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England Coast Path Stretch: Isle of Sheppey

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








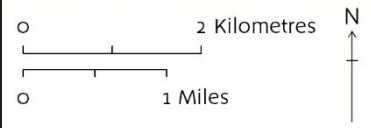
Map A: Key Map - Isle of Sheppey

Report number and title

- IoS 1** Kingsferry Bridge to Alsager Avenue, Rushenden (Maps IoS 1a - 1b)
- IoS 2** Alsager Avenue, Rushenden to Oak Lane, Minster (Maps IoS 2a - 2f)
- IoS 3** Oak Lane, Minster to Hens Brook, Eastchurch Gap (Maps IoS 3a - 3b)
- IoS 4** Hens Brook, Eastchurch Gap to Palm Trees Holiday Park (Map IoS 4a)
- IoS 5** Palm Trees Holiday Park to Warden Road, Warden Point (Map IoS 5a)
- IoS 6** Warden Road, Warden Point to Isle of Harty (east) (Maps IoS 6a - 6g)
- IoS 7** Isle of Harty (east) to Mocketts, Isle of Harty (west) (Maps IoS 7a - 7b)
- IoS 8** Mocketts, Isle of Harty (west) to Windmill Creek (Maps IoS 8a - 8c)
- IoS 9** Windmill Creek to Ferry Road by Kingsferry Bridge (Maps IoS 9a - 9f)
- IoS 10** Ferry Road to Swale Station via Kingsferry Bridge (Map IoS 10a)

Extent of proposals in each report

	
A road	
B road	
Minor road	
Railway & station	



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Report number and title

IOS 1: Kingsferry Bridge to Alsager Avenue, Rushenden (Maps IOS 1a to IOS 1b)

IOS 2: Alsager Avenue, Rushenden to Oak Lane, Minster (Maps IOS 2a to IOS 2f)

IOS 3: Oak Lane, Minster to Hen's Brook, Eastchurch Gap (Maps IOS 3a to IOS 3b)

IOS 4: Hen's Brook, Eastchurch Gap to Palm Trees Holiday Park (Map IOS 4a)

IOS 5: Palm Trees Holiday Park to Warden Road, Warden Point (Map IOS 5a)

IOS 6: Warden Road, Warden Point to Isle of Harty (east) (Maps IOS 6a to IOS 6g)

IOS 7: Isle of Harty (east) to Mocketts, Isle of Harty (west) (Maps IOS 7a to IOS 7b)

IOS 8: Mocketts, Isle of Harty (west) to Windmill Creek (Maps IOS 8a to IOS 8c)

IOS 9: Windmill Creek to Ferry Road (Maps IOS 9a to IOS 9f)

IOS 10: Ferry Road to Swale Station via Kingsferry Bridge (Map IOS 10a)

Using the Key Map

Map A (opposite) shows the whole of the Isle of Sheppey 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 10 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 on the Isle of Sheppey, Kent. 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 IOS 1a to IOS 1b illustrate the proposals in report IOS 1, which deals with the length from Kingsferry Bridge to Alsager Avenue, Rushenden.

Introduction

1. Improving coastal access

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. The duty is in two parts: one relating to securing a long-distance walking route (“the trail”) around the whole coast: we call this the England Coast Path; the other relating to a margin of coastal land associated with the route which, in appropriate places, people will also be able to enjoy on foot. Associated with this duty is a discretion given to Natural England to extend the trail up any river estuary on either or both sides beyond the seaward limit of the estuarial waters¹, as far as the first bridge or tunnel with pedestrian access, or as far as any point between the two.

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

This Overview and the related compendium of reports relate to the entire coast of the Isle of Sheppey, Kent. 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 around the coast of the island, for the first time.
- For the first time, there would be secure statutory rights of public access to most areas of beach, cliff and other coastal land on this stretch of coast;
- The coastal path would be able to ‘roll back’ as the cliffs erode or slip, or when other forms of coastal change occur, solving long-standing difficulties with maintaining a continuous route on this stretch of coast.

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

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

¹ section 301 of the Marine and Coastal Access Act 2009

2. The determination process

Each of the reports for this stretch is submitted in accordance with our statutory duty under section 296 of the Marine and Coastal Access Act 2009 ('the 2009 Act') to improve access to the English coast.

Publication of the reports has been advertised locally and online in accordance with the requirements of the coastal access legislation.

Following publication:

- Any person may make representations to Natural England about any of the reports; and
- Any owner or occupier of affected land may make an objection to Natural England.

In order to be treated as valid, all objections and representations must be received by Natural England no later than the end of the advertised eight week period following publication. The specific closing date appears in the statutory notice for the Isle of Sheppey, which can be viewed here <https://www.gov.uk/government/publications/england-coast-path-on-the-isle-of-sheppey-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 10 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 IOS 1a to IOS 1b illustrate the proposals described in report IOS 1.

Each **report** comprises four parts:

- **Part 1: Introduction** – This sets the context for our proposals for that length of coast.
- **Part 2: Proposals Narrative** - This summarises our alignment proposals in general, including any proposed use of our discretions to align the route along an estuary, or recommended changes to the default landward coastal margin. It also summarises the main access management measures that will need to be introduced and the overall accessibility (ease of use for all) of this length of coast, for all users. Additionally, it may identify any future changes of which we are aware that are likely to impact on this part of the coast, and explain how our proposals deal with this change. In each report the Part 2 Proposals Narrative, in conjunction with the Part 3 Proposals Tables and the Part 4 Proposals Maps, sets out our formal proposals to the Secretary of State in relation to the length of coast in question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.
- **Part 3: Proposals Tables** – These line-by-line listings set out in more detail our formal proposals to the Secretary of State for the length of coast in question, and should be read in conjunction with the Proposals Narrative and the relevant Proposals Maps.
- **Part 4: Proposals Maps** – These show in map form the proposals set out in the Proposals Narrative and Proposals Tables.

Part 3 Proposals Tables explained

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

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

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

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

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

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

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

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

Example table 1: Section details

1	2	3	4	5a	5b	5c	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See Part 7 of Overview)	Landward margin contains coastal land type?	Proposal to specify landward boundary of margin (See maps)	Reason for landward boundary proposal	Explanatory notes
ABC 1a	ABC-1-S003	Public footpath	No	No			
ABC 1b	ABC-1-S011	Public footway (shared use)	No	No	Pavement Edge	Clarity and cohesion	
ABC 1c	ABC-1-S018	Other existing walked route	Yes	Beach			
ABC 1d	ABC-1-S045	Other existing walked route	No	Bank	Edge of path	Clarity and cohesion	Top break of slope provides the greatest clarity for walkers

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

This column shows whether we are proposing that this route section could be repositioned in future in response to erosion etc. without further approval by Secretary of State. See notes to table. More complex situations are explained in Example Table 4 below.

If column 5b proposes any change or clarification to the landward extent of the margin, this column says why.

This column may offer further explanation of a more complex situation involving the margin.

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

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

We indicate here whether the landward coastal margin for this route section includes a default coastal land type.

This column shows any proposal we are making to align the landward boundary of the coastal margin for this route section with the physical feature shown. No text here means that for this route section the landward edge of the margin would be that of the trail itself - or if any default coastal land type is shown in column 5a, would be its landward boundary instead.

Example table 2: Alternative routes and optional alternative route details

1	2	3	4	5a	5b	6
Map(s)	Route section number(s)	Current status of route section(s)	Roll-back proposed? (See Part 7 of Overview)	Proposal to specify seaward boundary of alternative route strip	Proposal to specify landward boundary of alternative route strip	Explanatory notes
ABC 2a	ABC-2-A001	Public Footpath	No			
ABC 2b	ABC-2-OA001	Public Footway (shared use)	No	Pavement edge	Pavement edge	
ABC 2b	ABC-2-OA002	Other existing walked route	Yes	Fence	Various	The landward boundary corresponds with various features including a wall, fence and bramble hedge.

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

This column shows whether we are proposing that this route section could be repositioned in future in response to erosion etc. without further approval by Secretary of State. See notes to table. More complex situations are explained in Example Table 4 below.

This column may offer further explanation of a more complex situation, e.g. involving the boundaries of the route strip.

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

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

These columns show any proposal we are making to align either or both boundaries of the alternative route strip with a physical feature on the ground. No text in either column means that the edge of this section of the alternative route strip would be that of the trail itself.

Example table 3: Other options considered

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

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

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

This column describes other options we considered for the route or margin for the identified route section(s).

This column summarises the reason(s) that the other options we considered were not preferred.

