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# England Coast Path Stretch: Cremyll to Kingswear

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



# Map A: Key map - Cremyll to Kingswear



- Report number and title:**
- CKW 1** Cremyll to Mount Batten Point  
Map CKW 1a to CKW 1b
  - CKW 2** Mount Batten Point to Yealm Estuary  
Map CKW 2a to CKW 2f
  - CKW 3** Yealm Estuary  
Map CKW 3a to CKW 3j
  - CKW 4** Yealm Estuary to Mothecombe Beach  
Map CKW 4a to CKW 4f
  - CKW 5** Mothecombe Beach to Avon Estuary  
Map CKW 5a to CKW 5f
  - CKW 6** Avon Estuary  
Map CKW 6a to CKW 6e
  - CKW 7** Avon Estuary to Kingsbridge Estuary  
Map CKW 7a to CKW 7j
  - CKW 8** Kingsbridge Estuary to Torcross  
Map CKW 8a to CKW 8i
  - CKW 9** Torcross to Kingswear  
Map CKW 9a to CKW 9h

Extent of proposals 

Extent of proposals in each chapter 

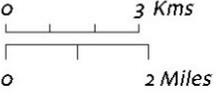
Motorways 

A road 

B road 

Railway & station 

N



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## Report number and title

CKW 1: Cremyll to Mount Batten Point (Maps CKW 1a and CKW 1b)

CKW 2: Mount Batten Point to Yealm Estuary (Maps CKW 2a to CKW 2f)

CKW 3: Yealm Estuary (Maps CKW 3a to CKW 3j)

CKW 4: Yealm Estuary to Mothecombe Beach (Maps CKW 4a to CKW 4f)

CKW 5: Mothecombe Beach to Avon Estuary (Maps CKW 5a to CKW 5f)

CKW 6: Avon Estuary (Maps CKW 6a to CKW 6e)

CKW 7: Avon Estuary to Kingsbridge Estuary (Maps CKW 7a to CKW 7j)

CKW 8: Kingsbridge Estuary to Torcross (Maps CKW 8a to CKW 8i)

CKW 9: Torcross to Kingswear (Maps CKW 9a to CKW 9h)

## Using the Key Map

Map A shows the whole of the **Cremyll to Kingswear** 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 9 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 **Cremyll and Kingswear**. 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 CKW 2a to CKW 2f illustrate the proposals in report CKW 2, which deals with the length from Mount Batten Point to the Yealm Estuary.

# 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 Devon between Cremyll and Kingswear. 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, there would be secure statutory rights of public access to most areas of beach, cliff and other coastal land on this stretch of coast;
- The coastal path would be able to ‘roll back’ as the cliffs erode or slip, or when other forms of coastal change occur, solving long-standing difficulties with maintaining a continuous route on this stretch of coast.

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

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

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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 Cremyll to Kingswear, which can be viewed here <https://www.gov.uk/government/publications/england-coast-path-from-cremyll-to-kingswear-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 9 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 CKW 2a to CKW 2f illustrate the proposals described in report CKW 2.

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 table for sections of the trail that follow the existing South West Coast Path as currently walked and managed, 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.
  - 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.
- In the table for sections of the trail that differ from the existing South West Coast Path as currently walked and managed, we set out additional information for each section of coast under the following column heading:
  - 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.
- 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:**

Note that for the tables for sections of the trail that follow the existing South West Coast Path as currently walked and managed, the column ‘Current status of route section(s)’ has been omitted.

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. For sections of the trail that differ from the existing South West Coast Path, it also enables us to differentiate, by shading the line differently, between sections of the route that would use existing rights of way, sections that appear to follow other existing walked lines on the ground, and sections that do neither. The thickness of the line on the map is not an indication of the width of the actual trail on the ground. The proposed route simply follows the centre of the line shown. The legislation makes the default width of the trail four metres, but its actual width varies 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. In such places, the maps in this report depict our proposed route to coincide with the path currently used and managed as part of the South West Coast Path, rather than the public right of way recorded on the Definitive Map. This line is displayed as accurately as possible at the scale of the report map. 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 and 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:

- Devon Countryside Access Forum;
- Devon County Council and Plymouth City Council, including ecology, geology, historic environment, planning, transport and countryside access staff;
- the Environment Agency, in relation to flood defence and coastal erosion management on this stretch of coast;
- local officers of Historic England, in relation to historic features on this stretch of coast;
- the Ministry of Defence, in relation to defence interests on this stretch of coast; and
- the South Devon Area of Outstanding Natural Beauty (AONB)

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

- the South West Coast Path Association;
- the Ramblers Association;
- the British Mountaineering Council;
- the National Farmers Union;
- the British Association for Shooting and Conservation, and
- the Country Land and Business Association.

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

We also engaged with internal specialists and relevant organisations locally - including the South Devon Area of Outstanding Natural Beauty - 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.

In places where the existing route of the South West Coast Path as currently walked and managed fitted well with the criteria for the walking route as set out in the Coastal Access Scheme, we wrote to relevant owners, occupiers and other legal interests to explain our emerging conclusions and to offer them an opportunity to talk to us about them. We also sent them a mapped summary of our emerging proposals, clearly explaining how their land would be affected by any new rights and seeking any views about this.

On sections where there was the potential to make improvements to the existing route of the South West Coast Path to fit more closely with the criteria set out in the Coastal Access Scheme, we contacted relevant owners and occupiers and asked for their views so that we could discuss options for alignment.

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 proposed Cremyll to Kingswear stretch includes the estuaries of the rivers Tamar, Plym, Yealm, Erme, Avon, Kingsbridge and Dart.

#### 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 systems found in this part of England, identifying the geographical limits of our discretion to align the trail around the estuaries of the Tamar, Plym, Yealm, Erme, Avon, Kingsbridge and Dart 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 Tamar, Plym, Yealm, Erme, Avon, Kingsbridge and Dart 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 k)** below in relation to the Tamar, Plym, Yealm, Erme, Avon, Kingsbridge, Dart estuaries.

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

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

The estuary systems of the Tamar, Plym, Yealm, Erme, Avon, Kingsbridge and Dart on this stretch of coast form part of a dense collection of estuaries along the south coast of Devon and Cornwall. The South Devon estuaries were originally deep river valleys which were inundated by later sea level rise, with sea water flooding in to create wide expanses of water. Most of the estuaries are part of either the Plymouth Sound and Estuaries Special Area of Conservation (SAC) or the Start Point to Plymouth Sound & Eddystone Special Area of Conservation (SAC) and are within the South Devon Area of Outstanding Natural Beauty. The Erme Estuary and the Devon Avon Estuary are Marine Conservation Zones (MCZ).

#### **e) Tamar estuary**

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

The seaward limit of the transitional waters of the River Tamar coincides with the waters just south of Drakes Island, in a line between Mount Batten Point and Ravenness Point. The first bridge with pedestrian access is the Tamar Bridge between Saltash and Plymouth, some 45km north from Cremyll following the west bank of the estuary.

##### **The statutory estuary criteria**

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

##### **i) Ferry services**

There is a regular foot ferry service across the River Tamar between Cremyll and Stonehouse. The ferry runs regularly 364 days per year (no service on Christmas Day). Further up the estuary, the Torpoint Ferry is a car and pedestrian chain ferry (11.4km north of Cremyll by road), connecting the A374 road which crosses the River Tamar, between Torpoint in Cornwall and Devonport in Plymouth.

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

###### **Estuary width**

The Tamar estuary is convoluted with its width varying significantly. Its widest point (3.5km) is some 5km upstream at Antony. It quickly narrows to a width of 600 metres at the Torpoint ferry but it is still wide enough at this point to retain a coastal feel. The estuary retains approximately this width until it reaches Sheviok where it narrows to 260 metres. By this point it no longer feels coastal.

###### **Topography of the shoreline**

The shoreline of the Tamar estuary is composed mainly of coastal cliff and slope, punctuated by many points and inlets. The coastal village of Cremyll is situated on the west side of the estuary towards its mouth. Tributaries of the river include the Rivers Inny, Ottery, Kensey and Lynher.

## **Nature of affected land**

The River Tamar is a large, tidal river that forms the boundary between the counties of Cornwall and Devon. The source of the river is less than 6km from the North Cornwall coast at Woolley Moor, Morwenstow and flows south into the English Channel, via Plymouth Sound.

Mudflats form the lower reaches of the estuary system and are bordered by saltmarsh and rocky shoreline habitats. The upstream part of the system supports freshwater marsh, fen and reedmarsh habitats along with wooded valleys in places. The river system up to Landrake, Gunnislake and Milton Combe is designated as Special Area of Conservation. All the of the land between Rame Head and Cremyll is designated as an Area of Outstanding Natural Beauty and the foreshore on Rame Head and north of Cawsand is designated as a Site of Special Scientific Interest.

The western side of the Tamar estuary is mainly designated parkland to the south of Cremyll and to the north a mix of coastal deciduous woodland, farmland and the urban areas of Torpoint and Saltash. The eastern side of the estuary mainly comprises the urban area of Plymouth. The foreshore tends to be rocky, with occasional small sandy beaches and has a coastal feel. The Tamar has intertidal sand, mudflats and areas of saltmarsh that support nationally important numbers of waterfowl.

## **Features of interest**

Plymouth is the largest settlement on the south coast of Devon with good transport links and a diverse range of local services. The Plymouth Waterfront is a popular year round tourist destination and the Tamar estuary is a popular area for recreational sailing and kayaking.

The Tamar estuary and the Port of Plymouth are extremely busy areas for shipping and recreational boating with many vessel movements being defence related. Devonport on the east side of the estuary is the largest naval base in Western Europe and has been supporting the Royal Navy since 1691. The site covers more than 260 hectares and has 15 dry docks, 25 tidal berths and 6.4 km of waterfront.

Mount Edgumbe Country Park covers much of the land to the west of the Tamar between Cremyll and Rame Head and is heavily used by the residents of Plymouth and tourists alike for outdoor recreation. A deer park was created on the site in 1539. The house and the 865 acres of grounds were jointly purchased by Plymouth City Council and Cornwall County Council in 1971 and the grounds and gardens were designated as a country park.

The existing South West Coast Path passes through the park. There are a number of hotels, guest houses, shops, pubs and restaurants in the nearby coastal villages of Kingsand, Cawsand and Cremyll.

## **iii) Recreational Benefit**

North of the mouth of the estuary at Cremyll, there is very limited public access to the banks, apart from at the waterfront of some of the villages and smaller settlements such as Millbrook and St Germans and the larger urban areas of Torpoint and Plymouth. There is potential particularly along the west bank, to provide new access to the waterfront and to link inland settlements with the coast. However, due to the convoluted nature of the tributaries it is some 45km in distance between Cremyll and the Tamar Bridge and 10.5km along the east bank through Plymouth.

To the south of Cremyll, the South West Coast Path follows the coastline from Rame Head to Mount Edgumbe Country Park, where users can cross via the ferry to Plymouth and continue eastwards along the Plymouth Waterfront.

## **iv) Excepted land**

The majority of land south of Cremyll on the western bank of the Tamar would likely be excepted land, as it is registered parkland under the Countryside Act 1968 and continues to be used as such. There will be excepted land, in the form of houses, buildings, their curtilage and gardens, in settlements along the

estuary and in the urban areas of Plymouth and Saltash. There are also large areas of land along the estuary owned by the Ministry of Defence and used for military training, for example at St Anthony. Land regulated by military byelaws is excepted land.

These areas of excepted land and their location adjacent to the waterfront in a number of areas would make it impossible to identify a truly coastal route around the edge of the Tamar estuary.

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

- Option 1 – Align the trail to the existing South West Coast Path using the existing well used foot ferry between Cremyll and Stonehouse.
- Option 2 – Align the trail to the Torpoint Ferry, a car and pedestrian chain ferry 11.4km north of Cremyll by road, connecting Torpoint in Cornwall and Devonport in Plymouth. This would improve access around the estuary and provide a pedestrian link from areas of dense population to the coast. However, the route would be convoluted and the presence of excepted land would prevent it from being close to the water's edge in many places.
- Option 3 – Align the trail to the first pedestrian crossing, which is the Tamar Bridge, this would mean creating at least 45km of new trail on the Cornish side, between Cremyll and Saltash and 10.5km of trail through Plymouth. This would improve access around the estuary and provide a pedestrian link from areas of dense population to the coast. However, the route would be convoluted and the presence of excepted land would prevent it from being close to the water's edge in many places.
- Option 4 – Align the trail as far as the seaward limit of the estuarial waters. Walkers would have an interrupted journey along the trail and would have to navigate themselves between Ravenness Point and Mount Batten.

