted land type, so public access rights will apply to it. However, north-south access through the wood (including to and from the shoreline) is blocked by the Manningtree to Harwich railway line, meaning that access within the wood is severely constrained.

Conclusion: We have concluded that the constraints on choice of routes within the wood are likely to mean that the numbers of walkers departing from the trail to explore the wood are not likely to be high enough to bring about significant adverse effects to this relatively insensitive habitat. As noted in the HRA, disturbance of waterbirds on the estuary by dogs within the wood should be avoided by our proposed exclusion of access by dogs within the northern half of the wood.

It is worth noting that we considered and rejected a range of other options for this part of the trail:

- It was not possible to propose a through-route north of the railway, which would, in any case, have had the disadvantage of increasing the potential for disturbance of waterbirds.
- Going slightly further inland from Copperas Wood would have raised issues of excepted land and of privacy for nearby households, and would also have left the whole of Copperas Wood within the margin.
- Any route further inland would have raised serious concerns about road safety, failed to meet the criteria of proximity to the shoreline or convenience for users, and also still left Copperas Wood within the coastal margin.

Establishment works

SSSI assent will be needed for the installation of:

- Signage (both waymarking and advising walkers of the dog exclusion).
- A small bridge over a boundary ditch on the southern edge of the wood.
- Fencing to prevent deer and rabbits moving from within the wood onto adjacent arable fields (control by shooting being made more difficult by trail establishment on the field edges).

Please see report HSG 2 and the HRA for further details, and Annex 2 for details of environmental/wildlife protection measures to be adhered to during trail establishment and maintenance.

Where necessary, Essex County Council will instigate the SSSI assent process by writing to us to confirm the timing of works and how operations to be undertaken in line with these conditions. Natural England will provide further advice as necessary.

Assessment of coastal access proposals on Local Wildlife Sites

Local Wildlife Sites are non-statutory sites identified as being of importance for wildlife using recognised criteria. They may be important as stand-alone sites or as supporting habitats for other sites, such as SSSIs. They may also link other wildlife sites and function as wildlife corridors.

All of the Local Wildlife Sites potentially affected by the Harwich to Shotley Gate Stretch of the ECP are on the Essex (southern) side of the Stour Estuary (there are a small number close to the trail in Suffolk, but all are to landward of the trail and not included within the coastal margin). None are part of European sites, and are therefore not considered by the HRA for the Harwich to Shotley Gate stretch of the ECP.

We have concluded that our proposals are unlikely to result in significant adverse effects on any of these sites. Our reasons for reaching this conclusion are set out on a site-by-site basis below. The seven sites are listed in the order in which they are encountered when following the proposed trail from east to west, from Harwich to Manningtree.

Te123 Harwich Beach, Harwich (TM 262 325)

Current situation

This site covers two small areas of beach immediately to the east of Harwich town, it being between the town and Harwich Harbour. As such it is subject to considerable pressure from existing recreational activities.

Extract from *Tendring District Local Wildlife Sites Review 2008*: 'Although suffering from localised heavy disturbance, this stretch of foreshore has a good beach flora, a rare habitat in Essex....Although not truly a sand dune system, this flora has very close affinities with such habitats and, as such, is felt to be part of Essex's contribution to the national Coastal Sand Dunes Biodiversity Action Plan'.

BAP Priority Habitat: Coastal Sand Dunes (UK)

Risk analysis

Both areas of beach included within this site would be included within the coastal margin under our current proposals (that the trail be located close to the western edge of the site). This would remain the case regardless of where the trail were located landward of the beach.

This habitat type is sensitive to recreational pressures, but the increase in recreational activity likely to result from establishment of the ECP is anticipated to be negligible in relation to the existing high levels of activity.

Te120 Station Lane Grassland, Dovercourt (TM 250 317)

Current situation

This is a long, narrow site sandwiched between the Manningtree to Harwich branch line and the A120, in Dovercourt.

Extract from *Tendring District Local Wildlife Sites Review 2008*: 'This site effectively comprises the modified remnants of the upper beach grasslands that fringed Bathside Bay before it was separated from the Bay by the construction of the new A120 link to Harwich. The habitat comprises

dry, herb-rich and occasionally weedy acid grassland and “brownfield” vegetation following disturbance during road construction..... Such flower-rich brownfield-type grasslands are recognised as important habitat for a wide range of specialist invertebrates and also reptiles, with Common Lizards known to inhabit this site and the adjacent railway embankments’.

BAP Priority Habitats: Open Mosaic Habitats on Previously Developed Land (UK); Brownfield Sites (Essex)

Risk analysis

This site falls within the coastal margin under our proposal that the trail be located a little way to landward of the site, on the landward side of the railway line.

This habitat type is sensitive to recreational pressures, but the increase in recreational activity likely to result from establishment of the coastal margin associated with the ECP is anticipated to be negligible in relation to the existing moderate levels of activity in this urban setting.

Te119 The Hangings, Dovercourt (TM 247 317)

Current situation

This is a long, narrow site sandwiched between dense residential areas and the Manningtree to Harwich branch line, in Dovercourt.

Extract from *Tendring District Local Wildlife Sites Review 2008*: ‘This site provides an area of accessible woodland close to the urban centres of Harwich and Dovercourt and provides an ecological extension to the scrub woodland habitats present on the disused railway line within the Ramsey Ray Site. Part of the value of this site lies in its essentially urban location and the opportunities it provides for informal countryside recreation and environmental education’.