Example table 4: Roll-back implementation – more complex situations

Map(s)	Route section number(s)	Feature(s) or site(s) potentially affected	Our likely approach to roll-back
ABC 4f	ABC-4-S040 to ABC-4-S045	Super Camp Holiday Village	<p>If it is no longer possible to find a viable route seaward of the specified campsite, we will choose a new route after detailed discussions with all relevant interests, either</p> <p>(a) to pass through the site, or (b) if this is not practicable, to pass somewhere on the landward side of it.</p> <p>In reaching this judgement we will have full regard to the need to seek a fair balance between the interests of potentially affected owners and occupiers and those of the public.</p>

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

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

This column identifies any areas that could cause us to consider a more complex solution to roll back than would normally be required.

This column summarises our expected approach to roll back in these circumstances.

Part 4 Proposals Maps explained

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

The proposed route of the trail:

- i The thickness of the line used to depict the proposed route on the maps is intended to make it easy to find on the map. Different shading on the line differentiates between sections of the route that would use existing rights of way, sections that appear to follow other existing walked lines on the ground, and sections that do neither. The thickness of the line on the map is not an indication of the width of the actual trail on the ground. The proposed route simply follows the centre of the line shown. The legislation makes the default width of the trail four metres, but its actual width varies in practice according to the detail included section by section in our proposals.
- ii In places there are differences between the line of public rights of way recorded on the local Definitive Map that is maintained by the local highway authority, and paths currently used and managed on the ground as public rights of way. Some of these differences may be attributed to adaptation of the path over time to cope with coastal erosion and other processes, whilst others appear to arise from anomalies in the way the rights were originally recorded on the definitive map. The maps in this report show the public rights of way as recorded on the definitive map, and depict them as accurately as possible at the scale used. See part 4.7 of the Scheme for further information.

The coastal margin:

- iii The proposed route of the trail shown on the maps is important in understanding the extent of the coastal margin that would apply to either side of it. Under the legislation:
 - the coastal margin is a single, continuous corridor of land which includes the trail itself;
 - the margin includes all land seaward of the trail land - although not all of that land would be subject to a new right of access (see point vi below);
 - the landward extent of this margin is by default the trail itself, or the inland edge of any land adjoining the trail on its landward side that is foreshore, cliff, dune or beach, or a bank, barrier or flat, or section 15 land (see Annex B: Glossary of terms).
- iv We have the discretion to propose that the landward boundary of the coastal margin should coincide with a recognisable physical feature on the ground – even if the effect of doing so is to add land into the margin, or to remove land from it. We may use this discretion:
 - to propose that instead of the default trail width of four metres set by the legislation, particular physical features such as walls, fences or pavement edges should be used where appropriate to define the landward extent of the trail land on that section of the route: such features cannot be depicted on the maps at the scale used, but they are described in the Proposals Tables;
 - to clarify or adjust the boundaries of a landward area included by default as margin, in order to create a better ‘fit’ with the circumstances on the ground; or
 - to propose in some places that additional areas of land should be added to the coastal margin landward of the trail: land which is affected by such proposals is indicated on the maps with a purple wash and described in parts 2&3 of each report.

Further explanation of these powers can be found at part 4.8 of the Coastal Access Scheme. Our proposals take full account of any views expressed by the owner or occupier of affected land about whether the powers should be used in any of these ways.

- v Land which forms part of the coastal margin would be subject to access rights, other than:

- any **excepted** land, such as land covered by buildings or their gardens or curtilage: Annex C summarises in full the categories of excepted land under the legislation; or
 - any land where coastal access rights would be **excluded** under our statutory powers: we indicate in the report where we already know of circumstances that make this necessary, and make any proposals accordingly.
- vi **Spreading room** is the term used in the reports to describe any land, other than trail land, which would form part of the coastal margin and would have public rights of access. It does not therefore include any excepted land within the margin, or any existing access land on the landward side of the trail that is omitted from the margin.

Annex B (Glossary of terms) includes a full definition of these terms which you may find helpful in understanding the report.

Voluntary access dedication

- vii Land that was previously dedicated as access land under section 16 of the Countryside and Rights of Way Act 2000 (CROW) will become subject to the coastal access regime if it forms part of the coastal margin in any of the ways described above. There is also provision in the legislation for a land owner or long leaseholder to dedicate other land voluntarily as coastal margin if it lies adjacent to it or within it. Dedicating land as coastal margin means the excepted land provisions do not apply there and may also be used to relax or remove specific **national restrictions** that would otherwise apply. Parts 4.8.20 to 4.8.23 of the Coastal Access Scheme explain these provisions in more detail.

In each report the Part 4 Proposals Maps, in conjunction with the Part 2 Proposals Narrative and the Part 3 Proposals Tables, set out our formal proposals to the Secretary of State in relation to the length of coast in question, for which we are seeking approval under section 52 of the National Parks and Access to the Countryside Act 1949.

4. Preparation of the report

To secure the twin objectives under the legislation we have followed the approach set out in our Coastal Access Scheme, as approved by the Secretary of State on 9 July 2013. Chapter 3 of this detailed document sets out the stages of implementation we must follow.

In line with this, before making the proposals in this compendium of reports for the stretch, we conducted extensive preliminary work in two main stages:

- Stage 1: Prepare – defining the extent of the coastal stretch with access authorities and identifying the key issues and opportunities, including sensitive features, in conjunction with key organisations; and
- Stage 2: Develop – checking the alignment on the ground, sharing our initial thoughts with land owners and offering to ‘walk the course’ with them, planning for the protection of key features, talking further with key interests and reality checking our proposals.

Stage 1 - Prepare

This stage involved us working closely with the access authorities to develop an understanding of the stretch, agree its exact extent and carry out initial familiarisation visits. We held discussions with representatives of national and local organisations with a strategic interest in this stretch of coast. This included discussions with those we are required by legislation to consult at this stage:

- the Kent Countryside Access Forum;
- County and District Council officers, including ecology, geology, historic environment, planning, transport, coastal engineering and countryside ranger staff;
- local officers from the Environment Agency, in relation to flood defence and coastal erosion management on this stretch of coast; and
- local officers of Historic England, in relation to historic features on this stretch of coast.

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

- Town and Parish Council representatives;
- the Ramblers Association;
- the Open Spaces Society;
- the British Mountaineering Council;
- the National Farmers Union;
- the British Association for Shooting and Conservation
- the Kent Wildfowling and Conservation Association
- the Country Land and Business Association.
- the North Kent Environmental Planning Group (NKEPG)
- the Swale Green Grid Partnership
- the Medway Swale Estuary Partnership
- the Swale Wader Group

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 Kent Wildlife Trust, Royal Society for the Protection of Birds, English Heritage - to consider any potential for impacts on key sensitive features.

In addition to these discussions we took into account a wide variety of information, plans and strategies that we considered relevant to the alignment process. Those that are published on the internet are listed in Annex A: Bibliography.

We then took all reasonable steps to identify owners, occupiers and those with a legal interest in the land which could be affected.

Stage 2 - Develop

This stage involved us contacting, and discussing our initial thoughts with, relevant owners, occupiers and other legal interests.

We asked for their views and invited them to join us when we visited the land to 'walk the course' so that we could discuss options for alignment based on mapped summaries of our emerging proposals.

In most cases this was done through separate site meetings with the individuals and businesses concerned. In the interests of efficiency we also held a small number of larger meetings to discuss our proposals with groups of people with a common legal interest, for example where homes or businesses occupy adjacent coastal frontages, such as at Shellness Hamlet (report IOS 6 of the proposals).

We also took reasonable steps to identify and contact any owners, occupiers or other legal interests who could foreseeably be affected in the future as a result of any roll-back that may prove necessary. See part 7 – Future Changes – below.

We then held further detailed discussions with internal and external specialists to refine our thinking on protecting key sensitive features, carrying out any necessary assessments.

After further discussions with key local and national organisations we refined our proposals and checked them on the ground before moving onto Stage 3 – Propose, which is the substance of these reports.