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

Our proposal is to align the trail to the Cremyll ferry (option 1). This fulfils the core objective of the legislation - to create a continuous route around the coast – in a simple and cost effective way. Given the existence of the regular ferry service between Cremyll and Stonehouse, the substantial additional cost to the national implementation programme of taking the route to either the Torpoint Ferry (option 2) or the Tamar Bridge (option 3) could not be justified.

Should the ferry service cease altogether in the future or become less suitable for purpose, Natural England will review its trail alignment and if appropriate, will prepare a separate variation report to the Secretary of State to ensure an uninterrupted journey along the trail.

## **f) Plym estuary**

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

The seaward limit of the estuarial waters of the Plym run across Plymouth Sound between Ravenness Point near Mount Edgcumbe and Mount Batten Point to the east of Plymouth. The first pedestrian crossing is at Laira Bridge where the main A379 road crosses the estuary upstream.

### **The statutory estuary criteria**

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

#### **i) Ferry services**

The Mount Batten ferry operates between the Barbican and Mount Batten all year round (363 days per year). Crossings in either direction are normally every 30 minutes.

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

##### **Estuary width**

The Plym Estuary and Plymouth Sound is at its widest at the seaward limit measuring about 2.7km and is characteristic of open coast. The channel of the River Plym itself narrows to around 400m between the Barbican and Mount Batten and further upstream by Laira Bridge to about 150m where the estuary has less of a coastal feel.

##### **Topography of the shoreline**

The estuary consists of a main channel with one main inlet on its southern side and Hooe Lake and Sutton Harbour on its northern side. Some of the bed of the river is exposed at low tide, notably at Hooe Lake and north of Laira Bridge. Its upper tidal estuary is known as Laira and the lower part is called Cattlewater, which is navigable and leads towards Plymouth Sound in the east of the city.

##### **Nature of affected land**

The River Plym runs for approximately 32km from Crane Hill on Dartmoor, south west to meet the River Meavy, then south towards Plymouth Sound. Upstream from Laira Bridge the western side of the estuary has a built up character and the eastern side is more open. Between the bridge and the open sea, both the western and eastern sides of the estuary have a built up and mainly industrial character with large fuel storage tanks, industrial buildings and the residential areas of Cattedown, Oreston, Turnchapel and Hooe.

This section of the Plym has been extensively modified to provide numerous moorings and to accommodate industrial vessels, with several wharves located on the shore at Cattedown. The area around the historic Barbican area of the city is less industrial, but is still busy with smaller recreational craft.

##### **Features of interest**

The Plym estuary is bordered for the most part by the built up area of Plymouth, including Cattedown, Turnchapel, Oreston and Hooe. It also forms a maritime setting to the historic buildings lining the waterfront at the Barbican, reinforcing the city's strong seafaring heritage.

Sutton Harbour is directly overlooked by the fort at Royal Citadel and the Mount Batten Tower, both designated as Scheduled Monuments. The Mayflower Steps within the harbour are reputed to be the location where the Pilgrim Fathers left England for North America in 1620

Hooe Lake is a tidal creek running from the Plym Estuary. The piers across the water once carried the railway branch line from Plymouth to Turnchapel. Hooe Lake is said to have the largest concentration of hulks west of the River Exe, with between fourteen and seventeen vessels lying in the water, although not all of them are visible.

From Mount Batten Breakwater, The Citadel and other locations along the shores of the estuary there are extensive views over Plymouth Sound and the city's seascape.

### iii) Recreational Benefit

Plymouth is the largest settlement on the south coast of Devon with good transport links and a diverse range of local services. The Plymouth Waterfront is a popular year round tourist destination and the Plym estuary is a popular area for recreational sailing with numerous moorings and supporting businesses at Sutton Harbour, Queen Anne's Battery Marina and Plymouth Yacht Haven.

Access in the area is generally good with the Plymouth Waterfront Walkway following the South West Coast Path National Trail from Sutton Harbour to Laira Bridge to the north of the estuary and from the bridge to Mount Batten Point to the south.

### iv) Excepted land

Much of the northern and southern shores downstream of Laira Bridge and seaward of the existing South West Coast Path around the estuary are likely to be excepted land, consisting of industrial and commercial buildings, private houses and gardens.

### v) Options for the Plym estuary

- Option 1 – Align the trail as far as the seaward limit of the estuarial waters. Walkers would have an interrupted journey along the trail and would have to navigate themselves between Raveness Point and Mount Batten.
- Option 2 – Use our discretion to align the trail along the existing South West Coast Path to the first pedestrian crossing which is alongside the A379 at Laira Bridge. This route follows existing public highways, pavements and public footpaths and on some sections (particularly along the northern bank of the estuary) is aligned to the landward side of industrial and commercial buildings and other land that would be classed as 'excepted land'.
- Option 3 – Use our discretion to align the trail as far as the Mount Batten Ferry between the Barbican and Mount Batten Point. This ferry provides a convenient and regular year round service for people wishing to cross the mouth of the estuary close to the open coast.

### Proposed route of the trail

A regular year round service such as that provided by the Mount Batten Ferry meets our requirement for a convenient crossing point across the Plym Estuary and our proposal is that the England Coast Path will cross at the ferry point between the Barbican at Plymouth and Mount Batten Point (option 3). We are not proposing to use our discretion to align the trail along the existing South West Coast Path to the first pedestrian crossing at Laira Bridge (option 2) as some sections of this route are aligned to the landward side of industrial and commercial buildings and other land that would be classed as 'excepted land', with limited views of the estuary and less of a coastal feel.

However, it is the preference of Plymouth City Council and other local stakeholders, for the South West Coast Path to remain on its current alignment along the Waterfront Walkway to the crossing point on the A379 at Laira Bridge. Therefore the England Coast Path and the South West Coast Path will diverge – we understand that the South West Coast Path will retain its current approved route and the England Coast Path will utilise the ferry crossing. Accordingly, Natural England will not submit a variation report to bring the South West Coast Path into line with the England Coast Path at this location and the two routes will remain separate.

Should the ferry service cease altogether in the future or become less suitable for purpose, Natural England will review its trail alignment and if appropriate, will prepare a separate variation report to the Secretary of State to ensure an uninterrupted journey along the trail.



## **g) Yealm estuary**

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

The seaward limit of the estuarial waters of the Yealm Estuary coincides with Season Point to the north and Mouthstone Point to the south. The first pedestrian crossings of the River Yealm and its tributaries are the bridges along the main A379 road at Wapplewell, Brixton and Yealmpton.

### **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**

Currently a ferry operates from approximately 1.5km upstream from the mouth of the estuary at Warren Cottage on the western side to the landing steps at Ferry Wood on the eastern side. The ferry carries foot passengers 7 days a week from 1<sup>st</sup> April to 24<sup>th</sup> September. The ferry runs from 10am to 12 noon and from 3 to 4pm with the ferryman contactable by mobile phone.

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

##### **Estuary width**

At its seaward limit the width of the Yealm Estuary measures 370m. The river narrows just upstream of the seaward limit, but widens again significantly (up to 600m) northeast of Steer Point. The mouth and lower reaches of the estuary are characteristic of the open coast becoming more riverine in feel upstream from Newton Ferrers.

##### **Topography of the shoreline**

The topography is varied and interesting. The estuary has a 'crow's foot' appearance and along the majority of its shoreline there is a steep gradient. There is a river confluence at Newton Ferrers where Newton Creek joins the main river and the main channel continues northwards past small creeks before dividing again at Steer Point. Both channels then divide further before reaching the pedestrian crossing points at Wapplewell and Yealmpton, adding to the convoluted nature of the estuary and shoreline.

##### **Nature of affected land**

The estuary of the Yealm is tidal for four miles upstream as far as Puslinch. There are extensive mudflats in the wider reaches of the tributaries upstream.

The majority of the estuary frontage is characterised by steep gradients and dense tree coverage on the steeper lower slopes. At the top of the slopes the land levels out, characterised by a patchwork of fields and high hedges.

Although largely undeveloped, the main settlements around the estuary are Combe, Brixton and Yealmpton which lie at the head of the tributaries of the Yealm and Newton Ferrers and Noss Mayo which sit on opposite banks of Newton Creek towards the mouth of the estuary.

##### **Features of interest**

The River Yealm rises 430m above sea level on the mires of South Dartmoor at Yealm Head on Stall Moor and makes its 24km journey to the sea passing through Cornwood, Lee Mill and Yealmpton before reaching the estuary mouth just below Newton Ferrers and Noss Mayo. The Yealm Estuary is included as part of the Special Area of Conservation (SAC) notable for its intertidal rock, mud and sand flats. These intertidal areas are important roosting and feeding locations for a variety of wildfowl and waders.

The Yealm has been a harbour for many years with a long heritage of maritime trading. Newton Ferrers was officially designated as a Port in 1297 and is still a magnet for yachts and small recreational craft.

There are viewpoints of the open coast on either bank downstream of Newton Ferrers, for example at Season Point and Mouthstone Point. Upstream of Newton Ferrers there are causeways across some of the creeks which can be crossed at low tide.

### **iii) Recreational Benefit**

The river and estuary are the location for a variety of recreational activities. Newton Ferrers and Noss Mayo attract significant numbers of visitors particularly during the summer and the estuary is used by a variety of yachts and small recreational craft.

The South West Coast Path ends either side of the estuary at the ferry crossing points at Warren Point and Ferry Wood. Currently access is available on the western side of the estuary from the sea as far as part way up Cofflete Creek (by Wembury Wood), by using National Trust permissive routes but these routes do not give access to the estuary. On the eastern side access is available from the sea as far upstream as Shortaflete Creek using roads and public rights of way. Other than this existing access there is very limited access to the shoreline elsewhere around the estuary.

Given the lack of existing access to the shoreline, the recreational benefit of a trail around the estuary would be significant in providing new pedestrian routes to the coast from Brixton, Puslinch and Yealmpton. However, the lack of existing access and the convoluted crow's foot nature of the shoreline and difficult wooded terrain in places would make the establishment of a waterside trail challenging and costly.

### **iv) Excepted land**

There is unlikely to be much excepted land around the estuary as its banks are mainly covered by woodland and farming activity is mainly pastoral. However there would likely be some excepted land in the small settlements of Newton Ferrers and Noss Mayo where buildings, curtilage and gardens are located at the riverside. There is also a large area of parkland, Kitley Park near Yealmpton adjacent to the estuary which would be excepted from the new rights.

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

- Option 1 – Align the trail as far as the seaward limit of the estuarial waters. Walkers would have an interrupted journey along the trail and would have to navigate themselves between Season Point and Mouthstone Point.
- Option 2 – Use our discretion to align the trail around the estuary to the first pedestrian crossing points at Wapplewell, Brixton and Yealmpton. Detours would be necessary in places where gardens and historic parkland extend to the river bank and there would be limited views of the estuary due to the woodland along the shoreline. The convoluted crow's foot nature of the shoreline and difficult steep wooded terrain in places would make the establishment of a waterside trail challenging and costly in terms of the amount of infrastructure and works that would be required. This aligned trail around the estuary would measure some 22.5km.
- Option 3 – Use our discretion to align the trail to follow the existing South West Coast Path via the seasonal ferry which takes walkers across the mouth of the Yealm between the landing stage at Warren Point and the steps at Ferry Wood near Noss Mayo.
- Option 4 – Use our discretion to align the trail to follow the existing South West Coast Path via the seasonal ferry (as option 3) and have an alternative route to operate as a diversion from the ordinary route. This 'alternative' route will make use of existing public highways, an existing walked permissive route and rights of way including parts of the Plym to Erme Trail. It would extend to Wapplewell, Brixton and Yealmpton which are the first public foot crossings over the River Yealm and its tributaries.