BAP Priority Habitats: Lowland Mixed Deciduous Woodland (UK); Urban Habitats (Essex)

Risk analysis

This site is bisected by a footpath/ cycleway which runs east-west along its length. The larger part of the site, which is to the seaward (north) of the footpath/ cycleway, falls within the coastal margin under our current proposals (that the trail be located on the footpath/ cycleway).

This habitat has a relatively low level of sensitivity to recreational pressures. The increase in recreational activity likely to result from establishment of the ECP and associated coastal margin is anticipated to be negligible in relation to the existing high levels of activity.

Te111 Copperas Wood East (TM206317)

Current situation

This site is a small block of deciduous woodland in a rural area immediately north (seaward) of the Manningtree to Harwich branch line. It is bordered by Copperas Wood SSSI to the east, west and south, although it is separated from the wood to the south by the railway.

Extract from *Tendring District Local Wildlife Sites Review 2008*: ‘The western half of this site has a composition of Sweet Chestnut (*Castanea sativa*) coppice dominating the canopy, with many interspersed standard trees.....The eastern half is similar in structure with coppiced Sweet Chestnut of various ages over a ground cover of mainly Bramble (*Rubus fruticosus* agg). Younger coppice stools are generally found to the west side of this block, which differs little in structure to

that of Copperas Wood [SSSI]'. The Review goes on to list several species of fern, and a number of other species of interest within the ground flora.

BAP Priority Habitats: Lowland Mixed Deciduous Woodland (UK); Ancient Woodland (Essex)

Risk analysis

This site currently has low levels of recreational activity, with public access being restricted to a permissive footpath which runs along the southern edge of it (adjacent to the railway line), used by visitors to the RSPB's Copperas Wood reserve.

We propose that the trail be located to the south (landward) of the railway line in this area. The site will, therefore, be within the coastal margin. We propose to make a direction to deny access by anyone with dogs to the surrounding Copperas Wood RSPB reserve, which will support existing management by the RSPB (see Overview and report HSG 2). As noted above, this will be promoted by signs at the points at which walkers are most likely to leave the trail and enter the reserve. We also propose to erect a sign visible to anyone crossing the railway line into the site (despite there being no public right of access via this route) encouraging them to stick to the permissive path to east or west, thereby avoiding this site. This is because the nature of the land use to the immediate north-west (within the same ownership) and the lack of boundary fencing, make it difficult to differentiate between legitimately accessible and non-accessible areas under coastal access rights.

The habitat within the site has a relatively low level of sensitivity to recreational pressures (e.g. Essex Wildlife Trust facilitate access to their part of the same woodland). Although the woodland within and bordering the site technically falls with the coastal margin under our proposals, the great majority of access to this part of the site will emanate from the entrance to the RSPB's reserve 500m to the west, which is also the only exit point (other options being blocked by the railway line and estuary). Because of these access limitations, and the proposed exclusion of dogs, the increase in visitors resulting from establishment of the ECP to the northern half of Copperas Wood generally is expected to be small, at most.

Te104 East Grove, Wrabness (TM 183 318)

Current situation

This is a small block of deciduous woodland on the south bank of the Stour estuary, near Wrabness.

Extract from *Tendring District Local Wildlife Sites Review 2008*: 'East Grove is neglected Sweet Chestnut (*Castanea sativa*) coppice, with Ash (*Fraxinus excelsior*), Pedunculate Oak (*Quercus robur*), Wild Cherry (*Prunus avium*) and Hazel (*Corylus avellana*) forming a dense canopy'. The review goes on to list ground flora species, notable examples of which include Ramsons (*Allium ursinum*), Yellow Archangel (*Galeobdolon luteum*), Goldilocks Buttercup (*Ranunculus auricomus*), and Wood Spurge (*Euphorbia amygdaloides*).

BAP Priority Habitats: Lowland Mixed Deciduous Woodland (UK); Ancient Woodland (Essex)

Risk analysis

This site includes a public footpath on its north-eastern edge (part of the promoted Essex Way); we propose that the trail follows this alignment. This footpath is a busy one, it being a short distance

from the popular Stone Point and Balhaven holiday hut site (to the west) and linking with the popular Copperas Wood and Stour Wood reserves to the east and south.

This habitat has a relatively low level of sensitivity to recreational pressures. Our proposal that the trail adheres to the alignment of the existing public footpath, which is on the seaward edge of the site, will mean that the great majority of the site will be landward of the trail and therefore outside the coastal margin. The increase in recreational activity on the footpath likely to result from establishment of the ECP, is anticipated to be small in relation to the existing high levels of activity.

Te90 Wrabness Depot and Marsh (TM 163 315)

Current situation

This site is adjacent to the estuary shore and is comprised of two main habitat types totalling nearly 30ha in size, near Wrabness. Most of it is managed by Essex Wildlife Trust and there is public access. The reserve is popular with naturalists and dog-walkers from local villages and from the adjacent Balhaven holiday hut site. The site has a car park and is one of the very few rural locations on the estuary where there are surfaced paths, facilitating year-round access, including for those with impaired mobility, to the reserve and to the popular shoreline bird hide.

Extract from *Tendring District Local Wildlife Sites Review 2008*: 'Most of this site, a former mine depot and remnant of grazing marsh, is currently managed for wildlife by the Essex Wildlife Trust. It comprises grazed grassland, scrub, wood, and ponds with marshy grassland.....[The] flower-rich areas provide valuable foraging habitat for a wide range of invertebrates. The Nationally Scarce plant Dittander (*Lepidium latifolium*), an Essex Red Data List species that often colonises waste ground, is well established in one area of the reserve.....This site is particularly important for Turtle Dove, Nightingale, Bullfinch, Linnets and Yellowhammer – all these species have seen a sharp decline in recent years in Tendring District. To the north-east is an area of old grazing marsh, providing foraging opportunities for some coastal waders and supporting a network of ditches.'