Key issues along this stretch

5. Discretion to include part or all of an estuary or estuaries

The Swale, Medway and Thames Estuaries

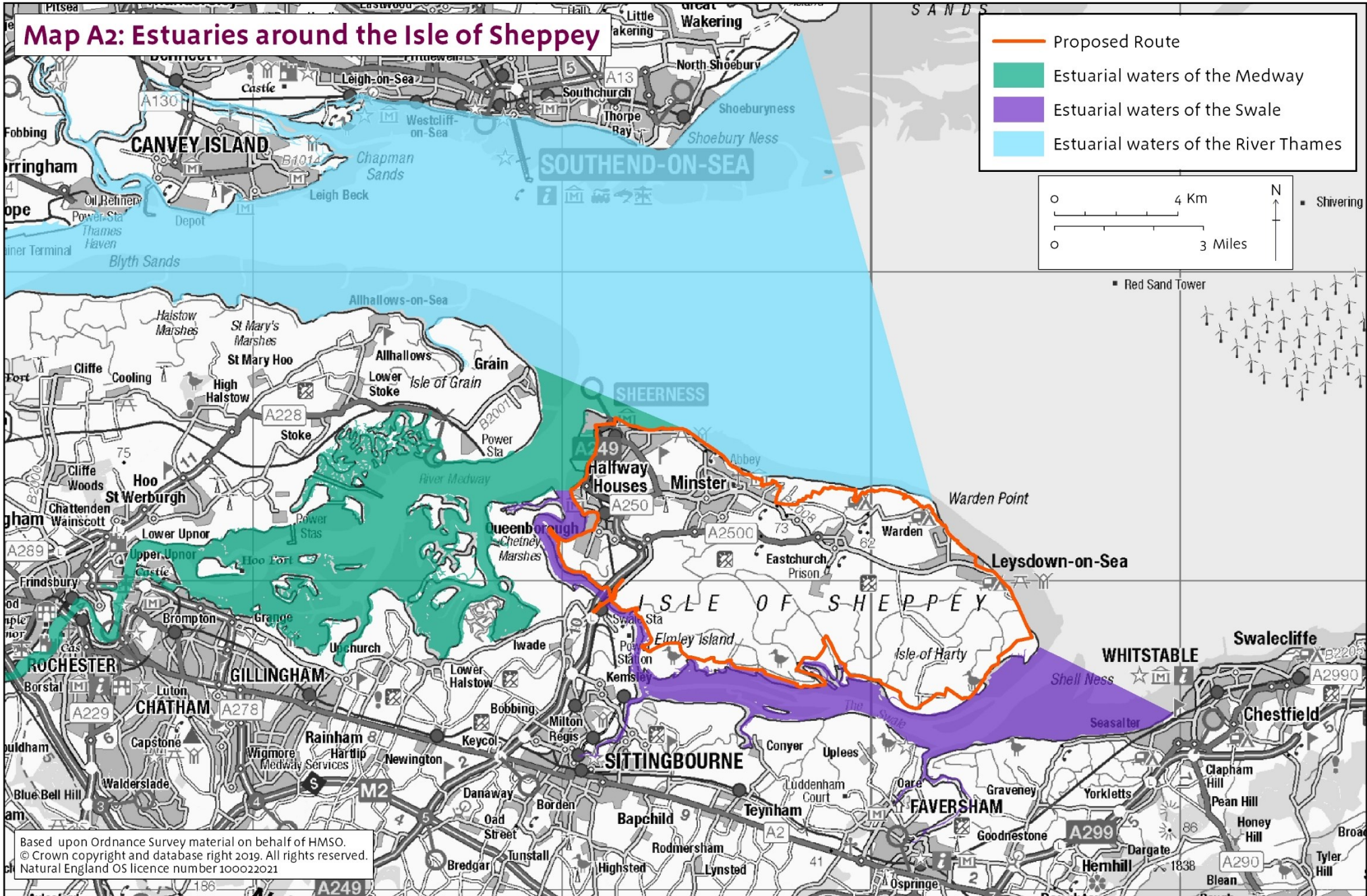
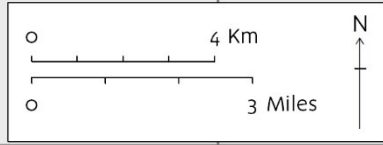
The Isle of Sheppey sits partly within the estuarine waters of The Swale, the Medway and the Thames, estuaries, as shown on Map A2: estuaries around the Isle of Sheppey. It is connected to the adjoining Iwade to Grain coastal access stretch by a road bridge over The Swale which, at all states of the tide, the public will be able to use to access the island on foot from the mainland.

Our report for the Iwade to Grain stretch, published in January 2020, proposes that the England Coast Path should follow the adjacent Kent mainland, along The Swale Estuary. To do this it proposes to use the discretion at section 301 of the 2009 Act to exercise our functions as if the references in the legislation to coast included the estuarial coast of The Swale Estuary.

Once the *Iwade to Grain Report 1: Ridham Dock (Iwade) to Kingsferry Bridge* is approved, the Isle of Sheppey will become an 'accessible' island by virtue of section 300 of the 2009 Act. **The Secretary of State should be aware of this dependency when determining the Isle of Sheppey stretch proposals.**

Map A2: Estuaries around the Isle of Sheppey

- Proposed Route
- Estuarial waters of the Medway
- Estuarial waters of the Swale
- Estuarial waters of the River Thames



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6. Other considerations on this stretch

a) Recreational Issues

Map B gives an overview of existing public access on the Isle of Sheppey showing public rights of way, access land and promoted cycle routes such as Sustrans National Cycle Route 174 (Kingsferry to Minster), the Sheerness Way and Isle of Harty Trail.

There is currently no continuous coastal pedestrian route around the Isle of Sheppey. The extent and quality of existing linear access along the coast varies markedly across the island, with close proximity to the sea in some areas, while elsewhere there is no access at all. The annual 'round the island' sponsored charity walk demonstrates the access challenges on the island, as its organisers currently need the permission from landowners on the south coast and the route follows roads inland from the north coast between Warden and Minster. Our proposals address these gaps in coastal access, to provide a permanent round-island route.

North-west Sheppey

For the built up area of the industrial north-west, from Kingsferry to Minster (reports IOS 1 and IOS 2), linear access along the coast is largely via seawalls and promenades, with some breaks due to coastal sites being developed for housing and the port occupying the shoreline at Sheerness. There are two promoted cycle routes in this area: the Sustrans National Route 174 and the Sheerness Way.

North coast

The spectacular cliffs of the north coast between Minster and Warden (reports IOS 2 to IOS 5) are subject to significant erosion which has resulted in some footpaths along and leading to the cliff tops becoming unusable. Warning signs at road ends and near residential areas highlight the hazards of this coastline. Access along the base of the cliffs is discouraged as walkers can be cut off by rising tides. The slumped cliff slopes themselves do not provide a walkable surface, as feet can sink into the soft material, and the rescue services have reported that people have had to be rescued from the cliff slopes. The land on the clifftops is mainly occupied by caravan parks and farmland and has no public footpaths or formal access arrangements along the coast, for a stretch of around 6km.

Further inland from the coast, the roads can often be unsuitable for pedestrians and cyclists, as they are narrow and the traffic is fast. A number of rights of way have also become inaccessible, both inland of the coast and leading to the shore. The path obstructions are due to development (see Report IOS 3 and IOS 5), encroachment of vegetation (see report IOS 3) and by loss to coastal and cliff erosion (see report IOS 5).

East coast

Around Warden and Leysdown (report IOS 6), there is mixed linear access along the coast, with some public rights of way close to the coast and others set back inland of caravan parks that occupy the clifftops or shoreline. Once south of the urban areas, there is more or less continuous public rights of way along the raised seawalls, providing access towards Shellness and the beaches of the east coast. Cycle access linking Leysdown-on-Sea and the east coast with the south coast is provided by the inland Isle of Harty Trail cycle route.

South coast

Between Shellness and Kingsferry (reports IOS 6 to IOS 10), the low lying farmland and nature reserves along The Swale are protected by seawalls. There is good linear access through The Swale and Elmley National Nature Reserves, situated at either end of this stretch of coast, but there is no formal access arrangements along a length of approximately 4km that would link the two. The road and rail bridge at Kingsferry severs linear access along the shoreline near the bridge, and there is currently a significant

(2km) inland diversion to continue along the southern shore. The public footpath which links the shoreline east and west of Kingsferry Bridge has long been obstructed by the road and railway here.

Although there are no areas with open access rights anywhere on the island, Swale Borough Council owns accessible land around the coast, including the grassland along the promenade at Minster and the Coastal Park at Barton Point (report IOS 2), as well as a number of recreation areas at Leysdown-on-Sea (report IOS 6). Some of these areas will fall within the coastal margin, associated with the proposed trail.

Our proposals will supplement the ambitions of the Kent Rights of Way Improvement Plan, by enhancing provision of access at the coast and by creating the potential for circular walks linked to the coast, where currently very few opportunities exist. In addition the coast path will help to deliver the ambitions of the Swale Green Grid Partnership, hosted by Swale Borough Council, in delivering continuous coastal access that links up Queenborough, Sheerness, Minster, Eastchurch, Leysdown-on-Sea and the Isle of Harty, with the aim of bringing increased well-being and prosperity to these communities.