## **Proposed route of the trail**

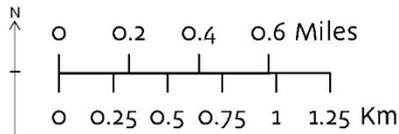
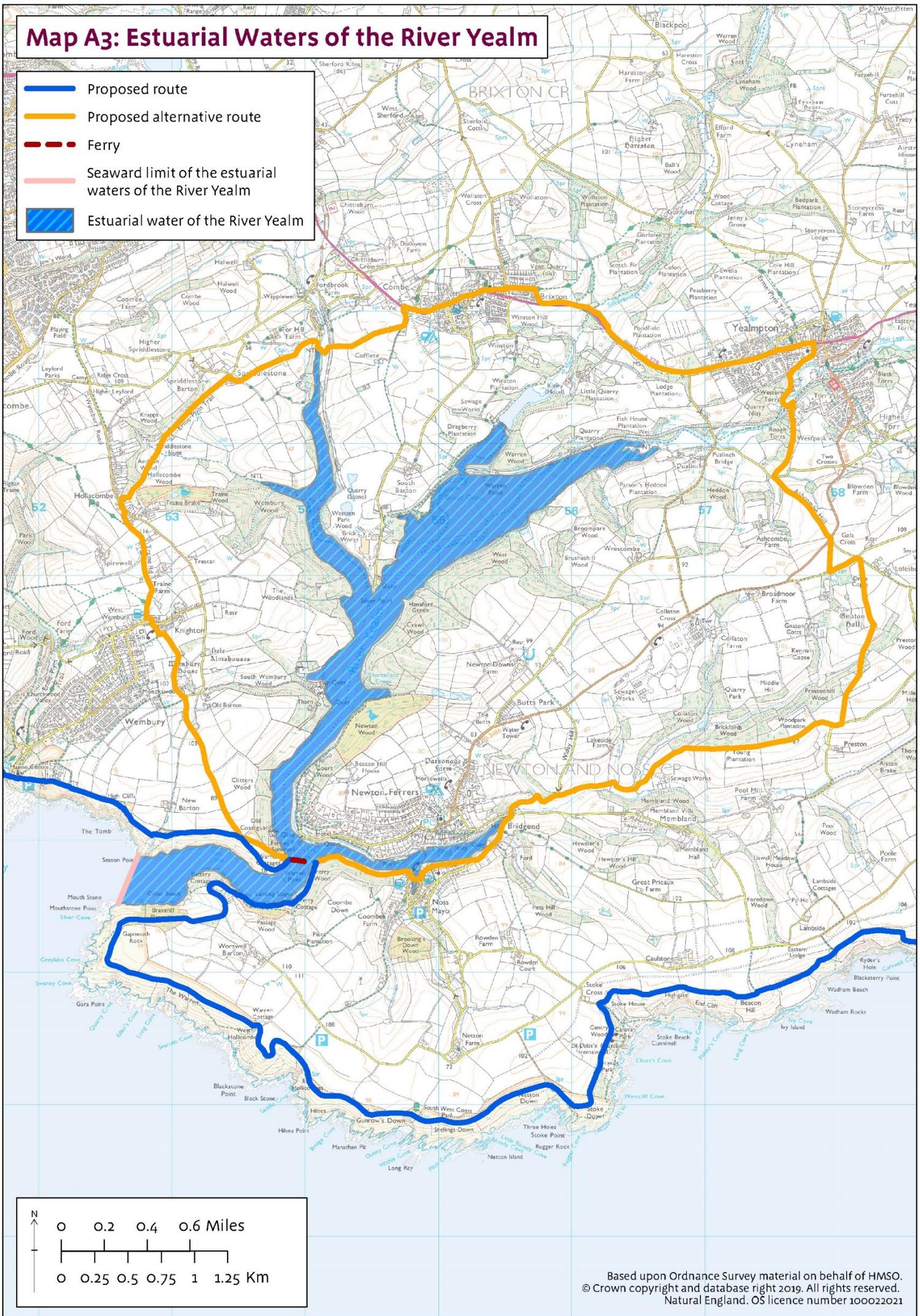
Our proposal is for the 'ordinary' route of the England Coast Path to incorporate the ferry crossing and an alternative route will be in place for when the ferry is not running (option 4). This 'alternative' route will make use of existing public highways, an existing walked permissive route and rights of way including parts of the Plym to Erme Trail. There would be additional local benefits of option 2, but in our view, given the constraints outlined above, this would not justify the substantial additional cost to the national implementation programme.

The proposed alternative route uses the public rights of way network closest to the estuary, even though in places it is quite a considerable distance from it. The woody vegetation along the banks of the estuary is such that even when only a few metres away from the estuary, the views of it are minimal.

Should the ferry service cease altogether in the future or become less suitable for purpose, Natural England will review its trail alignment and if appropriate, will prepare a separate variation report to the Secretary of State to ensure an uninterrupted journey along the trail.

# Map A3: Estuarial Waters of the River Yealm

-  Proposed route
-  Proposed alternative route
-  Ferry
-  Seaward limit of the estuarial waters of the River Yealm
-  Estuarial water of the River Yealm



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## **h) Erme estuary**

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

The seaward limit of the estuarial waters of the Erme estuary coincides with the shoreline near Battsborough Island to the west and Fernycombe Point to the east. The first pedestrian crossing of the River Erme is Sequer's Bridge on the main A379.

### **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 or boat service on the estuary as the river is too shallow. The estuary can be crossed on foot by walking across the sand between the slipways of Mothecombe and Wonwell and fording the river at low tide, when the water is generally no more than knee deep, although this can differ depending on weather and the flow rate of the river.

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

##### **Estuary width**

The Erme estuary is at its widest at the seaward limit measuring almost 1km and is characteristic of the open coast. The river narrows to just over 500m at the crossing point between the Mothecombe and Wonwell slipways and then reduces further in width to about 130m near Wonwell Beach. Further upstream the estuary widens again but has less of a coastal feel as it passes between Pamflete and Tor Woods.

##### **Topography of the shoreline**

The Erme Estuary consists of a main channel with a small stream and tidal pool by Clyng Mill. The shoreline around the mouth of the estuary is strongly characteristic of the open coast with much of the bed of the river exposed at low tide revealing a large expanse of flat sand. The estuary is tidal as far up as the weir at Flete, 5.5km inland just below the A379.

##### **Nature of affected land**

At the mouth of the estuary there are cliffs on both banks and beaches at Mothecombe and Wonwell which are completely flooded at high tide and at low tide reveal a large expanse of sand. Further upstream there are extensive areas of saltmarsh and mudflats that are uncovered at low tide

The majority of the estuary frontage upstream from the mouth is characterised by dense tree coverage on the lower slopes, backed by coastal grassland and farmland. At the head of the estuary the valley widens into the historic parkland setting of Flete House. The whole of the estuary is completely undeveloped apart from isolated buildings and is surrounded on both banks by the 2,000 hectare Flete Estate.

##### **Features of interest**

The River Erme runs from the mires of South Dartmoor at Erme Head on Stall Moor and makes its journey southward, passing close to the settlements of Ermington, Modbury and Holbeton before becoming a ria and flowing into the English Channel.

The estuary contains a wide variety of habitats from rocky shores to intertidal mud flats which support a large number of important species including several that are rare. These areas were formed when the Erme River valley was flooded by the sea after the last ice age forming a ria.

Historic features of interest include an Iron Age hill fort at Holbury near Holbeton and evidence of a very early 11<sup>th</sup> Century fort and settlement on the east bank of the estuary at Oldaport. Both sites are Scheduled

Monuments. There are also four ruined lime kilns in the estuary, all in advanced states of disrepair. On the south side of Mothecombe Beach there was a private tea room built in 1875 for use during private picnics.

Wonwell Beach was the site of a lobster and crab fishing community for many years but the houses are now in ruins and overgrown. The beach has also been used as the location for a number of films, along with some of the large houses adjacent to the estuary such as Efford House and Mothecombe House.

From the cliffs at the mouth of the estuary there are extensive views along the coastline in either direction.

### **iii) Recreational Benefit**

The mouth of the estuary and in particular the beaches at Mothecombe and Wonwell are a popular destination for visitors. There is potential to improve public access to the shoreline upstream from these beaches and also an aspiration amongst stakeholders and user groups for access to be created around the estuary.

The South West Coast Path crosses between the slipways on the Mothecombe (western) and Wonwell (eastern) sides of the estuary with crossing possible by fording on foot at low tide. In several places there are public rights of way leading down to the water's edge from the network of lanes inland from the estuary but these end at the shoreline. There are drives and tracks around the edge of the estuary but these are private and are not available for public access.

### **iv) Excepted land**

Around the majority of the lower part of the estuary the shoreline is covered by woodland and there is unlikely to be much land excepted from the coastal access rights other than the land by the old Coastguard Cottages near the Mothecombe slipway.

Upstream at the start of the estuary there is a large area of historic parkland associated with Flete House, a Grade 1 listed country house near Holbeton. This parkland extends over 2km inland from the estuary and would be excepted from the new coastal access rights.

### **v) Options for Erme estuary**

- Option 1 – Align the trail as far as the seaward limit of the estuarial waters. Walkers would have an interrupted journey along the trail and would have to navigate themselves between Battisborough and Fernycombe Point.
- Option 2 – Use our discretion to align the trail around the edge of the estuary to the first pedestrian crossing point on the A379 at Sequer's Bridge. Detours would be necessary in places where gardens and historic parkland extend to the river bank, including a large detour around the parkland at Flete House (which extends over 2km inland from the estuary), which would make a truly waterside route around the estuary impossible to achieve.
- Option 3 – Use our discretion to align the trail to follow the existing South West Coast Path across the Erme, by fording on foot at low tide between the two slipways at Mothecombe and Wonwell. This option allows for a continuous route taking in a scenic and unspoilt stretch of the coast but it is not available at all times and some users may not wish or would feel unable to cross even at low tide.

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

Our proposal is to align the trail to follow the existing South West Coast Path across the mouth of the Erme, by fording on foot at low tide between the two slipways at Mothecombe and Wonwell (option 3).

As the crossing can only be made within approximately an hour either side of low tide and is not available all the time we considered whether it was feasible and appropriate to align the ordinary route of the trail around the estuary to the crossing point of the River Erme at Sequer's Bridge. We concluded that it would

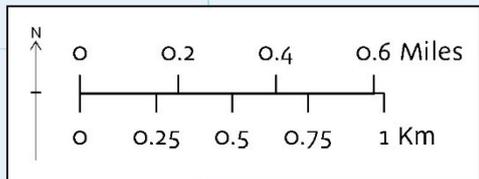
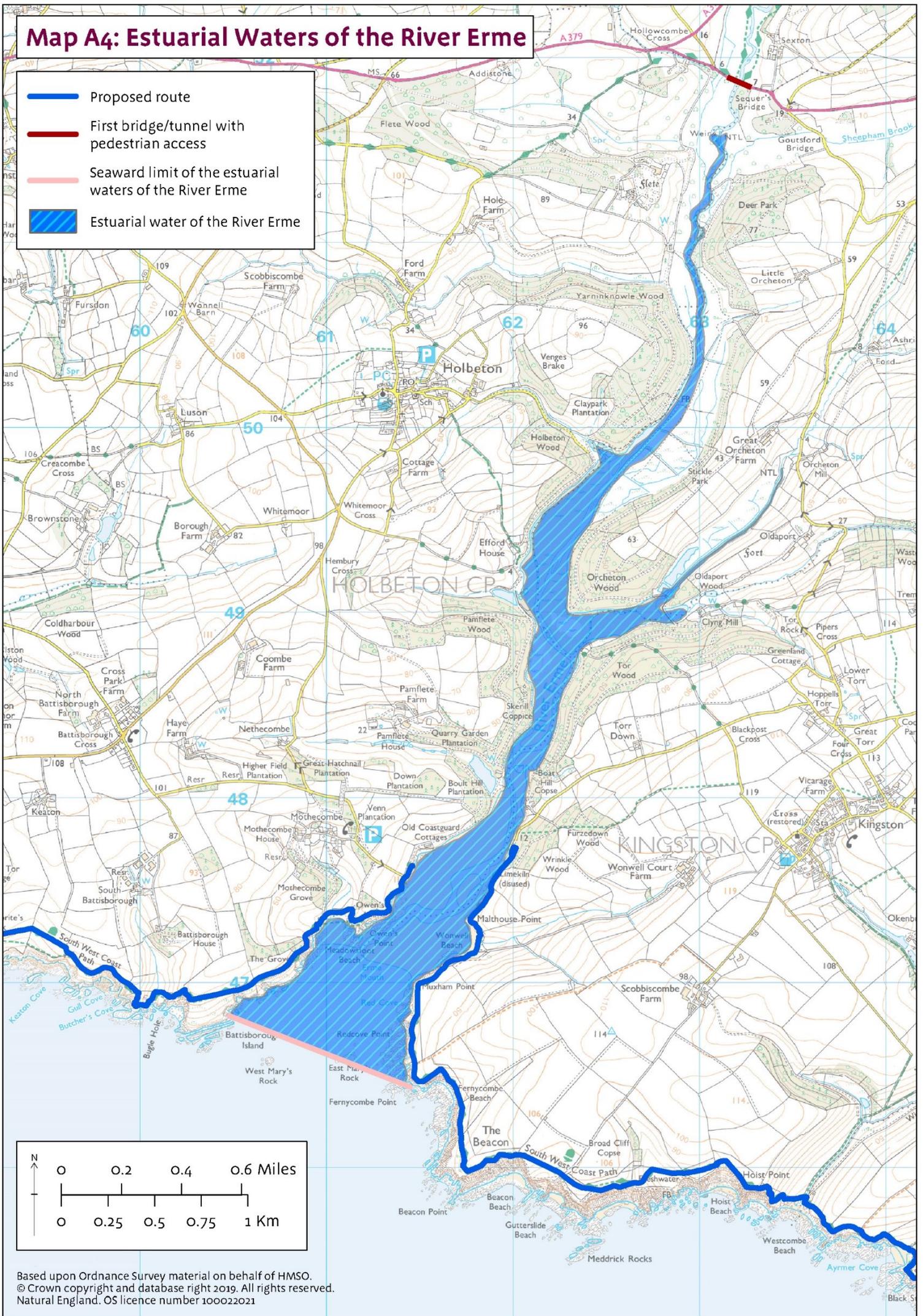
be impossible to have a route following the shoreline of the estuary due to the following reasons: the excepted land alongside parts of the estuary particularly the historic parkland at Flete; the topography and land use of the estuary margins, the nature conservation interest of the estuarine habitats and the land management and operational interests of the estate owners.