BAP Priority Habitats: Coastal and Floodplain Grazing Marsh (UK); Coastal Grazing Marsh (Essex)

Risk analysis

The promoted Essex Way passes through this site and we propose that the trail adheres to the same alignment. The route is relatively close to the shoreline, but largely screened from it by tall shrubs. The great majority of the site is therefore landward of the trail, and not of a type that would be included within the landward coastal margin by default, so it would not be subject to new access rights. A small proportion of the site will be seaward of the trail and within the coastal margin, but there is already public access here. Dense scrub cover limits the potential for shoreline birds to be disturbed along part of the shore where trail users might be otherwise be inclined to walk.

The presence of the declining/ threatened bird species listed above makes parts of the reserve more sensitive to disturbance than they would otherwise be, but the scrubby nature of much of the habitat discourages access, and most visitors stick to the surfaced paths. Also, as noted above, most of the reserve would be outside the coastal margin.

The increase in recreational activity on the trail and within the small area of coastal margin, as a result of establishment of the ECP, is anticipated to be small in relation to the existing moderate levels of activity.

Te52 Hopping Bridge Marsh (TM 111 319)

Current situation

This site is a narrow ribbon of saltmarsh on the edge of the Stour estuary, adjacent to the busy B1352 at Mistley Walls, between Manningtree and Mistley. It is just outside the SPA/ Ramsar site.

Extract from *Tendring District Local Wildlife Sites Review 2008*: 'This narrow band of saltmarsh..... provides valuable additional habitat to the estuarine ecosystem, albeit suffering from more recreational pressure than the SSSI itself. Typical species of this habitat include Sea-milkwort (*Glaux maritima*), Sea Aster (*Aster tripolium*), Saltmarsh Rush (*Juncus gerardii*), Sea Arrowgrass (*Triglochin maritimum*) and Common Sea-lavender (*Limonium vulgare*).'

BAP Priority Habitats: Coastal Saltmarsh (UK/Essex)

Risk analysis

Saltmarsh is generally sensitive to trampling and to disturbance of the waterbirds it normally supports. In this location, however, the well-established, high levels of human activity in the immediate vicinity mean that use of the site by birds is limited. There is a wide, grassy verge that separates the saltmarsh from the road, but both this and the roadside pavement are popular with visitors, attracted by the estuary views, roadside vendors and opportunity to feed the large resident swan population. The saltmarsh is unappealing to walk on, and there is no through-route, so existing damage by trampling is not as great as it might otherwise be.

Although this habitat type is inherently sensitive to access, the high levels of existing access mean that a negligible increase in activity is likely to arise as a result of establishment of the ECP.

Assessment of coastal access proposals on noteworthy species

Marsh harriers *Circus aeruginosus* (breeding) (TM 112 331)

This species is not a qualifying feature of the Stour and Orwell Estuaries SPA, and is therefore not considered as part of the Harwich to Shotley Gate HRA. However, non-breeding marsh harrier is noted as a 'non-qualifying species of interest' and is also listed in Schedule 1 of the Wildlife and Countryside Act 1981, which conveys additional protection in respect of disturbance when nesting.

Current situation

By 1971 the UK population of marsh harriers had been reduced by persecution, habitat loss, and poisoning by residual pesticides, to a single pair. They have since made a steady recovery, but numbers are still low and localised. The RSPB (community.rspb.org.uk) estimate there to be approximately 400 breeding pairs in the UK, and that about 80% may be found in the east of England. Possibly due to the loss of large reedbed habitats, marsh harriers sometimes breed in smaller reed-beds, where they may be more vulnerable to disturbance by humans and dogs, and also predation by foxes if water levels are low (Brown and Grice, 2005). They may also breed in cereal fields, which may increase their vulnerability to disturbance by uncontrolled dogs.

Marsh harriers are now better established as a breeding species in the UK than at any time within the last 100 years, but despite a steady increase in numbers they remain on the Amber List. They are present in the area all year round (breeding and over-wintering). In recent years a pair of marsh harriers have been recorded as having nested regularly in reedbeds in two locations on the Stour estuary, both near Cattawade/ Brantham:

- Cattawade Marshes SSSI (TM 096 332). This area is addressed by the Harwich to Shotley Gate HRA and is not considered further by this NCA (see Introduction for explanation).
- The small reedbed to the east of Factory Marsh (TM 112 331). The ECP is one of three major proposals with the potential to impact on this site, the others being a large residential development due to be constructed nearby, and the closure of the local rail crossing, which is to involve the creation of a new footpath near the nesting site. This site is considered in detail below.

Risk analysis

Route selection in the area between the railway footbridge and the seawall at Brantham Hall Farm involved consideration of the sensitivity of the small reedbed to the east of Factory Marsh.

Network Rail proposes to compensate for the closure of the footpath that currently uses the rail crossing near the reedbed, by establishing a new footpath that would run in a south-westerly direction from the railway footbridge to the seawall next to the reedbed, thereby passing close to the reedbed. This would effectively retain the potential for walkers to follow a circular route, albeit largely on a different alignment to the existing one.

We decided to propose that the trail should follow the route directly from the footbridge south-eastwards to the seawall, i.e. on the same alignment as the existing Stour and Orwell Walk, rather than Network Rail's proposed alignment. We made this decision partly because the route is more direct, and therefore more convenient for trail users, but also to reduce the risk of disturbance of marsh harriers nesting within the reedbed.