The creation of access along the north coast will meet the concerns raised, during our consultation, with Eastchurch Gap Erosion Action Group and a Minster walking group, regarding the inability to walk between Minster, Eastchurch and Warden. At present, walkers will sometimes follow the foreshore and risk being cut off by the tide or stranded on the cliff slopes, due to the lack of paths which connect the foreshore with inland paths, and the absence of formal access along the cliff tops. Our proposals address this by aligning a continuous and signed coast path between Minster and Warden that largely follows the cliff tops, and provides a safer way to enjoy the coast. These cliffs are also subject to significant erosion, and our proposals include the provision for 'roll back' (see section (d) Coastal processes) which will allow the path to continue to follow the coastline closely, even as it changes with future erosion. In addition, some visitors to the island want to be able to walk between Elmley National Nature Reserve and the Ferry Inn at Harty, a walk of over 10kms – however currently this is not possible due to a stretch of 4kms with no right of access. The coast path will facilitate this link and provide a complete circular coastal route linking all communities and destinations with minimal inland diversions or use of roads.

The Isle of Sheppey is listed as having some of the worst health inequalities in Kent (Kent Public Health Observatory), particularly in the populated north and east parts of the island. The round-island path will create easier access along the coast and ways for locals to experience the benefits associated with interacting with the natural environment. Along both the north coast and south coast, the stunning Sheppey landscape and natural environment have much to offer both local people and visitors alike. With the high number of caravan parks on the island, this route could also provide access to the environment for holiday makers, and help stimulate tourism based enterprise along the trail.

b) Protection of the environment

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

- Map C1: Key statutory environmental designations – Isle of Sheppey shows extensive network of nationally and internationally important designated wildlife sites, which include Sites of Special Scientific Interest and Special Protection Areas.
- Map C2: Key statutory environmental designations – Isle of Sheppey shows the nationally important historic sites on the island and the Marine Conservation Zones that surround the island.

A key feature of the Swale, Medway and Thames estuaries, that almost entirely surround the Isle of Sheppey, is that during the winter months, they support internationally recognised populations of non-breeding waterbirds. The extensive areas of soft mud exposed at low tide are the main feeding areas but the birds also need suitable undisturbed places to roost and several species use inland areas that provide supporting habitat for feeding and resting, in addition to the upper saltmarsh. A Strategic Access Management and Monitoring plan (SAMM) has been developed for North Kent, including the Thames, Medway and Swale Estuaries, since 2014. The plan is being delivered with the support of Bird Wise, a project hosted by Medway Council to prevent recreational disturbance caused by increased visitor numbers and urbanisation arising from additional housing near a European site. Natural England has worked closely with the team delivering this strategy to ensure a consistency of approach to managing recreational activities, including the provision of interpretation and signage at key locations, as part of identified mitigation measures.

West Coast

This is a largely flat, industrial and urban coastline between Kingsferry and Sheerness, with some low lying open land and marshes to the south of Rushenden. The coastline is dominated by accessible seawalls, hard defences and promenades, while the Port of Sheerness shoreline in the far north-west corner of the island is inaccessible to the public. Blue Town in Sheerness, along with the Queenborough Lines military canal are the main historic attractions on the island, reflecting the long naval history of this port town, dating from the 16th Century. Along this muddy coastline, there are no significant breeding or roosting areas for wildfowl and wading birds, even though this stretch is part of both the Swale and Medway Special Protection Areas (see Map C1: Key statutory environmental designations – Isle of Sheppey).

North Coast

Beyond the flat urban and residential environments of Sheerness and Minster respectively, the north coast is dominated by cliffs that are subject to significant erosion and land slips. These undefended cliffs form a geological Site of Special Scientific Interest (SSSI) along the Outer Thames Estuary Special Protection Area (SPA). They are one of the best examples of an eroding clay cliff line in the United Kingdom and contain an abundance of fossils (see Map C1: Key statutory environmental designations – Isle of Sheppey). The cliff tops support holiday parks and small farms with both livestock and arable. Here there is currently no public access or recreational opportunities beyond the caravan parks due to the gap in linear access along the clifftops and lack of safe access to the foreshore.

East Coast

The east coast is also dominated by caravan parks and the residential areas of Warden and Leysdown-on-Sea. Recreational opportunities are provided by Leysdown Country and Coastal Park, south of the town, and walks along the seafront, while visitor attractions include Leysdown-on-Sea itself with its beach amusement, Muswell Manor B&B with its museum and a nature trail and the wide, sandy beaches in the far south-east of the island which can be accessed from a car park near Shellness. The wide intertidal flats of The Swale Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) extend as far north as Leysdown with the shell beach and the spit at Shellness providing an important nesting and roosting site for shorebirds. The shallows off shore from Shellness are also important for Brent Geese (see Map C1: Key statutory environmental designations – Isle of Sheppey).

South Coast

The shore of The Swale Special Protection Area (SPA) and Site of Special Scientific Interest (see Map C1: Key statutory environmental designations – Isle of Sheppey) is dominated by the large expanses of grazing marsh and associated wetlands characteristic of the south coast of the island. The two hills at Elmley and Harty interrupt an otherwise flat landscape, where fields are used for grazing with some arable production. The intertidal zone supports some large areas of saltmarsh and these, along with the mudflats and

freshwater wetlands landward of the seawall, support some of the highest populations of breeding, migratory and overwintering birds in the country. As well as one of the most productive areas nationally for breeding waders, such as lapwing, the island also attracts large numbers of raptors, in particular short-eared owl and marsh harrier. For the latter, the largest winter roost in the south east can be found along one of the many waterways that drain towards the south coast. Much of this coastline is remote and has a rare quality of wilderness for somewhere so close to London. Due to a lack of moderate circular walks here, visitors tend to be long distance walkers on a day out. The main destinations are the two National Nature Reserves - Elmley in the west and The Swale (with its shell beach) in the east, which are largely frequented by birdwatchers who come to enjoy the wildlife spectacle. The former has visitor facilities and both have a number of bird hides. The Ferry Inn at the southernmost tip of the Isle of Harty is another destination and popular venue for dining and weddings.

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 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 for the stretch, in which we document our conclusions in relation to any other potential impacts on nature conservation.

c) Interests of owners and occupiers

In discharging our coastal access duty we must aim to strike a fair balance between the interests of the public in having rights of access over coastal land, and the interests of owners and occupiers of land over which any coastal access rights would apply. This was a key driver in the design of our proposals, which were discussed in detail with the owners and occupiers of the affected land during 'walking the course' and other processes.

Where existing linear access already exists on the west and east coasts (see below), the concerns raised by landowners and occupiers mainly related to the operational needs of businesses or to the privacy of residents. These issues are to a large extent addressed by the provisions in the legislation for particular categories of land to be automatically excepted from the coastal access rights – including land covered by buildings and their curtilage and land used as a garden. Land which becomes subject to development in the future will also become excepted from the coastal access rights if it is developed in these ways. See Annex C: Excepted land categories, which sets out these provisions in more detail. More concerns were raised by owners and occupiers along the north and south coast, where new access is proposed (see below).

West Coast: Kingsferry Bridge to Minster (reports IOS 1 to IOS 2)

In general the existing public access provisions are already managed effectively alongside adjacent land uses. Few concerns were raised by the landowners and occupiers of this industrial and urban part of the island, as the trail will mainly use existing walked routes, rights of way, promenades and infrastructure, and will create little in the way of accessible coastal margin due to either the proximity of the trail to the coast (seawall and promenade) or the largely excepted nature of the affected land, such as within the Port of Sheerness. See Annex C: Excepted land categories, which sets out these provisions in more detail.

North Coast: Minster to Warden (reports IOS 2 to IOS 5)

The main issue for some landowners here is the creation of new access along an undefended coastline subject to significant erosion. Their concerns relate to operational and commercial impacts, security, rural

crime and privacy, especially on small, mixed farms. Landowners also had additional and linked concerns over public liability relating to the slumping cliffs and trespass by users of the neighbouring holiday parks.

There is also proposed new access through a number of the holiday parks along the cliff top. The business owners here support these proposals and highlighted the path's potential for increased tourism. Elsewhere, other holiday park owners expressed concerns related to the privacy of customers and potential commercial impacts on some gated holiday parks.

Trail alignment, clear way-marking along the cliff line, close liaison with the holiday parks to raise awareness amongst tourists of farming practices in this areas, as well as a dogs to leads policy are all measures proposed in the relevant reports, to address the concerns raised by landowners along this stretch of coast. In addition, the reduced level of occupiers' liability associated with new access rights, helps to address the concerns raised about the natural slumping of cliffs (see details in Section 4.2 of the Coastal Access Scheme).

East Coast: Warden to Shellness (report IOS 6)

The coast around Warden and Leysdown is predominately residential, with a number of holiday parks, which give way to arable farmland to the south towards Shellness. The trail will mostly follow the coastline, utilising the available roads, promenades, seawalls and rights of way all the way (apart from a short inland diversion at Leysdown-on-Sea to take walkers past the facilities and local businesses). With this alignment, landowners will see limited changes in access arrangements along this stretch, especially as particular categories of land that will fall within the coastal margin are automatically excepted from coastal access rights – including land covered by buildings and their curtilage and land used as a garden.