We were unable to negotiate a dedicated access strip through the historic parkland around Flete House and along the eastern bank of the estuary. This left us with the only option of an undesirably long inland diversion around the parkland which would take walkers over 2km inland from the estuary shoreline and then having to take walkers along about 3km of the A379, a relatively narrow and fast main road without a pavement which borders the northern boundary of the Flete Estate. This road would be entirely unsuitable to use as a National Trail and the only way to avoid using the road would be to create a new stretch of off road path through the fields along its landward side.

We weighed up these factors with the desirability of creating a continuous route around the estuary and concluded that the costs to establish a continuous route would be inordinately high in terms of the amount of infrastructure and works that would be required. We also concluded that overall our proposals to follow the existing South West Coast Path (option 3) struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme and achieved a fair balance for those owners of land a significant distance inland from the coast.

# Map A4: Estuarial Waters of the River Erme

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



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## **i) Avon estuary**

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

The seaward limit of the estuarial waters of the River Avon coincides with the shoreline near Bigbury on Sea to the west and Butter Cove to the east. The estuary is tidal up as far as the weir at Aveton Gifford which is the first pedestrian crossing point of the estuary some 7.2km upstream.

### **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 currently a limited seasonal ferry service across the mouth of the estuary between Cockleridge Ham and Bantham. This service is due to increase by the time the coastal access rights commence, to run all day throughout the year, except on Christmas Day, Boxing Day and during adverse weather conditions.

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

##### **Estuary width**

At its mouth the width of the Avon Estuary measures about 800m. It then narrows significantly near Bantham Ham to less than 100m, before widening again further up the estuary.

##### **Topography of the shoreline**

The estuary is 7km in length. It has several side channels such as Stiddicombe Creek and much of the shoreline lies within a steep wooded valley.

##### **Nature of affected land**

The majority of the estuary frontage is characterised by open farmland and woodland, particularly on the steeper lower slopes. At the top of the slopes, the land levels out, where it is characterised by a patchwork of fields and high hedgerows.

The area is largely undeveloped with the small settlements of Bantham near the mouth and Aveton Gifford at the head of the estuary.

The estuary comprises a subtidal river channel which bisects the intertidal areas which are sandy in the outer reaches and muddier in the inner reaches.

##### **Features of interest**

The River Avon rises 460 metres above sea level on the Aune Head mires of south Dartmoor, and makes its 37km journey to the sea passing through the Avon Reservoir, South Brent, Avonwick, Loddiswell and Aveton Gifford before reaching the estuary mouth at Bantham and Bigbury on Sea.

The mouth of the estuary has semi exposed rock platforms with rich rock pool, under boulder and overhang communities on the lower shore. Herons nest near Cockleridge and it is a good place to see swans.

Fishing has always featured very importantly in the history of the Avon estuary with evidence of cockle, oyster and salmon fishing activities along the river.

There is road along one section of the estuary which floods regularly at high tide and provides an unusual landscape feature. Near the mouth of the estuary opposite Bigbury on Sea lies Burgh Island. It is accessible on foot from the mainland at low tide and much of the island has public access and features a pub and hotel. The island featured as the setting in a famous novel by Agatha Christie.

Bantham Village on the eastern side of the estuary mouth near the ferry crossing has attractive buildings and café well used by locals and visitors.

### iii) Recreational Benefit

The estuary is the location for a variety of recreational activities and the area attracts significant numbers of visitors particularly during the summer. The estuary is also an important area for water sports including sailing, canoeing and paddleboarding.

There is a promoted trail, the Avon Estuary Walk, around the estuary, crossing the river at Aveton Gifford approximately 7.2kms from the estuary mouth. The trail is along existing public rights of way and permissive paths. There are opportunities to align the England Coast Path closer to the estuary than the existing promoted Avon Estuary Walk. This would create a new walking route in some places through areas with currently no statutory or permissive access.

### iv) Excepted land

Land near the estuary is predominantly woodland and grassland and therefore there would be very little excepted land apart from in the main settlements around the estuary where there are buildings, gardens and some arable land.

### v) Options for Avon estuary

- Option 1 – Align the trail as far as the seaward limit of the estuarial waters. Walkers would have an interrupted journey along the trail and would have to navigate themselves between the shoreline near Bigbury on Sea and Butter Cove.
- Option 2 – Use our discretion to align the trail around the estuary to the first pedestrian foot crossing point at Aveton Gifford. We would look for opportunities to align the England Coast Path closer to the estuary than the existing promoted Avon Estuary Walk. This would create a new walking route in some places through areas with currently no statutory or permissive access.
- Option 3 – Use our discretion to align the trail to follow the existing South West Coast Path via the improved full time ferry service which will take walkers across the Avon between the landing points at Cockleridge Ham and Bantham.
- Option 4 - Use our discretion to align the trail to follow the existing South West Coast Path via the improved ferry service as per Option 3, with an alternative route along the current Avon Estuary Walk around the estuary when the ferry is not in service (outside of daytime hours, on Christmas Day, Boxing Day and during adverse weather conditions). Between St. Milburga's Oratory and Aveton Gifford, the Avon Estuary Walk follows a tidal road in part but with an informal alternative route along other public rights of way available at all times when the road is impassable. This enables a continuous route to be followed.

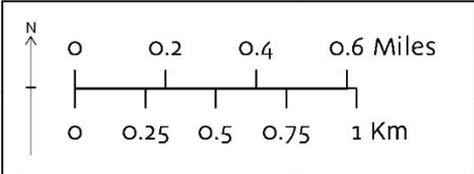
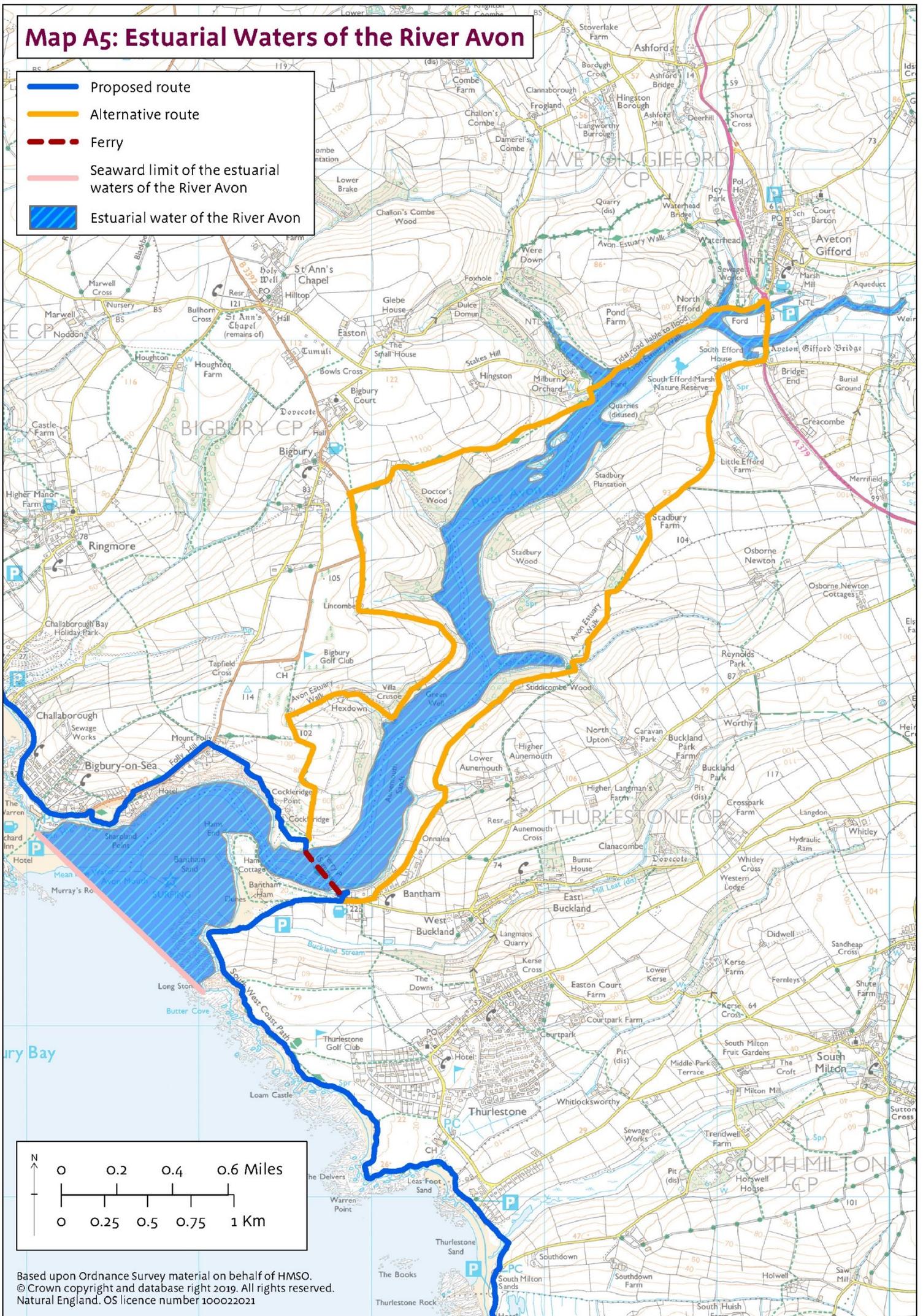
### Proposed route of the trail

Our proposal is to use our discretion to align the trail to follow the existing South West Coast Path which will utilise the improved ferry service. We will also align an alternative route along the current Avon Estuary Walk around the estuary when the ferry is not in service (option 4).

Should the ferry service cease altogether in the future or become less suitable for purpose, Natural England will review its trail alignment and if appropriate, will prepare a separate variation report to the Secretary of State to ensure an uninterrupted journey along the trail.

# Map A5: Estuarial Waters of the River Avon

- Proposed route
- Alternative route
- Ferry
- Seaward limit of the estuarial waters of the River Avon
- Estuarial water of the River Avon



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## **j) Kingsbridge estuary**

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

The seaward limit of the estuarial waters of the Kingsbridge estuary coincides with Salcombe pier steps to the west and East Portlemouth jetty to the east. The first pedestrian crossing is at Kingsbridge some 8.6km inland.