In 2017 Network Rail produced an HRA 'Task 1 Screening' document to accompany its proposals for crossing closure and footpath creation. It is unclear whether their research included the potential for ongoing disturbance (from walkers using the new footpath) on European protected species or non-qualifying species of interest, such as marsh harriers, making use of land outside the European sites, including the field where the proposed footpath would be located.

The executive summary states: '**No likely significant effect alone or in combination can be concluded**, on the understanding that construction works such as removal of level crossing infrastructure and fence installation, would not be undertaken between September – March inclusive (the winter period for waterbirds) or within 300m of mean high water springs.' It doesn't mention potential impacts on marsh harriers during the construction or operational phases of the new footpath.

Network Rail's proposals are, at the time of writing, still being considered by the Department for Transport Orders Unit.

The upgrading of the existing Stour and Orwell Walk to make it part of the ECP is expected to make a small difference to activity levels on this route. The absence of any major tourist 'hotspots' along the Stour estuary tends to suppress visitor numbers, although the presence of a main line station at Manningtree, and the close proximity of two Areas of Outstanding Natural Beauty, do enhance the area's appeal. Currently, despite these factors, the great majority of path users are relatively local and this is not expected to change significantly following National Trail designation.

We have considered whether our proposals could increase the risk of disturbance to breeding marsh harriers, but concluded that they will not, despite the reedbed and any new footpath falling within the coastal margin. The proposed trail route is 400m to the north-east and much of the intervening land is arable, and therefore excepted in terms of the coastal margin. We therefore believe that new access rights to the margin would have a negligible effect on use of the new path compared to the level of use it is likely to experience as a result of its proximity to a significant and growing area of population, and the fact that a new circular route would be created for local residents by Network Rail's proposed footpath.

Conclusion

We, Natural England, are satisfied that our proposals to improve access to the English coast between Harwich and Shotley Gate are fully compatible with our duty to further the conservation and enhancement of the notified features of Stour Estuary SSSI and Stour and Copperas Woods SSSI, consistent with the proper exercise of our functions¹.

In respect of breeding marsh harriers and the local wildlife sites listed below, we are satisfied that in developing the new access proposals an appropriate balance has been struck between Natural England's conservation and access objectives, duties and purposes:

Local Wildlife Sites

- Te123 Harwich Beach
- Te120 Station Lane Grassland
- Te119 The Hangings
- Te111 Copperas Wood East
- Te104 East Grove
- Te90 Wrabness Depot and Marsh
- Te52 Hopping Bridge Marsh

See also, where relevant, the conclusions of the separate HRA relating to common features.

The conclusions of this assessment have been prepared and checked by:

Kim Thirlby		04.11.19	Preparation and completion of assessment
Sally Fishwick		07.11.19	Approval on behalf of the Coastal Access Programme Team
Andy Millar		08.11.19	Approval - Senior Officer with responsibility for protected sites - Suffolk
John Torlesse		08.11.19	Approval - Senior Officer with responsibility for protected sites - Essex

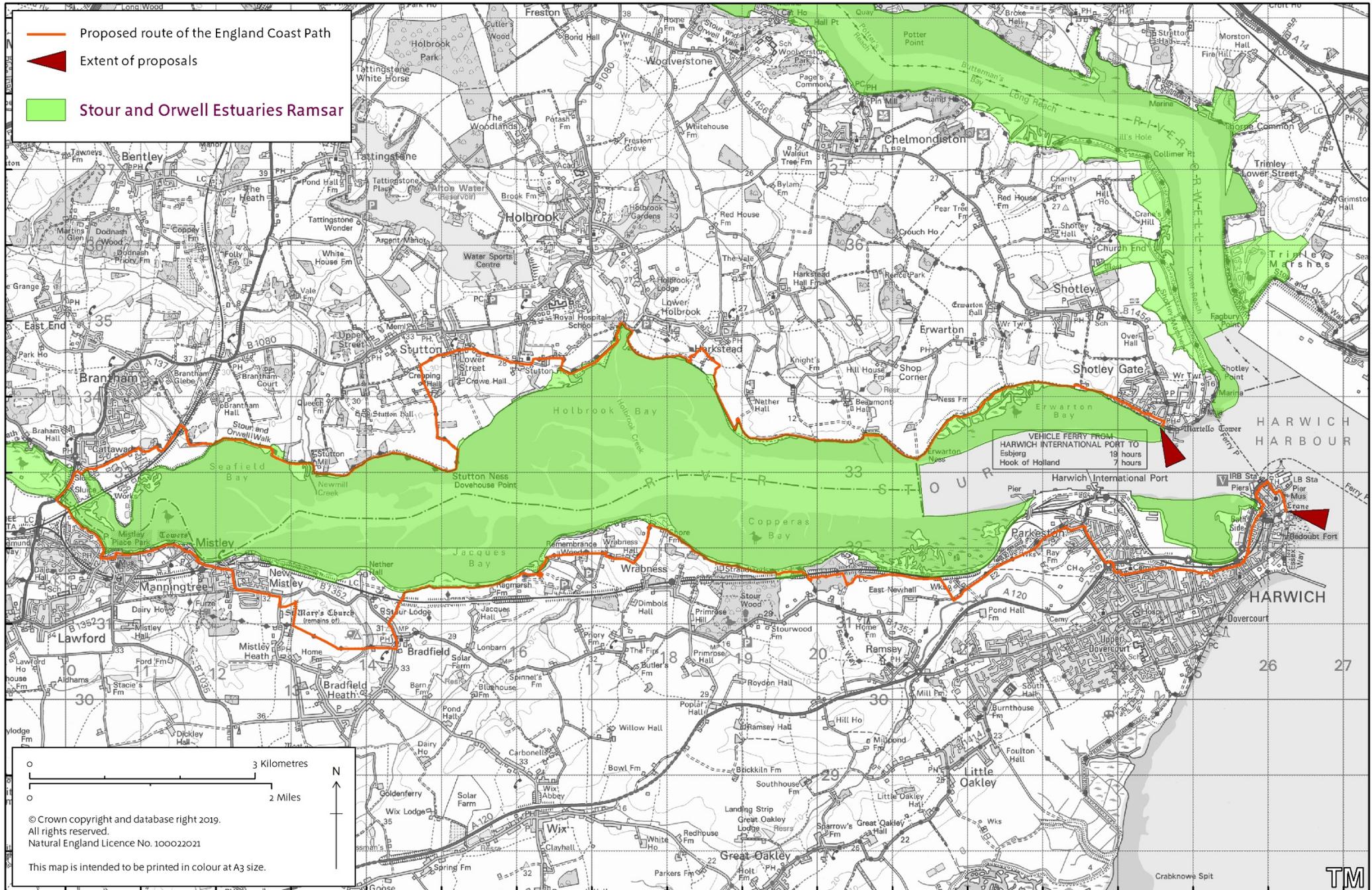
¹ Natural England's functions includes its balanced general purposes for access, nature conservation and landscape under the NERC Act 2006, any specific statutory duties it may have to deliver specific improvements to public access, and the access-related policies and priorities it periodically agrees with Defra.