South Coast: Shellness to Kingsferry (reports 1OS 6 to IOS 10)

This is the remotest part of the proposed route, mostly following the seawall or shoreline adjacent to low lying farmland and nature reserves. The main concerns were raised by those landowners and occupiers whose land is affected by new access, and included trespassing, concerns over existing shooting operations (game, wildfowl and clay pigeon), impacts on land management, security and the inadvertent facilitation of illegal activities such as hare-coursing. However, there is no evidence to suggest that the coast path would exacerbate illegal activities and may well act as a deterrent. Concern was also raised over access to or across a large sluice on the main river of the marshes, regarding security and operational use.

The potential disturbance to wildlife is another concern that has been raised, as the south coast is exceptionally rich in breeding, migratory and overwintering birds. It is also one of the most important locations in the country for roosting marsh harrier and other wintering birds of prey. Measures to address these concerns are covered in each relevant report and fully addressed in the accompanying Habitat Regulations Assessment document.

d) Coastal processes

The principal sources of information (see Annex A: Bibliography) regarding coastal processes on this stretch of coast are the:

- Medway Estuary & Swale Coastal Flood and Erosion Risk Strategy (MEASS), a non-statutory policy document for the management of flood risk and coastal erosion (Environment Agency)
- Medway and Swale Shoreline Management Plan
- North Sheppey Erosion Study 2011 (undertaken by Canterbury City Council for Swale Borough Council).

With reference to these documents, and with advice from the Environment Agency and Swale Borough Council, we have identified the parts of the coast within this stretch which are particularly susceptible to

coastal erosion or other geomorphological processes, such as the landslips that occur along the undefended cliffs on the north coast of the island.

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 in the long term; or
- landward of the roads and railway which would be protected under the policies set out in MEASS or 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 developed areas of Queenborough, Sheerness and Minster described in reports IOS 1 to IOS 2 of the proposals are protected by hard defences (including the Port of Sheerness), promenades and breakwaters. Although these defences are unlikely to be affected significantly by coastal processes in the foreseeable future, the proposed route is often located on the seaward side of the defences – and may, in the future, become more prone to storm conditions due to coastal processes associated with climate change and sea level rise. As this could make the trail inaccessible at times, 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 she has approved the initial route.
- The soft cliffs along the open, rural coast between Minster and Warden, described in reports IOS 3 to IOS 6 of the proposals, are undefended and subject to varying rates of change from 1m to 3m per year. On this length 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 she has approved the initial route.
- Between Warden and Shellness (report IOS 6), promenades and seawalls protect the urban areas and low lying farmland found inland. Although these defences are unlikely to be affected significantly by coastal processes in the foreseeable future, the proposed route is often located on the seaward side or on top of these defences – and may, in the future, become more prone to storm conditions due to coastal processes associated with climate change and sea level rise. As this could make the trail inaccessible at times, we propose to recommend that most of the trail is able to roll back so that it can be repositioned without further reference to the Secretary of State, once she has approved the initial route.
- The south coast of the island along The Swale comprises largely of defended seawalls protecting the low lying farmland behind (reports IOS 6 to IOS 10). The proposed route is often located along the top of these earthen defences – and may, in the future, become more prone to storm conditions due to coastal processes associated with climate change and sea level rise. There is also an area of rising ground near the Isle of Harty, with no sea defences and two locations on Elmley National Nature Reserve where managed realignment is proposed within the Medway Estuary & Swale Coastal Flood and Erosion Risk Strategy, to create new intertidal habitat. In these cases we propose to recommend that most of the trail is able to roll back so that it can be repositioned without further reference to the Secretary of State, once she has approved the initial route.

There is more detail about these roll-back arrangements in part 7 of the Overview and in the relevant reports, where we have made specific proposals to enable the trail to adapt to coastal change on these lengths of coast.

e) Other substantive issues

Large, concrete flood barriers exist around the island, and are often used as promenades along the coastline, for example near Queenborough, Sheerness, Minster and Leysdown (reports IOS 2 and IOS 6).

Typically, there is no clear boundary line on the landward side of the defences, as industry and buildings are often built into and adjacent to the sea defences. Accordingly where we propose, in the relevant reports, that the trail should follow these paths and promenades along the hard sea defences, we typically also propose that the landward boundary of the margin should be the flood wall that runs prominently along the top of the defences, landward of the trail. This is a clear feature of the defences and the proposal would deliver more clarity on the ground than the default legal position that the whole flood barrier forms part of the margin.

Map B: Existing Access - Isle of Sheppey

This map only shows the access information that is relevant to the proposed route of the trail, not the wider map extent.

Existing access rights and routes:

- Existing Public Rights of Way - - - - -
- Cycle route •••••
- Locally promoted walk/cycle route •••••
- A road —
- B road —
- Minor road —
- Railway & station —●—



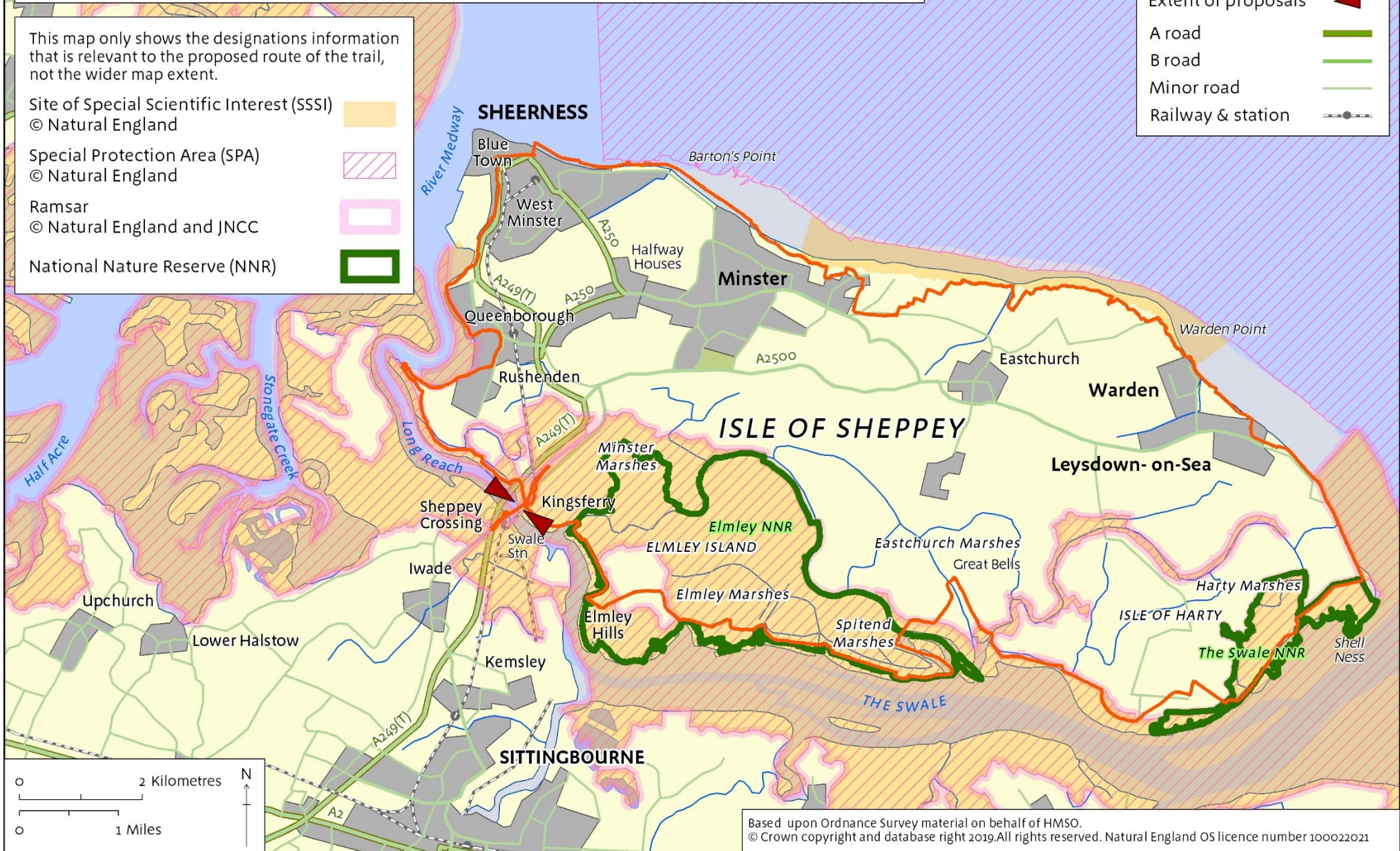
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Map C1: Key Statutory Environmental Designations- Isle of Sheppey

This map only shows the designations information that is relevant to the proposed route of the trail, not the wider map extent.