### **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**

Currently a ferry operates at the seaward limit of the estuarial waters from the Salcombe Jubilee pier ferry steps on the west side of the estuary to the East Portlemouth jetty to the east. The ferry carries foot passengers every day throughout the year between 08:00 and 19:00 and runs half hourly or more frequently during busy periods.

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

##### **Estuary width**

At its seaward limit the width of the Kingsbridge Estuary measures about 250m. It then widens significantly upstream along its numerous side channels and creeks but has less of a coastal feel further inland.

##### **Topography of the shoreline**

The topography is varied and interesting with a complex and convoluted 'crow's foot' appearance. It is some 8.6km in length with a large intertidal area. The estuary is an extreme example of a ria or drowned valley caused by rising sea levels rather than a true estuary and its size is disproportionate to the size of the small streams that flow into it. It has numerous side channels and creeks including Blanksmill, Frogmore, Southpool, Batson and Bowcombe Creek.

##### **Nature of affected land**

The majority of the estuary frontage is characterised by open arable and pastoral farmland and some tree coverage on the steeper lower slopes. At the top of the slopes the land levels out and is characterised by a patchwork of small fields and high hedges.

Although largely undeveloped, the main settlements are Salcombe near the mouth and Kingsbridge lying at the northern most point of the estuary.

The upper regions of the Kingsbridge estuary consist of mostly intertidal mudflats where semi-sheltered sediments support incredibly rich faunas including tube living and burrowing worms, bivalves and anemones.

##### **Features of interest**

The Kingsbridge estuary is unusual because it has no large river feeding it, just a series of small streams from Frogmore, Bowcombe, Batson, East Allington, Sherford and other surrounding villages, rising at springs some 140m above sea level.

The estuary supports a wide variety of wildlife habitats and with no river input it is almost entirely a marine system which has brought about some rare and important habitats and species, including reedbeds, mudflats and eelgrass beds. The expansive mudflats in its upper regions contain an abundance of worms and snails which in turn provide an important food source for wading birds and fish populations within the estuary. The estuary is also home to species of crab, shellfish and otters and it is not uncommon to see dolphins, seals and basking sharks venturing in to the estuary to feed.

The estuary is a renowned water sports destination including sailing, canoeing, windsurfing and paddleboarding and during regattas and race days, the harbour fills with a variety of boats. The estuary is also home to some of the South Ham's popular sandy beaches, South and North Sands, Millbay and Smalls Cove among them.

The Kingsbridge estuary has been a maritime gateway and harbour for many years with a long history of maritime trading. The prosperity of the main settlements was traditionally based on the weaving trade but by the Victorian era an active shipping industry grew up with tanning and shipbuilding.

### **iii) Recreational Benefit**

The estuary is the location for a variety of recreational activities both on and off water and the area and settlements of Salcombe and Kingsbridge attract significant numbers of visitors particularly during the summer.

The South West Coast Path ends at the seaward limit of the estuarial waters between Salcombe and East Portlemouth . There are some permissive routes adjacent to the shoreline north of Salcombe. Other than this, there is very limited access to the shoreline elsewhere around the estuary.

Given the lack of existing access to the shoreline, the recreational benefit of a trail around the estuary would be significant in providing new pedestrian routes to the coast from Kingsbridge. However, the lack of existing access and the complex convoluted crow's foot nature of the shoreline (a waterfront route around the shoreline of the estuary would be some 39km in length) and difficult terrain in places would make the establishment of a waterside trail challenging and prohibitively costly.

### **iv) Excepted land**

The majority of the estuary is flanked by fields and small areas of woodland so in these areas there is unlikely to be much land excepted from the coastal access rights. However, much of the land in Salcombe and Kingsbridge would be excepted land because it is covered by buildings, curtilage or gardens.

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

- Option 1 – Align the trail as far as the seaward limit of the estuarial waters. Walkers would have an interrupted journey along the trail and would have to navigate themselves between Salcombe and East Portlemouth.
- Option 2 – Use our discretion to align the trail to follow the existing South West Coast Path via the ferry which takes walkers across estuary between Salcombe and East Portlemouth. The ferry carries foot passengers daily throughout the year.
- Option 3 – Use our discretion to align the trail to the first pedestrian crossing at Kingsbridge some 8km inland. This would improve access around the estuary but would be lengthy (a waterfront route around the shoreline of the estuary would be some 39km in length) and convoluted and the presence of excepted land would prevent it from being close to the water's edge in many places.

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

Our proposal is to use our discretion to align the trail to follow the existing South West Coast Path via the ferry which takes walkers across the estuary between Salcombe and East Portlemouth (option 2). The ferry carries foot passengers daily throughout the year. It is a direct and convenient means for people to cross the estuary and provides for a continuous route for users of the South West Coast Path.

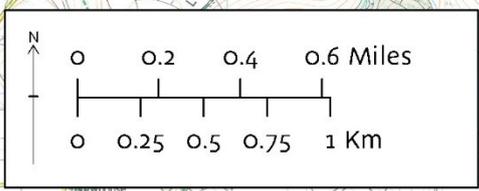
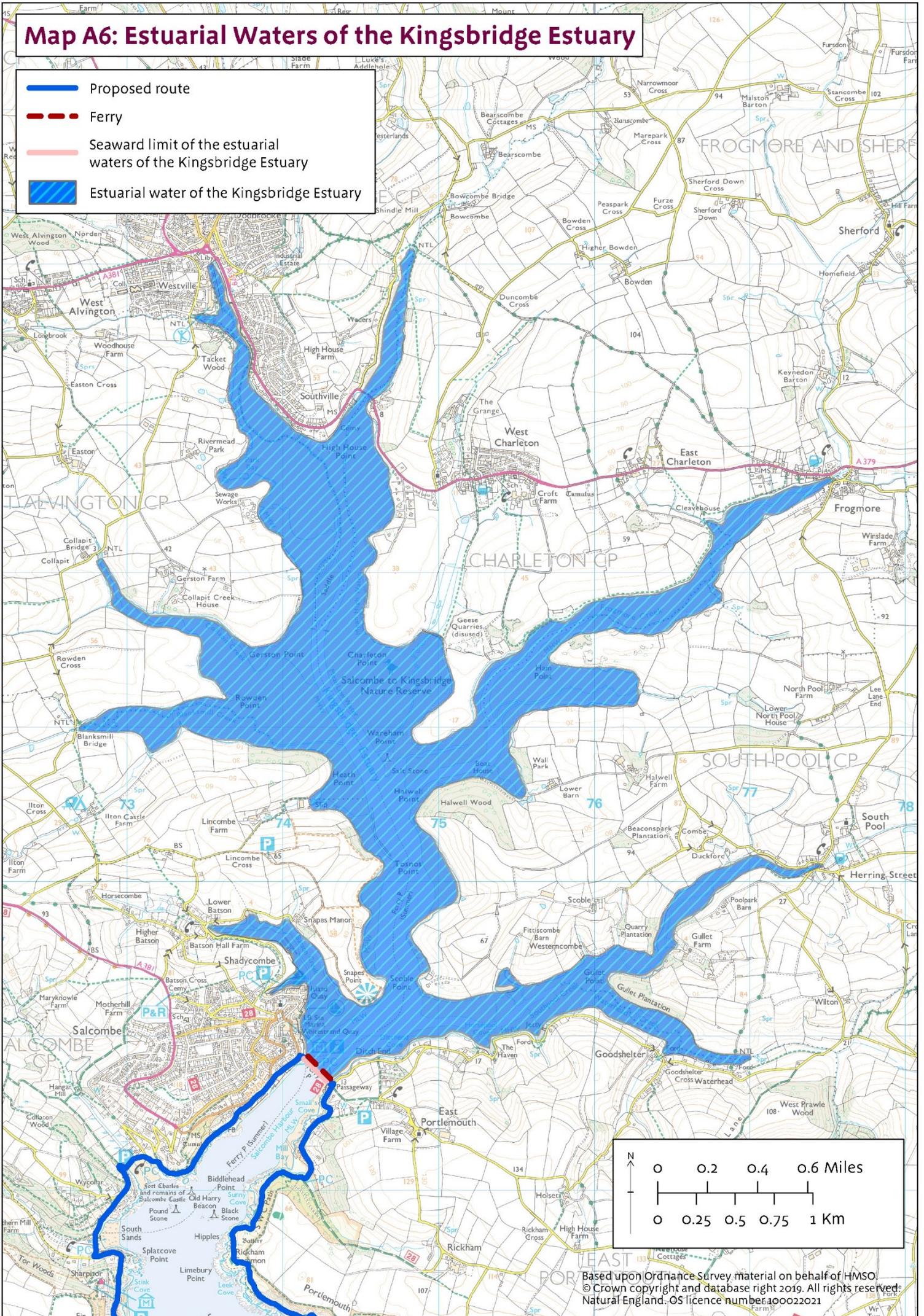
Given the lack of existing access to the shoreline, the recreational benefit of a trail around the estuary (option 3) would be significant in providing new pedestrian routes to the coast from Kingsbridge. However, the lack of existing access and the complex convoluted crow's foot nature of the land and difficult terrain in places would make the establishment of a waterside trail challenging (a waterfront route around the shoreline of the estuary would be some 39km in length) and inordinately costly. We also concluded that overall our proposals to follow the existing South West Coast Path (option 2) struck the best balance in

terms of the criteria described in chapter 4 of the Coastal Access Scheme and achieved a fair balance for those owners of land a significant distance inland from the coast.

Should the ferry service cease altogether in the future or become less suitable for purpose, Natural England will review its trail alignment and if appropriate, will prepare a separate variation report to the Secretary of State to ensure an uninterrupted journey along the trail.

# Map A6: Estuarial Waters of the Kingsbridge Estuary

-  Proposed route
-  Ferry
-  Seaward limit of the estuarial waters of the Kingsbridge Estuary
-  Estuarial water of the Kingsbridge Estuary



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## **k) Dart estuary**

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

The seaward limit of the estuarial waters of the Dart estuary coincides with Combe Point to the west and Inner Froward Point to the east. The estuary is tidal as far up as the weir at Totnes which is also the first pedestrian crossing point, some 12 miles upriver.

### **The statutory estuary criteria**

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

#### **i) Ferry services**

The Dartmouth Lower Ferry is a vehicular and passenger ferry which crosses the River Dart between Dartmouth and Kingswear. It operates a regular service between 7 am and 11 pm all year round (364 days per year) and is one of three ferries that cross the tidal river from Dartmouth to Kingswear, the others being the upstream Higher Ferry and the Passenger Ferry,

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

##### **Estuary width**

At its seaward limit the width of the Dart Estuary measures almost 2km. It then changes in width and has less of a coastal feel along its numerous side channels and creeks upstream from Dartmouth, becoming narrower and then wider again at varying points such as near Dittisham and Stoke Gabriel.

##### **Topography of the shoreline**

The navigable estuary is about 14km in length and has numerous side channels and creeks including Old Mill Creek, Bow Creek and Galmpton Creek. There are prominent headlands near the mouth at Castle Point and Kingswear and extensive mudflats throughout the estuary. The estuary is an example of a ria or drowned valley caused by rising sea levels.

##### **Nature of affected land**

The Dart Estuary sits in a steep sided valley with tree coverage on the steeper lower slopes. The majority of the adjacent land is open arable and pastoral farmland. At the top of the slopes the land levels out and is characterised by a patchwork of small fields and high hedges.

Although largely undeveloped, the main settlements are at Dartmouth and Kingswear near the mouth of the estuary, Stoke Gabriel further upstream and Totnes which lies at the northern most point of the estuary. There are expansive mudflats, saltmarsh and reedbeds particularly in the upper reaches of the estuary.

##### **Features of interest**

The River Dart rises 550m above sea level on the moors of North Dartmoor and is made up of both the East and West Dart rivers, which rise within a mile of each other close to Flat Tor and Whitehorse Hill respectively. The confluence of these two rivers is at Dartmeet. The River Dart then makes its journey to the sea passing through Buckfastleigh and Totnes, then Dartmouth and Kingswear at the estuary mouth.

The estuary contains some important habitats such as saltmarsh and reedbeds and supports a wide variety of wildlife including worms, snails, birds, fish, crabs, shellfish, grey seals, otters and the occasional dolphin.

The lower section of the River Dart forms Dartmouth Harbour, a deep water natural harbour with a long history of maritime usage. In modern times, the port's commercial activity has declined, but it is still a busy port for local fishing vessels, a wide variety of yachts and other private boats. Several local companies specialise in shipbuilding and repairs.