A. Legally designated sites: Special Protection Areas

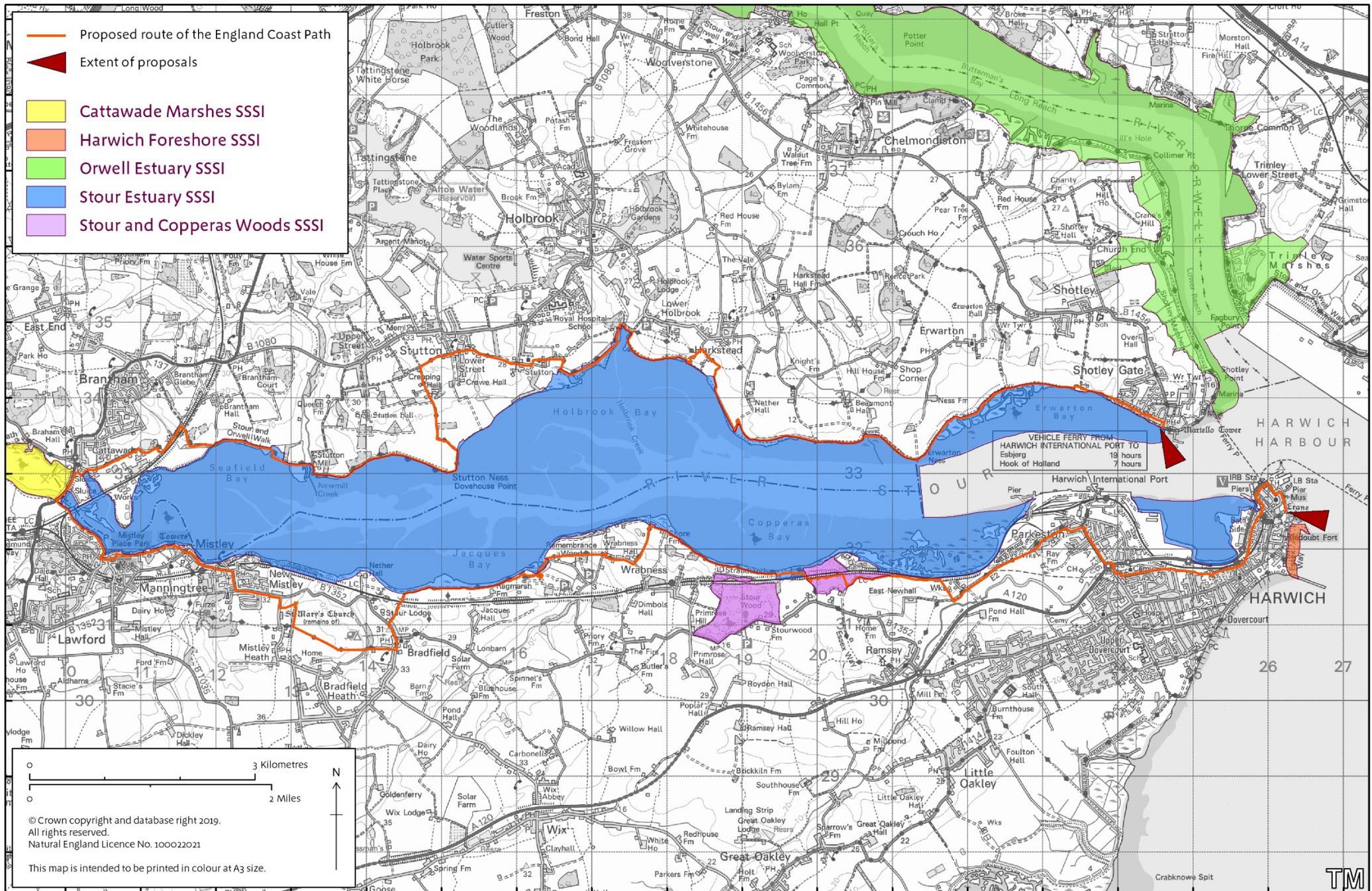


A. Legally designated sites: Special Protection Areas

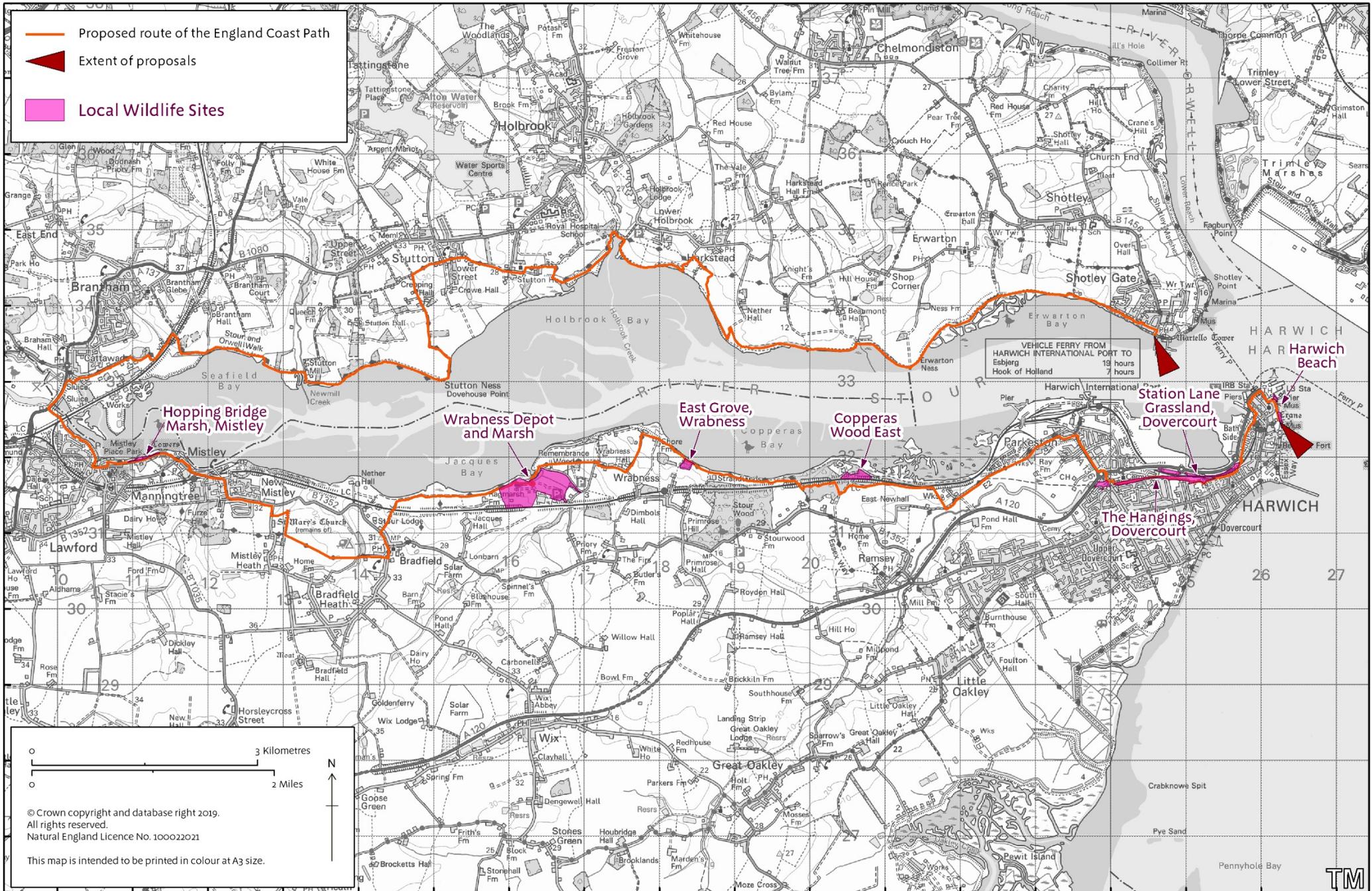
B. Legally designated sites: Ramsar sites



C. Legally designated sites: Sites of Special Scientific Interest



D. Local Wildlife Sites



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Annex 1. Index of designated sites and features

Features of the designated sites	Stour Estuary SSSI	Stour and Orwell Estuaries SPA	Stour and Orwell Estuaries Ramsar Site	Cattawade Marshes SSSI	Stour and Copperas Woods SSSI
A132 Pied avocet <i>Recurvirostra avosetta</i> (Breeding)		✓			
A046a Dark-bellied brent goose <i>Branta bernicla bernicla</i> (Non-breeding)	✓	✓	✓		
A054 Northern pintail <i>Anas acuta</i> (Non-breeding)	✓	✓	✓		
A141 Grey plover <i>Pluvialis squatarola</i> (Non-breeding)	✓	✓	✓		
A143 Red knot <i>Calidris canutus</i> (Non-breeding)	✓	✓	✓		
A149 Dunlin <i>Calidris alpina alpina</i> (Non-breeding)	✓	✓	✓		
A156 Black-tailed godwit <i>Limosa limosa islandica</i> (Non-breeding)	✓	✓	✓		
A162 Common redshank <i>Tringa totanus</i> (Non-breeding)	✓	✓	✓		
Waterbird assemblage Cormorant <i>Phalacrocorax carbo</i> , great crested grebe <i>Podiceps cristatus</i> , dark-bellied brent goose <i>Branta bernicla bernicla</i> , shelduck <i>Tadorna tadorna</i> , wigeon <i>Anas penelope</i> , gadwall <i>Anas strepera</i> , northern pintail <i>Anas acuta</i> , goldeneye <i>Bucephala clangula</i> , ringed plover <i>Charadrius hiaticula</i> , black-tailed godwit <i>Limosa limosa islandica</i> , grey plover <i>Pluvialis squatarola</i> , lapwing		✓	✓		