- Site of Special Scientific Interest (SSSI) © Natural England
- Special Protection Area (SPA) © Natural England
- Ramsar © Natural England and JNCC
- National Nature Reserve (NNR)

- Proposed route
- Extent of proposals
- A road
- B road
- Minor road
- Railway & station ●



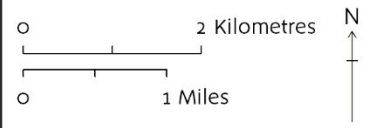
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Map C2: Key Statutory Environmental Designations- Isle of Sheppey

This map only shows the designations information that is relevant to the proposed route of the trail, not the wider map extent.

- Scheduled Ancient Monument © Natural England
- Marine Conservation Zone (MCZ) © Natural England

- Proposed route
- Extent of proposals
- A road
- B road
- Minor road
- Railway & station



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Other issues

7. Future changes

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

Roll-back

Reports IOS 1 to IOS 10 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:

- Report IOS 1: commercial development is under consideration on open land in the Rushenden / Queenborough area, within the next 20 years. The development plans are likely to include access to the coastline, which could incorporate the trail.
- Report IOS 2: a large site, south of The Creek, near Chalk Wharf, Queenborough Harbour is currently being prepared and developed for housing and employment use by Homes England, and is likely to be completed around 2025. The development plans include an aspiration for coast and creek-side access.
- Report IOS 3: a recent residential development on Plough Road, east of Marrowbone Hill, resulted in the narrowing of the existing verge. This development is now being considered retrospectively by Swale Borough Council. Before this development came about, our preferred option for alignment was to utilise this verge, rather than the proposals made in Report IOS 3. Swale Borough Council had not made a decision on the retrospective planning application at the time this report was prepared, however, if the decision allows for the provision of an adequate verge here, we would prepare a separate variation report to the Secretary of State to provide a safe route following an inland route that includes this section of Plough Road.
- Report IOS 10: new boating facilities are being considered near the old slipway which may affect the trail, at the southern end of Ferry Road, Isle of Sheppey. There is currently no definitive timescale.

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
IOS 1-2 & IOS 6-10	Saltmarsh and flat. Part of the coastal margin seaward of the route along the east, west and south coasts of the island See Map D and the directions maps in reports IOS 1, IOS 2 and IOS 6 to IOS 10	Exclusion	Unsuitable for public access	Saltmarsh and flat 25A	All year
IOS 3	Route of the trail - along North Sheppey coast (near Cripps Farm, Ashcroft Coast Holiday Park and Connetts Farm) See Map D and the directions map in report IOS 3	Keep dogs on leads	Land management	Land management S24	All year
IOS 4	Route of the trail - along North Sheppey coast (near Swanley Farm) See Map D and the directions map in report IOS 4	Keep dogs on leads	Land management	Land management S24	All year

Report reference	Location/extent (see relevant map for more information)	Type of direction	Purpose of direction	Grounds and relevant section of CROW	Duration
IOS 4	Route of the trail - Palm Tree Holiday Park, Eastchurch See Map D and the directions map in report IOS 4	Keep dogs on leads	Land management	Land management S24	All year
IOS 5	Route of the trail - along North Sheppey coast (near Swanley Farm and Cartt's Farm) See Map D and the directions map in report IOS 5	Keep dogs on leads	Land management	Land management S24	All year
IOS 6	Part of the coastal margin - Shellness Beach (part) See Map D and the directions maps in report IOS 6	Exclusion	Sensitive wildlife (breeding, passage and wintering birds)	Nature conservation 26(3)(a)	All year
IOS 6	Part of the coastal margin - Shellness Beach See Map D and the directions maps in report IOS 6	Keep dogs on leads	Sensitive wildlife (breeding, passage and wintering birds)	Nature conservation 26(3)(a)	All year
IOS 7	Part of the coastal margin - Park Farm, Isle of Harty See Map D and the directions	Exclusion	Sensitive wildlife (breeding, passage and wintering birds)	Nature conservation 26(3)(a)	All year

Report reference	Location/extent (see relevant map for more information)	Type of direction	Purpose of direction	Grounds and relevant section of CROW	Duration
	map in report IOS 7				
IOS 7	Route of the trail - near Ferry Inn, Isle of Harty See Map D and the directions map in report IOS 7	Keep dogs on leads	Sensitive wildlife (breeding, passage and wintering birds)	Nature conservation 26(3)(a)	All year
IOS 8	Route of the trail – at Harty and Eastchurch Marshes See Map D and the directions map in report IOS 8	Keep dogs on leads	Sensitive wildlife (breeding, passage and wintering birds)	Nature conservation 26(3)(a)	All year
IOS 8	Part of the coastal margin - RSPB's Great Bells Farm Reserve See Map D and the directions map in report IOS 8	Exclusion	Sensitive wildlife (breeding, passage and wintering birds)	Nature conservation 26(3)(a)	All year
IOS 9	Part of the coastal margin - Elmley National Nature Reserve seawall See Map D and the directions maps in report IOS 9	Exclusion	Sensitive wildlife (breeding, passage and wintering birds)	Nature conservation 26(3)(a)	All year
IOS 9	Part of the coastal margin - Elmley Hills and Elmley	Exclusion	Sensitive wildlife (breeding,	Nature conservation 26(3)(a)	All year

Report reference	Location/extent (see relevant map for more information)	Type of direction	Purpose of direction	Grounds and relevant section of CROW	Duration
	Round Fields and seawall, Elmley National Nature Reserve See Map D and the directions maps in report IOS 9		passage and wintering birds)		
IOS 9	Part of the coastal margin - Elmley hay fields, Elmley National Nature Reserve See Map D and the directions maps in report IOS 9	No dogs	Sensitive wildlife (breeding, passage and wintering birds)	Nature conservation 26(3)(a)	All year

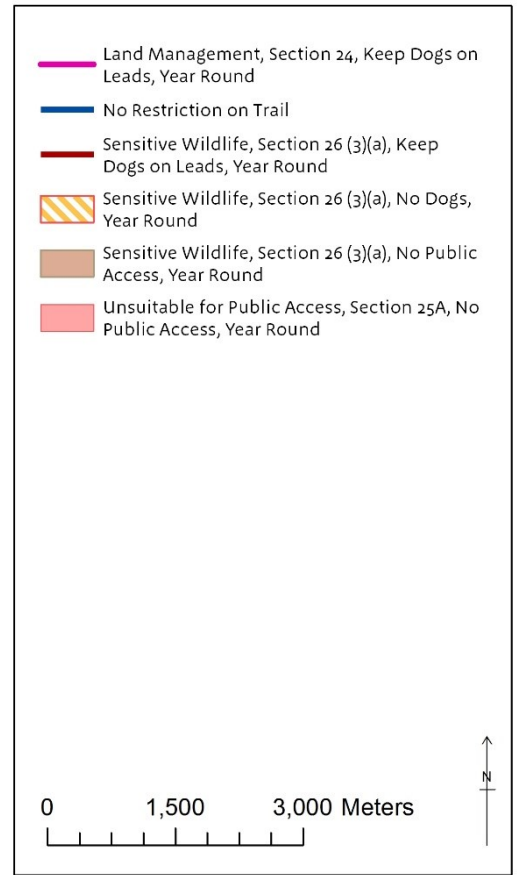
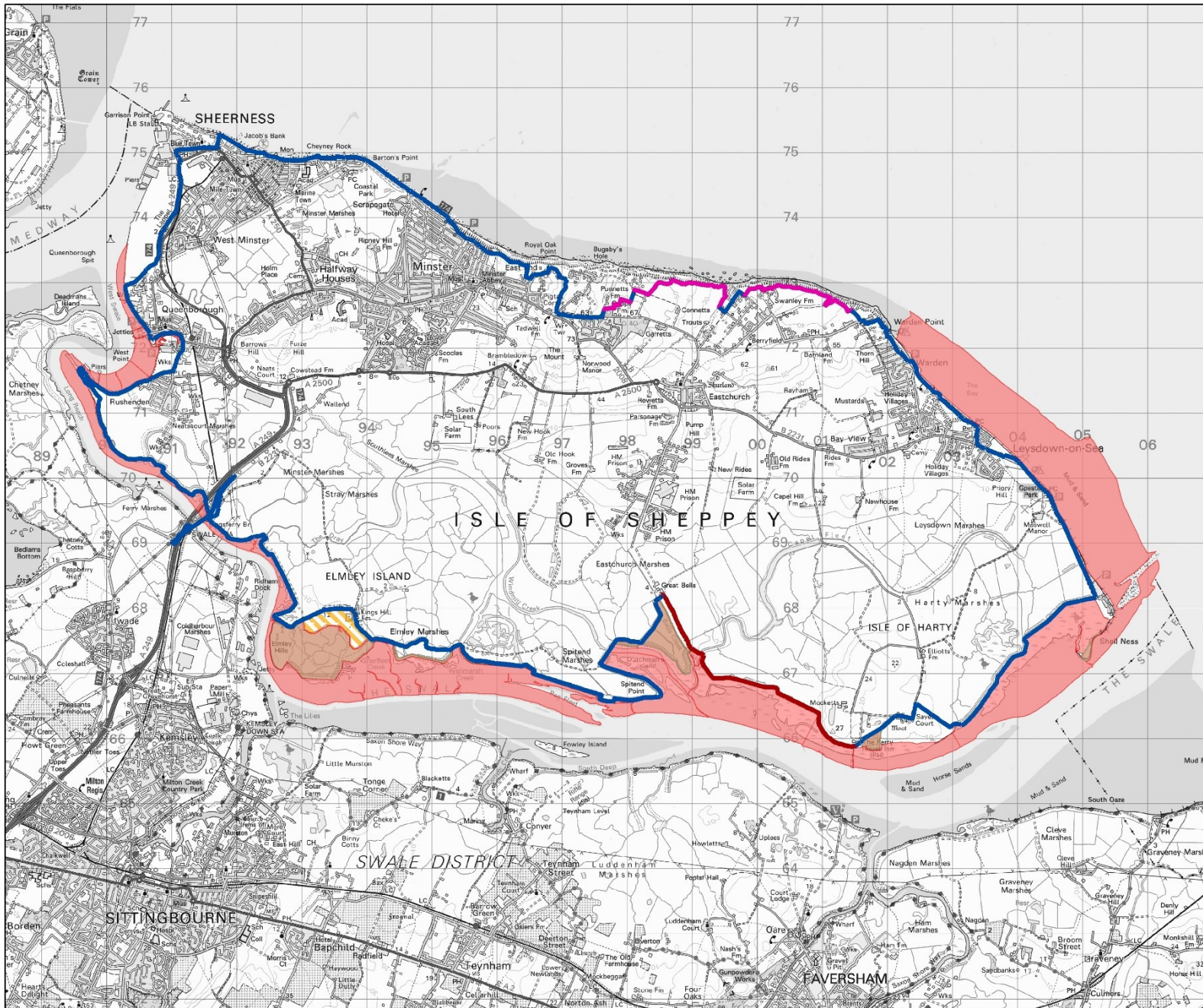
These directions will not prevent or affect:

- any existing local use of the land by right; such use is not covered by coastal access rights;
- any other use people already make of the land locally by formal agreement with the landowner, or by informal permission or traditional toleration; or
- use of any registered rights of common or any rights at common law or by Royal Charter etc

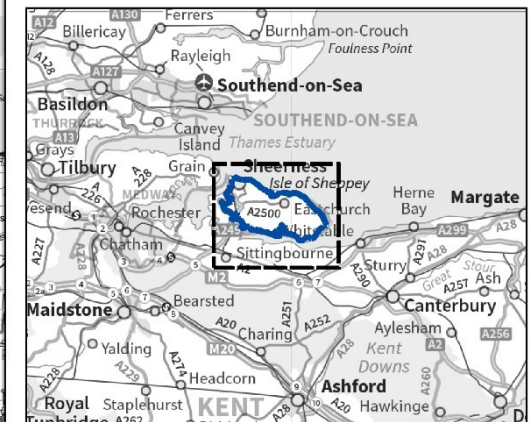
Any such use is not prohibited or limited by these arrangements.

Map D: Extent of Directions

These directions only affect land where coastal access rights apply and will not affect existing rights of access, such as on public rights of way. Please refer to individual IOS Reports for more detailed directions maps



Map E: Extent of Directions



Annex A: Bibliography

Information about Natural England's coastal access programme:

Natural England

www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast

Information about the statutory framework for coastal access:

Department for Environment, Food and Rural Affairs

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

Coastal Access Scheme

NE446 - Coastal Access: Natural England's Approved Scheme
Natural England

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

Marine and Coastal Access Act 2009

www.legislation.gov.uk/ukpga/2009/23/part/9/crossheading/the-coastal-access-duty

Countryside & Rights of Way Act 2000 [CROW]

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

The Access to the Countryside (Coastal Margin) (England) Order 2010

www.legislation.gov.uk/uksi/2010/558/contents/made

National Parks and Access to the Countryside Act 1949

www.legislation.gov.uk/ukpga/Geo6/12-13-14/97

The Coastal Access Reports (Consideration and Modification Procedure) (England) Regulations 2010

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

Environmental legislation referred to in the reports:

The Conservation of Habitats and Species Regulations 2017 (as amended)

<http://www.legislation.gov.uk/uksi/2017/1012/contents/made>

The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<http://www.legislation.gov.uk/uksi/2018/1307/contents/made>

Other published information used in the preparation of the report:

A register of coastal climbing sites in England

British Mountaineering Council

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

Birdwise

<https://birdwise.org.uk/about/>

Cycle Routes (Sustrans)

www.visit-swale.co.uk › media › isle-of-sheppey-cycle-routes

Kent Rights of Way Improvement Plan

Kent County Council

<https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/countryside-policies-and-reports/public-rights-of-way-improvement-plan>

Medway Swale Estuary Partnership

<https://msep.org.uk>

The Medway Estuary & Swale Coastal Flood and Erosion Risk Strategy (MEASS)

Environment Agency

<https://www.gov.uk/government/publications/medway-estuary-and-swale-flood-and-coastal-risk-management-strategy/medway-estuary-and-swale-flood-and-coastal-risk-management-strategy>

Medway Estuary and Swale Shoreline Management Plan

South East Coastal Group

<https://se-coastalgroup.org.uk/shoreline-management-plans/medway-estuary-to-swale/>

North Kent Strategic Access Management and Monitoring Strategy (SAMMS)

Medway Council

https://www.medway.gov.uk/info/200149/planning_policy/146/current_planning_policies/5

North Sheppey Erosion Study 2011

Swale Borough Council (consultants Canterbury City Council Engineering Services)

<https://www.swale.gov.uk/assets/Planning-General/Planning-Policy/Sheppey-Coastal-Erosion-Study/Sheppey-study-report-V3-for-web-Chapters-1-to-8.pdf>

Swale CCG Analysis of Deprived Areas in the most deprived decile for Kent, January 2016

Kent Public Health Observatory

https://www.kpho.org.uk/_data/assets/pdf_file/0009/58833/Swale-Profile.pdf

Strategic Delivery Plan – Kent County Council

<https://www.kent.gov.uk/about-the-council/strategies-and-policies/corporate-policies/strategic-delivery-plan>

Swale Wader Group

www.swalewaders.co.uk

Swale Green Grid Partnership Strategy

Swale Borough Council

<https://www.swale.gov.uk/assets/Strategies-plans-and-policies/Green-Grid-Strategy-2016-WEB.pdf>

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

Natural England

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

Annex B: Glossary of terms

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

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

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

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

alignment is the term we use to describe the choices we make about the proposed route of the trail and the landward boundary of the coastal margin.

alternative route means a route proposed to the Secretary of State under section 55C of the 1949 Act, to operate as a diversion from the ordinary route at certain times. The associated term optional alternative route denotes a route which the public has the option to use at times when the ordinary route is unsuitable for use because of flooding, tidal action, coastal erosion or other geomorphological processes. Neither type of alternative route creates any seaward margin. Paragraphs 4.10.16 to 4.10.18 of the Scheme explain more about the potential use of optional alternative routes.

building has the same meaning given in Schedule 1 to CROW, as amended for the coast by the Order. The term includes any structure or erection and any part of a building. For this purpose “structure” includes any tent, caravan or other temporary or moveable structure. It does not include any fence or wall, anything which is a means of access (as defined by CROW section 34 – for example steps or bridges), or any slipway, hard or quay.

coastal access duty means Natural England’s duty under section 296 of the 2009 Act to secure improvements to public access to the English coast. It is explained in more detail in 1.2 of the Coastal Access Scheme.

coastal access rights is the term we use to describe the rights of public access to the coast provided under section 2(1) of CROW as a result of the provisions of the 2009 Act and the Order. Coastal access rights are normally rights of access on foot for open-air recreation. These rights are by default subject to national restrictions and may additionally be subject to directions which restrict or exclude them locally. Section 2.4 of the Coastal Access Scheme explains more about the nature and management of coastal access rights.

coastal margin or margin means a margin of land at the coast falling within one or more of the descriptions given at article 3 of the Order. Its main component is land subject to the coastal access rights, but it also contains other land, including some land that is not accessible to the public. A land owner may also voluntarily include land in the coastal access margin by making a dedication. Section 2.3 of the Scheme explains these other categories of land and how they fit in.

coastal processes is a term used in the reports to mean coastal erosion, encroachment by the sea or other physical change due to geomorphological processes such as landslip. Where any part of the trail could be significantly affected by coastal processes, either directly or because of the need to maintain continuity with a part that is directly affected, we have included recommendations for it to roll back in accordance with a description in the relevant report.