The estuary is an important water sports destination including for sailing, kayaking and paddleboarding. Kingswear Regatta is held each year and during regattas and race days the harbour fills with a variety of boats. The Paignton and Dartmouth Steam Railway follows the east bank of the lower estuary.

The entrance to the river from the sea is a rocky entrance with cliffs either side. On the east side Kingswear Castle sits very close to the water's edge, and on the west side Dartmouth Castle is built on a rocky promontory at sea level. The castles once operated a defensive chain across the estuary, which was raised at dusk to destroy enemy ships attempting to attack the harbour. Dartmouth is a major tourist destination with many museums, cafes and restaurants and is also the home of the Britannia Royal Naval College.

### **iii) Recreational Benefit**

The estuary is the location for a variety of recreational activities and the area and settlements of Dartmouth, Kingswear and Totnes attract significant numbers of visitors particularly during the summer.

The South West Coast Path ends either side of the estuary at Bayard's Cove slipway on the west side of the estuary to the pontoon at Kingswear to the east. There are some permissive routes and public rights of way adjacent to the estuary, particularly along the lower reaches. Other than this, there is limited access to the shoreline elsewhere around the estuary. A new trail around the edge of the estuary to the first pedestrian crossing point at Totnes would improve access around the estuary and provide a pedestrian link to and from the coast. However, the route would be lengthy and convoluted and the presence of excepted land would prevent it from being close to the water's edge in many places.

### **iv) Excepted land**

Much of the land in Dartmouth, Totnes, Stoke Gabriel and Kingswear would be excepted as it is covered by buildings, curtilage or gardens, although an estuary side route may still be possible in many of these locations along existing walkways, promenades and quaysides.

There are areas of historic parkland around the estuary for example at Dittisham Court and a steam railway runs from Kingswear for almost 11km northwards along the eastern coast of the estuary, which would make an estuary side alignment difficult in places.

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

- Option 1 – Align the trail as far as the seaward limit of the estuarial waters. Walkers would have an interrupted journey along the trail and would have to navigate themselves between Combe Point and Inner Froward Point.
- Option 2 – Use our discretion to align the trail to follow the existing South West Coast Path via the Dartmouth Lower Ferry which crosses the River Dart between Dartmouth and Kingswear.
- Option 3 – Use our discretion to align the trail around the edge of the estuary to the first pedestrian crossing point at Totnes. This would improve access around the estuary and provide a pedestrian link to and from the coast. However, the route would be lengthy (a waterfront route around the shoreline of the estuary would be some 46km in length) convoluted and the presence of excepted land would prevent it from being close to the water's edge in many places

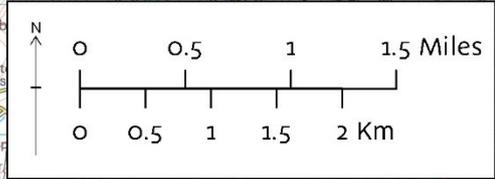
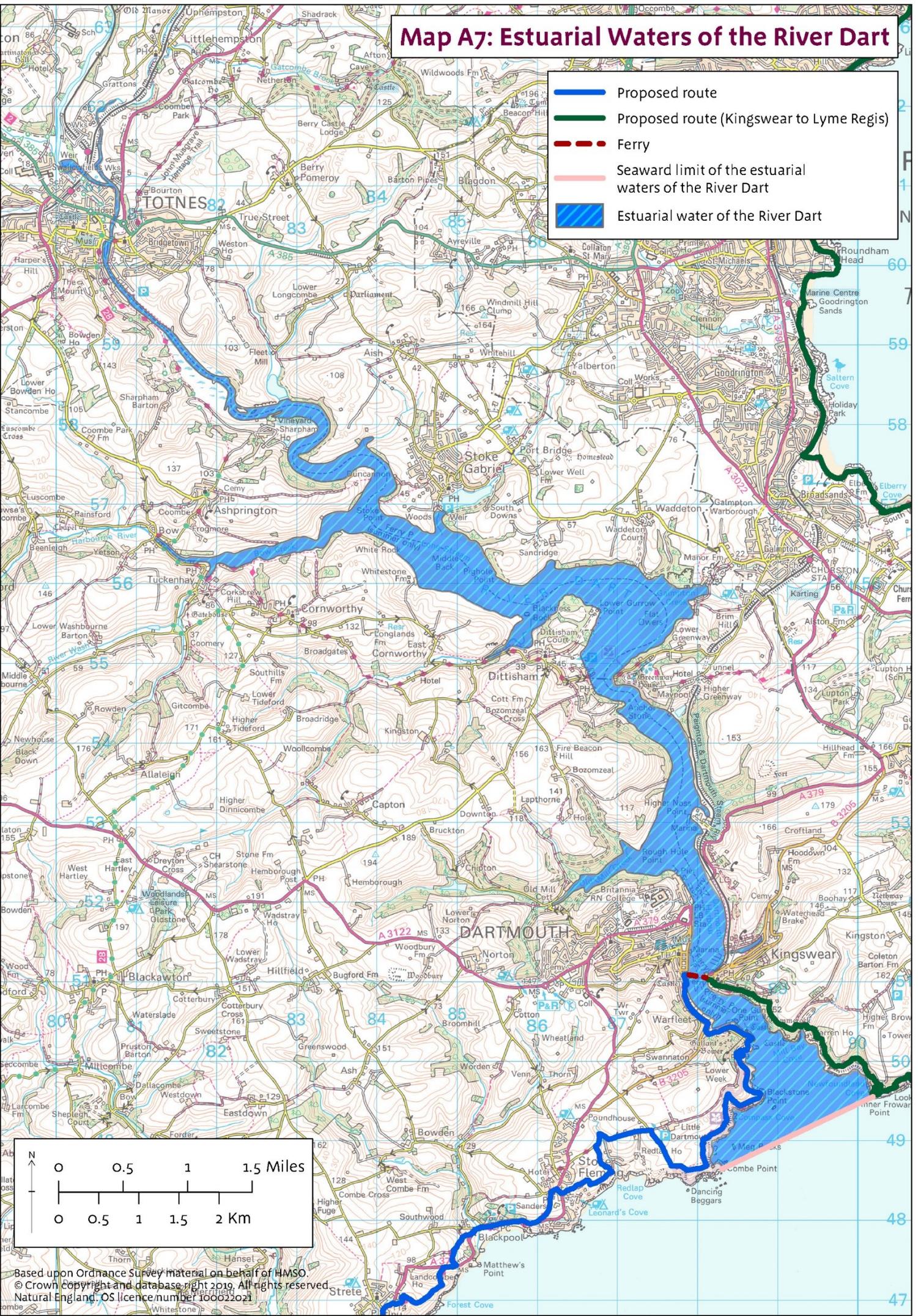
### **Proposed route of the trail**

Our proposal is to align the trail to follow the existing South West Coast Path via the Dartmouth Lower Ferry (option 2) where walkers may cross to Kingswear. This fulfils the core objective of the legislation, to create a continuous route around the coast, in a simple and cost effective way. The additional local benefits of option 3 are potentially significant, but in our view, given the existence of the regular ferry service, would not justify the substantial additional cost to the national implementation programme.

Should the service cease altogether in the future or become less suitable for purpose, Natural England will review its trail alignment and if appropriate, will prepare a separate variation report to the Secretary of State to ensure an uninterrupted journey along the trail.

# Map A7: Estuarial Waters of the River Dart

-  Proposed route
-  Proposed route (Kingswear to Lyme Regis)
-  Ferry
-  Seaward limit of the estuarial waters of the River Dart
-  Estuarial water of the River Dart



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## 6. Other considerations on this stretch

### a) Recreational Issues

Map B gives an overview of existing public access to the Devon coast between Cremyll and Kingswear showing public rights of way, access land and the South West Coast Path National Trail along the stretch.

This stretch starts at Cremyll, across the mouth of the Tamar Estuary from Plymouth and follows the South Devon coast for 107km ending at Kingswear. The start point coincides with the end of the England Coast Path stretch between St Mawes and Cremyll and the end point coincides with the start of the England Coast Path stretch between Kingswear and Lyme Regis. Our proposals for both these stretches are awaiting approval from the Secretary of State.

This stretch includes the city of Plymouth, the largest urban area in the South West. Here, the trail follows the Plymouth Waterfront Walkway which includes a mix of art works to explain much of Plymouth's history and maritime heritage. The Waterfront Walkway makes up over 9 miles of the South West Coast Path running between Admiral's Hard in Stonehouse and Jennycliff in Plymstock.

Tourism is a major contributor to the economy of this stretch with visitors drawn to the coast and the various attractions and holiday parks. Recreational activities include walking, cycling and water based pastimes such as surfing and sailing.

The South West Coast Path already affords good linear coastal access and maintains relatively close proximity to the sea throughout much of the stretch but there are points where it moves inland and loses sea views (for example at Strete and Stoke Fleming – see report CKW 9 of the proposals). The proposed route of the trail would follow much of the route currently managed as the South West Coast Path National Trail, however there are places where it differs from that route which are shown on the maps accompanying each report. If the Secretary of State approves our proposed route for the England Coast Path along this length of coast, we propose to modify the approved route of the existing national trail to coincide with the proposed route for the England Coast Path in places where the two diverge (except for the trail at the River Plym in Plymouth where the England Coast Path and the South West Coast Path will continue to diverge – see report CKW 1 for more information). This is achieved by means of a separate variation report to the Secretary of State.

Some of stretch for example between the Yealm Estuary and Stoke Down, Bolt Tail and Bolt Head, and Portlemouth Down to Prawle Point, is designated as open access land. These areas are shown as existing access land on Map B where possible at the scale of the map, and in more detail in the maps that accompany each report.

All land seaward of the proposed route, and certain coastal land types that are landward of it, would become coastal margin by default if our proposals are approved. The coastal margin would normally be subject to access rights unless it is excepted land or excluded by direction (see the section in part 3 of the Overview entitled 'Notes on how our Part 4 Proposals Maps work'). This would extend access rights much more widely than at present along the stretch and replace the existing access land seaward of the trail.

Where existing access land would not qualify as coastal margin in the ways described above, we have in some places proposed that it should be included using our discretion to propose a physical feature as the landward boundary of the coastal margin. The majority of this landward spreading room is owned by the National Trust. The individual reports give details of all such proposals for coastal margin landward of the trail and the detailed maps show the extent of each. These proposals are in all cases made with the agreement of the landowner.

The main issues highlighted to us in discussions with user groups and the Devon Countryside Access Forum were about sections of the South West Coast Path that are not in close proximity to the sea and

about improving access around the estuaries. We have considered these issues in our proposals, and, where we have not been able to address them, explained the reasons clearly in the relevant reports.

## b) Protection of the environment

The coastline between Cremyll and Kingswear is highly designated for its landscape, wildlife and cultural heritage assets.

Three Marine Conservation Zones (MCZ) are situated on this stretch of coast – the Erme Estuary MCZ, Devon Avon Estuary MCZ and Skerries Bank and Surrounds MCZ. Five Special Areas of Conservation (SAC) cover this stretch - The Plymouth Sound and Estuaries SAC lies to the west of the stretch, Blackstone Point SAC is found to the east of Wembury, the South Devon Shore Dock SAC in between Prawle Point and Start Point and the Start Point to Plymouth Sound & Eddystone SAC and the Lyme Bay and Torbay SAC lie further east. The SACs are notified for species such as Shore dock, (*Rumex rupestris*), and Allis shad (*Alosa alosa*) and marine habitats of conservation importance include sandbanks, estuaries, mudflats, large shallow inlets, bays and reefs.

There are twelve Sites of Special Scientific Interest (SSSI) situated along the coast between Cremyll and Kingswear. Many are of geological interest, others are notified for their coastal vegetation, shingle, saltmarsh and intertidal features. Notable plants include Strapwort (*Corrigiola litoralis*). A number of sites have interesting lichen assemblages, and some sites are notified for their insect assemblages and for breeding and non breeding birds species. Cirl bunting (*Emberiza cirlus*) is particularly notable. See Map C: Key statutory environmental designations on the stretch.