Features of the designated sites	Stour Estuary SSSI	Stour and Orwell Estuaries SPA	Stour and Orwell Estuaries Ramsar Site	Cattawade Marshes SSSI	Stour and Copperas Woods SSSI
<i>Vanellus vanellus</i> , curlew <i>Numenius arquata</i> , dunlin <i>Calidris alpina alpina</i> , common redshank <i>Tringa totanus</i> , red knot <i>Calidris canutus islandica</i> , turnstone <i>Arenaria interpres</i>					
Aggregations of non-breeding birds - Wintering cormorant <i>Phalacrocorax carbo</i>	✓				
Aggregations of non-breeding birds - Wintering curlew <i>Numenius arquata</i>	✓				
Aggregations of non-breeding birds - Wintering great crested grebe <i>Podiceps cristatus</i>	✓				
Aggregations of non-breeding birds - Wintering mute swan <i>Cygnus olor</i>	✓				
Aggregations of non-breeding birds - Wintering pintail <i>Anas acuta</i>	✓				
Aggregations of non-breeding birds - Wintering ringed plover <i>Charadrius hiaticula</i>	✓				
Aggregations of non-breeding birds - Autumn passage ringed plover <i>Charadrius hiaticula</i>	✓				
Aggregations of non-breeding birds - Wintering shelduck <i>Tadorna tadorna</i>	✓				

Features of the designated sites	Stour Estuary SSSI	Stour and Orwell Estuaries SPA	Stour and Orwell Estuaries Ramsar Site	Cattawade Marshes SSSI	Stour and Copperas Woods SSSI
<p>Invertebrate assemblage / rare animal species</p> <p>The Ramsar Information Sheet lists five British Red Data Book (saltmarsh) invertebrates as being among noteworthy fauna: the muscid fly <i>Phaonia fusca</i>, the horsefly <i>Haematopota grandis</i>, two spiders <i>Arctosa fulvolineata</i> and <i>Baryphema duffeyi</i>, and the endangered swollen spire snail <i>Mercuria confusa</i>.</p>			✓		
<p>Vascular plant assemblage / rare plant species</p> <p>SSSI: Marsh-mallow <i>Althaea officinalis</i>, divided sedge <i>Carex divisa</i>, sea barley <i>Hordeum marinum</i>, golden samphire <i>Inula crithmoides</i>, dittander <i>Lepidium latifolium</i>, lax-flowered sea-lavender <i>Limonium humile</i>, curved hard-grass <i>Parapholis incurve</i>, perennial glasswort <i>Sarcocornia perennis</i>, hoary mullein <i>Verbascum pulverulentum</i>, dwarf eelgrass <i>Zostera noltei</i></p> <p>Ramsar criterion 2 /nationally scarce : stiff saltmarsh-grass <i>Puccinellia rupestris</i>, small cord-grass <i>Spartina maritima</i>, perennial glasswort <i>Sarcocornia perennis</i>, lax-flowered sea lavender <i>Limonium humile</i>, and the eelgrasses <i>Zostera angustifolia</i>, <i>Z. marina</i> and <i>Z. noltei</i></p>	✓		✓		
<p>Lowland damp grassland breeding bird assemblage</p>				✓	

Features of the designated sites	Stour Estuary SSSI	Stour and Orwell Estuaries SPA	Stour and Orwell Estuaries Ramsar Site	Cattawade Marshes SSSI	Stour and Copperas Woods SSSI
W10 <i>Quercus robur</i> – <i>Pteridium aquilinum</i> – <i>Rubus fruticosus</i> Woodland (Broadleaved woodland dominated by oak, with bracken and bramble)					✓
Sheltered muddy shores (including estuarine muds) - Intertidal mudflats	✓				
EC - Pleistocene Vertebrata (Pleistocene deposits of fossilised mammal remains)	✓				
EC - Tertiary Palaeobotany (Fossilised fruits and seeds of the Tertiary period)	✓				
EC - Quaternary Of East Anglia (Succession of volcanic ashes that reflect volcanism in the Hebridean area and the North Sea during the earliest Eocene)	✓				
Population of Schedule 5 annelid worm - <i>Alkmaria romijni</i> (tentacled lagoon-worm)	✓				
Population of Schedule 5 sea anemone - <i>Nematostella vectensis</i> (Vulnerable by IUCN/WCMC, RDB3) (starlet sea anemone (rare / internationally protected invertebrate))	✓				

Annex 2. Establishment works: nature conservation/ environmental factors to be taken into account

Once approval for a coastal access report is received from the Secretary of State, any necessary works can be carried out on the ground to make the trail fit for use and to prepare for its opening. In this case, works will be carried out by Essex and Suffolk County Councils, who will be responsible for ensuring they take appropriate steps to protect sensitive features while works are carried out, in line with any recommendations or conditions agreed in advance.