The majority of the rural coast of this stretch forms part of the South Devon Area of Outstanding Natural Beauty (AONB). One of the key defining features of the AONB are the five estuaries of the Yealm, Erme, Avon, Kingsbridge and Dart all of which were originally deep river valleys which were inundated by later sea level rise, with the tide flooding in to create wide expanses of water. There are also a number of Scheduled Ancient Monuments along the coast. See Map D: Key landscape designations on the stretch.

The landscape of this stretch is varied, characterised by cliffs, open coastal plateaux, farmland, rugged headlands and sandy beaches. Much of the shoreline of the estuaries is characterised by mudflats and saltmarsh with woodland along the steeper lower slopes. The main urban area is Plymouth which dominates the landscape along the coast to the west, with smaller settlements such as Wembury, Bigbury, Outer Hope, Salcombe, Torcross and Dartmouth separating areas of rural coast.

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

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

- A single Habitats Regulations Assessment <https://www.gov.uk/government/publications/england-coast-path-from-cremyll-to-kingswear-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-cremyll-to-kingswear-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, and are reflected in the reports insofar as they were relevant to the individual lengths of coast described.

#### **Rural coast**

The coast in this area is predominantly rural in character and consists of areas of open coastal plateau, headlands, coastal slopes, cliffs, sandy beaches and in the estuaries, areas of mudflats and saltmarsh. Tourism is a major contributor to the economy of the area, with the South West Coast Path being a popular facility for visitors.

Most of the rural coast is designated as part of the South Devon Area of Outstanding Natural Beauty. Access along the existing route of the South West Coast Path through these areas is well established, with access to the foreshore in places.

The issues highlighted by owners and occupiers in these parts of the stretch are generally related to the operational needs of businesses or to the privacy of residents within the coastal margin. 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 gardens, buildings and their curtilage. 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.

Some landowners also expressed concerns over liability within the coastal margin. Another provision in the coastal access legislation is a reduced level of owner/occupier liability which will apply to both natural and manmade features within the coastal margin. This additional measure was taken to limit any potential liability to landowners as a result of the coastal access legislation. This reflects a key principle of the legislation that visitors should take primary responsibility for their own safety when visiting the coast and for the safety of any children or other people in their care, and should be able to decide for themselves the level of personal risk they wish to take.

We have also had detailed discussions with the National Trust as a major landowner along the rural South Devon coastline. The National Trust has in turn discussed our proposals with their tenants to ensure that they strike a fair balance.

#### **Urban coast**

The urban coast of this stretch consists of a number of coastal settlements including Plymouth, Mount Batten, Wembury, Bigbury, Outer Hope, Salcombe, Hallsands, Beesands, Torcross and Dartmouth. Tourism is important to the coastal economy in these settlements throughout the year attracting large numbers of visitors.

Within these urban areas, the trail, for the most part, follows the existing South West Coast Path National Trail as currently walked and managed, although in Plymouth, improvements to the alignment of the coast path have been proposed (see report CKW 1 of the proposals)

The concerns of owners/occupiers in these urban areas related mostly to the privacy and security of residents particularly those lying within the coastal margin to the seaward side of the trail. As explained

under the 'Rural Coast' heading these issues are largely addressed by the 'excepted land' provisions in the coastal access legislation.

Where we are proposing a change to the existing alignment of the South West Coast Path in Plymouth, some owners and occupiers have expressed concerns over issues of privacy, security and safety, particularly the interaction between vehicles and pedestrians along certain routes.

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

The principal source of information regarding coastal processes on this stretch of coast is the South Devon and Dorset Shoreline Management Plan SMP2 (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 lengths of coast within this stretch which are particularly susceptible to coastal erosion or other geomorphological processes, such as landslips.

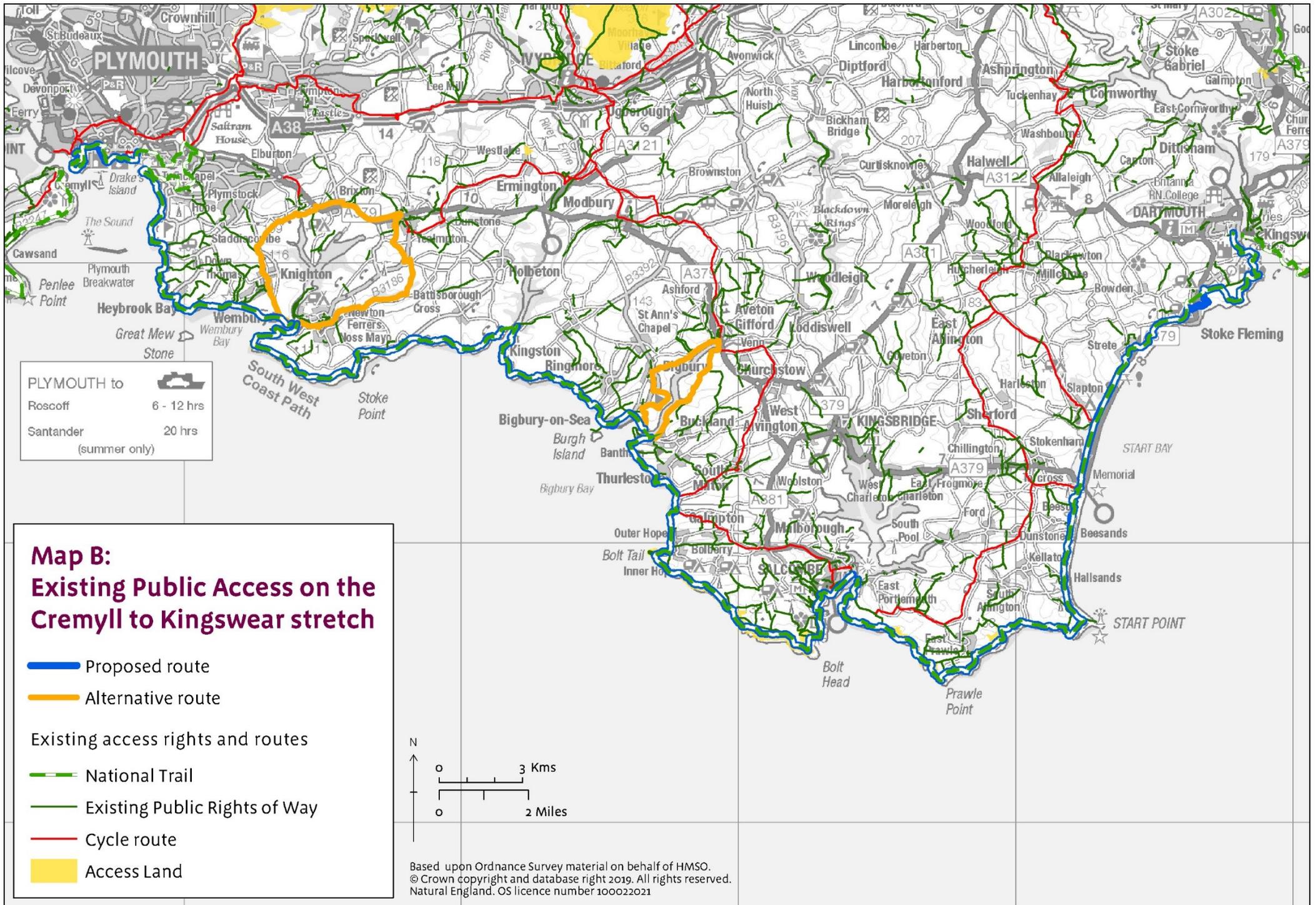
In general where the coast is defended with some certainty, we have not made any specific proposals to enable the trail to adapt to coastal change - for example, where the trail would be:

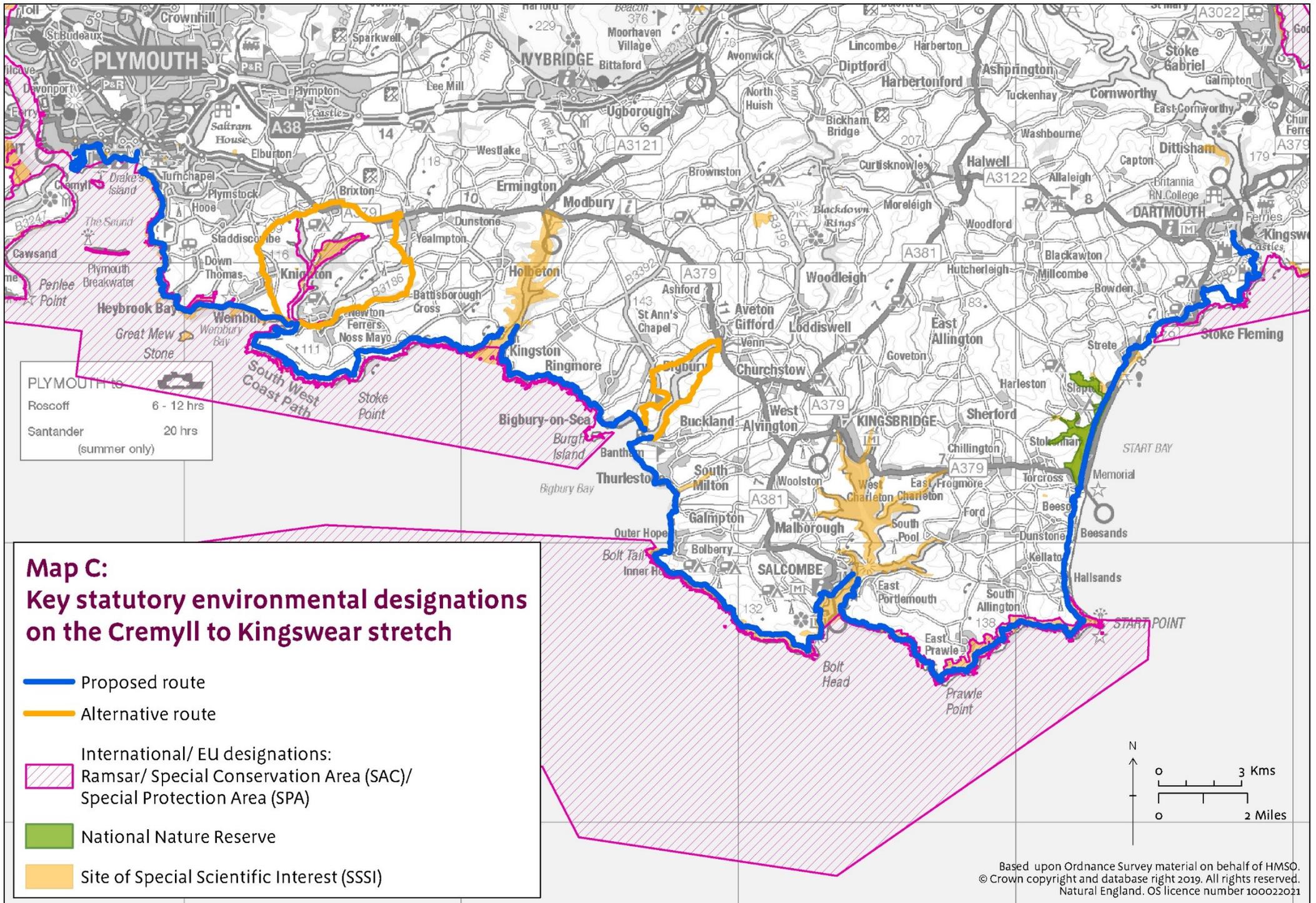
- on, or on the landward side of, sea defences which would protect it; or
- landward of the roads and railway which would be protected under the policies set out in the Shoreline Management Plan.