We have held preliminary discussions with Essex and Suffolk County Councils about the works required. We believe it is feasible for them to be carried out without adversely affecting the designated sites considered in this appraisal, provided that working methods are agreed with the relevant Natural England responsible officer (RO), as appropriate.

Legally protected species are an important consideration where works involve the removal or maintenance of existing features, or the construction of new features. Where these species are known or are likely to be present, any works carried out should include appropriate mitigation in line with legislative guidelines. Appropriate measures must be taken to protect historic/ archaeological features and sites, and the relevant consents obtained before work commences. Care should also be taken to ensure the materials and design of items of infrastructure are appropriate to the landscape setting and minimise visual clutter.

The main considerations with regard to protected sites and species, and on-site working methods, are summarised in the bullet points and table below.

- European Protected Species are those species of plant and animal listed in Annex IV to EC Directive 92/43/EEC ('the Habitats Directive'). For a complete list of European Protected Species in England & Wales refer to Schedules 2, 4 and 5 of the Conservation of Habitats & Species Regulations 2017.
- The Wildlife and Countryside Act 1981, as amended, affords protection to wild birds, their eggs, young and nests (the latter whether complete or under construction). Those listed in Schedule 1 of the '81 Act receive additional protection against intentional or reckless disturbance while they are nest building or at a nest containing eggs or young. Dependant young are also protected from intentional or reckless disturbance. The timing of any works on habitats which may support birds (particularly breeding birds), and the methodologies employed should take these factors into account.
- Plants and animals included in Schedules 5 & 8 of the Wildlife and Countryside Act 1981 (as amended) are protected from being killed or injured, and protection may also apply to their place of shelter.
- Badgers and their setts are protected under the Protection of Badgers Act 1992, under which it is an offence to damage, destroy or obstruct a badger sett, or to disturb a badger when it is occupying a sett.
- All bat species, their breeding sites and resting places are fully protected in law and are European protected species. The presence of bats is often overlooked and it should be remembered that they inhabit crevices in tree trunks and branches as well as built structures (both above and below ground). Where there is uncertainty about their presence, surveys should be carried out beforehand by suitably qualified individuals.
- Activities which may affect any of the above species, or other specially protected species such as great-crested newts and water voles, may require a licence from Natural England's licensing team, from which advice should be sought, as appropriate.

Activity	Advice
Timing of works	<p>Works should be timed to prevent or minimise disturbance of wintering wildfowl and waders. <i>Severe Winter Weather Restrictions</i> will apply to works likely to disturb wintering wildfowl and waders when they are least able to cope with disturbance.</p> <p>Where works are likely to affect breeding birds the works should be timed to avoid the breeding season which is, for the majority of species, March to August inclusive.</p> <p>Timing may also need to be adjusted to take account of other species, such as those above.</p>
Use of heavy machinery/ storage of plant and materials	<p>Access routes and ground protection measures/ other mitigation measures (as appropriate) should be agreed with the relevant RO to ensure damage to the site or interest features/ legally protected species does not take place.</p> <p>Screening of plant and machinery to prevent visual and noise disturbance of wintering wildfowl and waders should be undertaken where necessary, under advice from the RO.</p>
Presence of Protected Species	<p>Where legally protected species are known or suspected to be present all works should include appropriate mitigation in line with legislative guidelines.</p> <p>Some species are afforded extra levels of protection and a licence may be required. Advice on the presence of legally protected species, and any special measures necessary, should be sought from the RO.</p>
Pollution prevention and control	<p>Pollution prevention and control measures must be agreed with the RO and the Environment Agency, the relevant consents being obtained where appropriate.</p>
Biosecurity	<p>Where necessary, appropriate measures must be taken to prevent the translocation and spread of invasive, non-native species. Where these are found to exist on site, or on tracking routes, advice should be sought from the relevant RO. Mitigation measures may include:</p> <ul style="list-style-type: none"> ■ the avoidance of certain areas; ■ the use of geotextiles/ membranes to ‘screen off’ areas of ground; ■ removal of contaminated material to licenced sites; ■ chemical (pesticide/ herbicide) treatment;

Activity	Advice
	<ul style="list-style-type: none"> ■ the cleaning of plant, machinery or personal protective equipment before entry to, or leaving the site (or part of it); ■ other measures agreed with the RO as necessary.

Essex and Suffolk County Councils will instigate the SSSI assent process by writing to us to confirm the timing of works and how operations are to be undertaken in line with these conditions. Natural England will provide further advice as necessary.

Works to be carried out by third parties

Occasionally, we may recommend a trail alignment which is dependent on works being carried out by a third party such as a landowner, rather than an access authority or ourselves. In these cases it is essential that all relevant environmental factors are taken into account *and that all the relevant consents and permissions are obtained from the appropriate regulatory body* (normally Natural England, Environment Agency, Historic England or Local Authority) before works commence. This responsibility rests with the third party, who may wish to employ suitably qualified consultants/ contractors to undertake design and construction work, and to obtain consents and permissions, on their behalf.

On the Harwich to Shotley Gate stretch, this scenario applies in one location: Adjacent to 'The Rough', Stutton Park, where the landowner proposes rebuilding a severely degraded seawall upon which we recommend alignment of the trail.

Front cover photo

Seawall and foreshore at Stutton
Kim Thirlby, Natural England

Enquiries about the proposals should be addressed to:

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Natural England
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Cambridge
CB1 8DR

Telephone:

Enquiries about our proposals for the Harwich to Shotley Gate Stretch: 0300 060 3900

Enquiries specifically regarding this NCA, or the associate HRA: 01206 298372

Email: essexcoastalaccess@naturalengland.org.uk

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