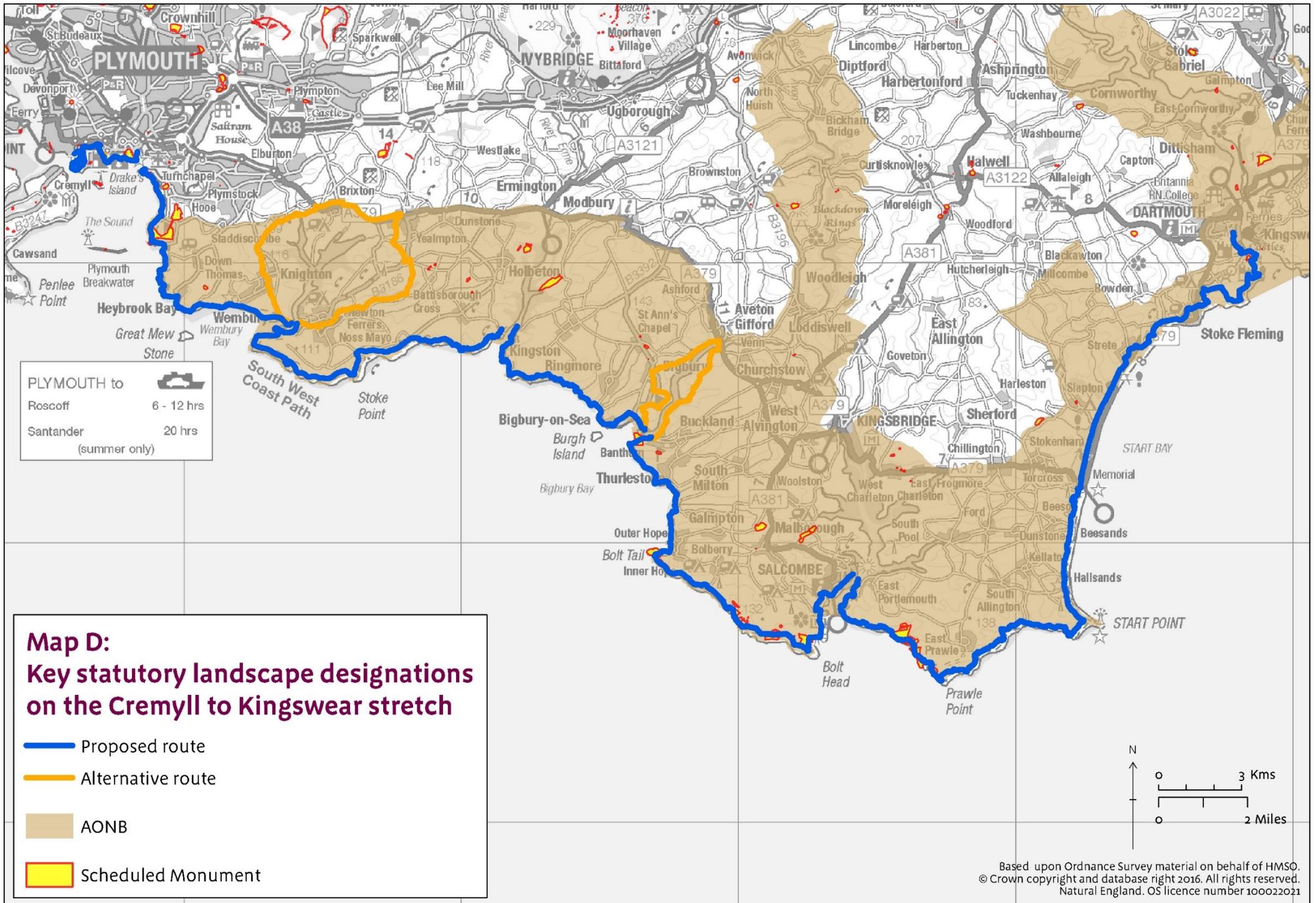
However, in some cases we have identified a possible requirement for roll-back even in scenarios like this, to ensure that we can maintain continuity of the trail should a nearby section of the trail be affected by coastal change (see Part 4.10 of the approved Scheme).

The coastline along the open, mostly rural coast between Mount Batten and Dartmouth is largely undefended and subject to varying rates of change. In some places such as at Hallsands, Beesands, Torcross and Slapton Ley there has been significant coastal erosion occurring over the past few years, particularly following the storms which occurred in early 2018. On these lengths of coast we propose to recommend that the trail is able to roll back so that it can be repositioned without further reference to the Secretary of State, once the initial route has been approved. There is more detail about these roll-back arrangements in part 7 of the Overview and in the relevant reports.

The developed areas of Plymouth, Salcombe and Dartmouth are defended and unlikely to be affected significantly by coastal processes in the foreseeable future. We have not made any specific proposals to enable the trail to adapt to coastal change on these lengths of coast.







## 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 CKW 1 to CKW 9 include proposals for specified parts of the route to 'roll back' either:

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

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

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

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

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

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

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

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

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

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

### Other changes

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

- Plymouth City Council have been developing plans to establish a new off road walking and cycling link through Millbay Port and Docks (see report CKW1 of the proposals). These plans have received support from organisations and landowners who are involved in its delivery and funding has also been received through the Transforming Cities Fund. If these plans are implemented Natural England will review its trail alignment and prepare a separate variation report to the Secretary of State to align the trail to the new walking and cycling link through Millbay
- Several residential developments are in various stages of progress along the east side of Millbay Docks between East Quay, Millbay Marina Village and the Rusty Anchor. We have proposed that an ordinary route along the waterfront will come into force once the developments are complete, with for the time being, an alternative route operating as a diversion from the ordinary route (see report CKW1 of the proposals). In the places where development has yet to be completed we have made our proposals about the location of the trail along the walkway following discussions with the developers and with Plymouth City Council. We have agreed with them that once the development is complete and the walkway through that area open, the walkway will come into use as the ordinary route of the England Coast Path. However should the plans for the location of the walkway significantly change then we would be able to adapt the line of the ECP through submission of a variation report.
- Discussions have been held with the relevant landowner and the access authority regarding the potential for aligning the trail further seaward of its proposed alignment along the South West Coast Path in the area near Saddle Rock (see report CKW4 of the proposals) linked with a future application by the landowner for a Public Path Diversion Order. If successful, Natural England will prepare a separate variation report to the Secretary of State to ensure an uninterrupted journey for this part of the coast.

However, even without a variation report:

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

## 8. Restrictions and exclusions

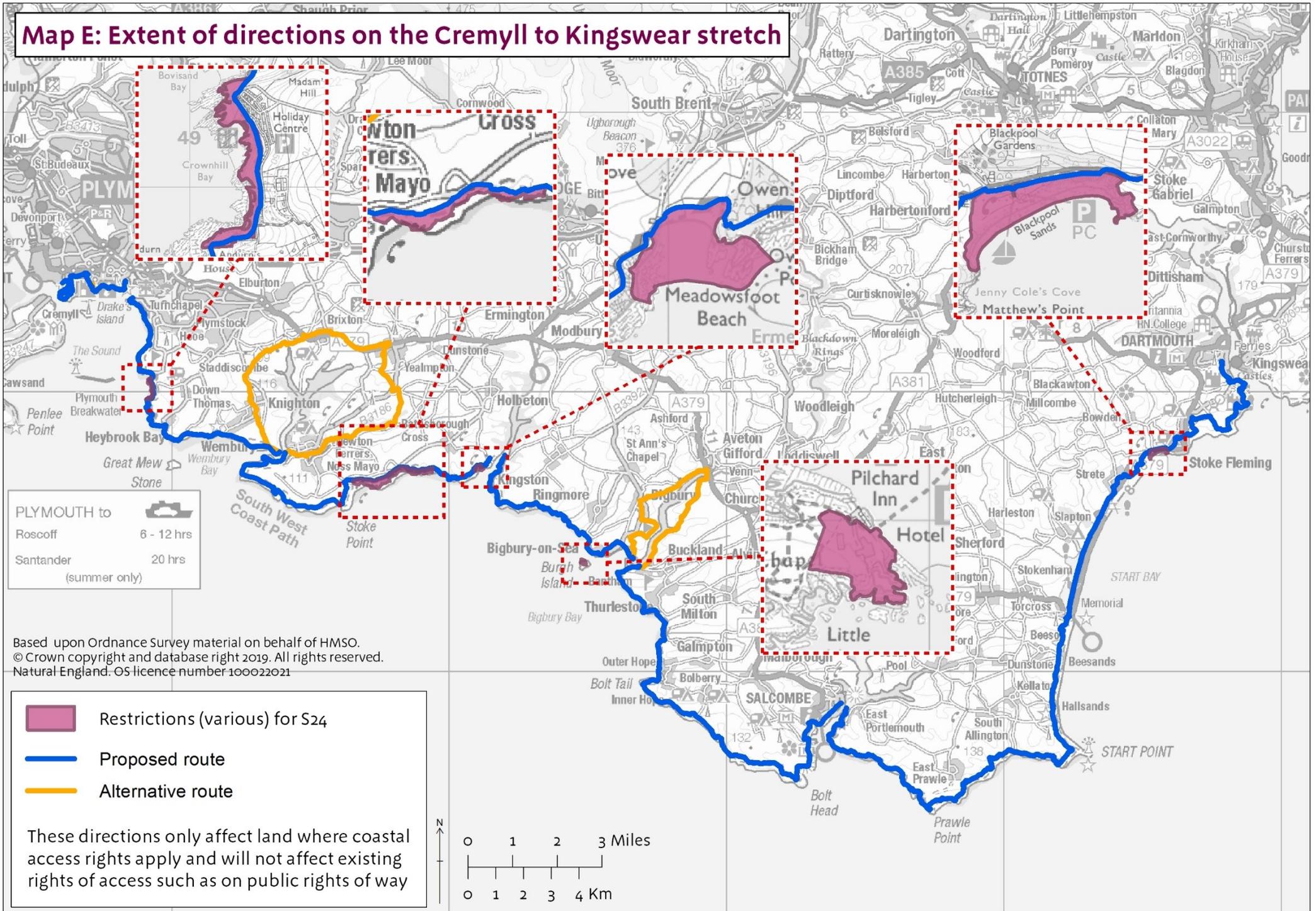
In certain circumstances we can restrict or exclude access to the trail and margin. The legal term for an exclusion or restriction is a direction.

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

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

Report reference	Location/extent (see relevant map for more information)	Type of direction	Purpose of direction	Grounds and relevant section of CROW	Duration
CKW 2	Bovisand Park (the 'green' and beaches)	No dogs (except assistance dogs)	To replicate current management	Land management s24	Year round
CKW 2	Bovisand Park (coastal margin that is not the 'green' or beaches)	Dogs on leads	To replicate current management	Land management s24	Year round
CKW 4	Carswell	No public access	Disturbance to game and disruption to shooting	Land management s24	No public access
CKW 5	Mothecombe Beach (on the beach)	No dogs (except assistance dogs)	To replicate current management	Land management s24	1 <sup>st</sup> May to 30 <sup>th</sup> September each year
CKW 5	Mothecombe Beach (on the trail)	Dogs on leads	To replicate current management	Land management s24	1 <sup>st</sup> May to 30 <sup>th</sup> September each year
CKW 5	Burgh Island	No public access	Commercial activities	Land management s24	Year round
CKW 9	Blackpool Sands	No dogs (except assistance dogs)	To replicate current management	Land management s24	30 <sup>th</sup> March to 28 <sup>th</sup> October each year

# Map E: Extent of directions on the Cremyll to Kingswear stretch



## 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>

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

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

## Other published information used in the preparation of the report:

### **South Devon & Dorset Shoreline Management Plan Review**

South Devon and Dorset Coastal Authorities Group

[www.sdadcag.org/](http://www.sdadcag.org/)

### **A register of coastal climbing sites in England**

British Mountaineering Council

[www.thebmc.co.uk/Download.aspx?id=692](http://www.thebmc.co.uk/Download.aspx?id=692)

### **South Devon Area of Outstanding Natural Beauty Management Plan 2019-2024**

South Devon AONB

[www.southdevonaonb.org.uk/about-the-aonb/looking-after-the-aonb/aonb-management-plan/](http://www.southdevonaonb.org.uk/about-the-aonb/looking-after-the-aonb/aonb-management-plan/)

### **A Landscape Character Assessment for South Hams and West Devon**

Prepared by Land Use Consultants. February 2017

[www.plymouth.gov.uk/sites/default/files/LandscapeCharacterAssessmentSouthHamsAndWestDevon.pdf](http://www.plymouth.gov.uk/sites/default/files/LandscapeCharacterAssessmentSouthHamsAndWestDevon.pdf)

### **South Devon National Character Area profile**

Natural England

<http://publications.naturalengland.org.uk/publication/1911063>

### **The Plymouth & South West Devon Joint Local Plan**

Plymouth City Council, South Hams District Council and West Devon Borough Council

<https://www.plymouth.gov.uk/planningandbuildingcontrol/plymouthandsouthwestdevonjointlocalplan>

## Annex B: Glossary of terms

The terms and their explanations below are included for guidance only

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

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

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

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

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

**alignment** is the term 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: Torcross and Slapton Ley  
Jane Beech/Natural England

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