CROW means the Countryside and Rights of Way Act 2000. Coastal access rights take effect by virtue of CROW section 2(1). Certain provisions in CROW are amended or added to by the 2009 Act and the Order for the purposes of the coast. Chapter 2 of the Coastal Access Scheme provides an overview of how the amended CROW provisions apply to the coast. See Bibliography for publication details.

dedicate/dedication means any voluntary dedication of land by the owner or long leaseholder under section 16 of CROW so that it will be subject to access rights under that Act. A dedication may also make provision for specific national restrictions that would otherwise apply over the affected land to be removed or relaxed.

Land within the coastal margin that was previously dedicated as access land under CROW becomes subject to the coastal access regime, including the national restrictions and the reduced level of liability operating on other parts of the margin with coastal access rights. On certain land, a dedication may be used to 'opt in' to the coastal access regime land where it would not otherwise apply. Chapter 2 of the Coastal Access Scheme explains these scenarios in more detail.

definitive map means the legal record of public rights of way. It shows public footpaths, bridleways, restricted byways, and byways open to all traffic.

direction means a direction under chapter II of CROW Part 1 to impose local restrictions or exclusions on the use of the coastal access rights.

Estuarial waters are defined in section 309 of the 2009 Act as any waters within the limits of transitional waters within the meaning of Council Directive 2000/60/EC (the European Community Water Framework Directive). Transitional waters are defined in Schedule 1 to the Directive as "bodies of surface water in the vicinity of river mouths which are partially saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows". The Environment Agency has mapped their seaward limit on each English estuary. Section 10.1 of the Scheme explains the relevance of estuarial waters to our proposals for coastal access at estuaries.

excepted land – see Annex C.

exclude/exclusion refer to local exclusion of the coastal access rights by direction (as opposed to the national restrictions that apply on all coastal access land by default). In this way the use of the rights may where necessary either be excluded completely, or restricted in specified ways by means of a local restriction. Section 6.6 of the Coastal Access Scheme explains the provisions in detail and our approach to their use.

foreshore is not defined in the 2009 Act or the Order. In the reports and this Overview it is taken to mean the land between mean low water and mean high water.

gate is used in several ways in the reports:

- 'Field gate' means a wide farm gate, for vehicle access.
- 'Kissing gate' means a pedestrian access gate, sometimes suitable for wheelchairs.
- 'Wicket gate' means a narrow field gate, sometimes suitable for wheelchairs, but unsuitable for larger vehicles.

guide fencing is a term the reports may use to describe simple temporary fencing which can be put up and taken down with minimal cost or effort – see figure 18 in chapter 6 of the Coastal Access Scheme.

Habitats Regulations Assessment means an assessment made in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

the legislation is the term the reports use to describe four pieces of legislation which include provisions relevant to the implementation of our proposals: the 2009 Act, the 1949 Act, CROW and the Order. There are separate entries in the glossary which describe each of these in more detail.

a **length** is the term used to describe the part of the stretch covered by each individual report.

local access forum means a local access forum established under section 94 of CROW. Natural England is required to consult the relevant local access forum in the preparation of the reports, and to invite representations from it on its proposals – see chapter 3 of the Coastal Access Scheme for details.

margin (see coastal margin)

national restrictions – see Annex D.

National Trail means a long-distance route approved by the Secretary of State under section 52 of the 1949 Act.

objection means an objection by a person with a relevant interest in affected land (i.e. its owner or occupier) to Natural England about a proposal in a report. An objection must be made on certain specified grounds, in accordance with the provisions in Schedule 1A of the 1949 Act (as inserted by Schedule 19 of the 2009 Act). Stage 3 of the implementation process described in chapter 3 of the Coastal Access Scheme provides an overview of the procedures for considering objections.

ordinary route means the line normally followed by the trail.

the **Order** means the Access to the Countryside (Coastal Margin) (England) Order 2010 (S.I. 2010/558), made under section 3A of CROW. It sets out descriptions of land which are coastal margin and amends Part I of CROW in certain key respects for the purposes of coastal access. See Bibliography for publication details.

public right of way (PRoW) means a public footpath, bridleway, restricted byway or byway open to all traffic. These public rights of way are recorded on the definitive map.

relevant interest means a relevant interest in land, as defined by section 297(4) of the 2009 Act. This is a person who:

- holds an estate in fee simple absolute in possession in the land;
- holds a term of years absolute in the land, or
- is in lawful occupation of the land.

A relevant interest must therefore own or occupy the land in question, rather than simply having some other kind of legal interest over it.

representation means a representation made by any person to Natural England regarding proposals in any of its reports. A representation may be made on any grounds, in accordance with the provisions in Schedule 1A of the 1949 Act (as inserted by Schedule 19 of the 2009 Act). Stage 3 of the implementation process described in chapter 3 of the Coastal Access Scheme provides an overview of the procedures for considering representations.

restrict/restriction – see “exclude/exclusion”.

Roll-back is the term the Scheme uses to describe arrangements made under the provisions of section 55B of the 1949 Act, whereby we may propose to the Secretary of State in a coastal access report that the route of a specified part of the trail which is subject to significant erosion or other coastal processes, or which links to such a section of trail, should be capable of being repositioned later in accordance with the proposals in our relevant report, without further confirmation by the Secretary of State. Section 4.10 of the

Scheme explains in more detail how this works, and part 6(d) of this Overview explains this in the context of the stretch.

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

section 15 land means land with public access rights under:

- section 193 of the Law of Property Act 1925;
- a local or private Act;
- a management scheme made under Part I of the Commons Act 1899; or
- an access agreement or access order made under Part V of the National Parks and Access to the Countryside Act 1949;

or land subject to, or potentially subject to, public access under section 19 of the Ancient Monuments and Archaeological Areas Act 1979.

Where Section 15 land forms part of the coastal margin (which it may do in any of the ways explained in section 4.8 of the Coastal Access Scheme), these rights apply instead of the coastal access rights. Figure 6 in Section 2.4 of the Coastal Access Scheme shows the relationship of Section 15 land to the coastal access regime in more detail.

spreading room is the term we use to describe any land, other than the trail itself, which forms part of the coastal margin and which has public rights of access.

In addition to land with coastal access rights it therefore includes areas of section 15 land. Spreading room may be either seaward or landward of the trail, according to the extent of the margin. Section 4.8 of the Scheme explains in more detail the ways in which land may become spreading room. Spreading room may be subject to directions that restrict or exclude the coastal access rights locally from time to time. However, the Scheme does not use the term to describe land which is subject to a direction which excludes access for the long-term. Land is not described as spreading room in the Scheme if it falls into one of the descriptions of excepted land, although it may become spreading room if it loses its excepted status as a result of a change of use, or if the owner dedicates it as coastal margin. Where highways such as roads or public rights of way cross spreading room, they remain subject to the existing highway rights rather than becoming subject to coastal access rights.

statutory duty means the work an organisation must do by order of an Act of Parliament.

stretch is the whole area covered by our compendium of statutory reports making coastal access proposals to the Secretary of State, each covering one length within the stretch.

temporary route means a diversionary route which operates while access to the trail is excluded by direction. Unlike an alternative route, a temporary route may be specified later by or under the direction without requiring confirmation by the Secretary of State, though land owner consent is needed in some circumstances. Figure 17 in chapter 6 of the Coastal Access Scheme explains the provisions for temporary routes in more detail.

the trail is the term we use to describe the strip of land people walk along when following the route identified for the purposes of the Coastal Access Duty. See part 1.3 of the Coastal Access Scheme. Following approval by the Secretary of State of our proposals, the trail along that stretch becomes part of the National Trail known as the England Coast Path. By default, it is the land within 2 metres on either side of the approved route line, but often it is wider or narrower than this. The trail forms part of the coastal margin.

variation report means a report to the Secretary of State under section 55(1) of the 1949 Act. Natural England may prepare a variation report recommending changes to coastal access proposals that have previously been approved. Figure 10 in chapter 3 of the Coastal Access Scheme explains in more detail the circumstances when a variation report is necessary.

A variation report may also be prepared by Natural England (in the context of our recommendations for the **trail** which we have a duty to secure under section 296 of the 2009 Act) to recommend that the route of another National Trail at the coast is modified.

Annex C: Excepted land categories

The effect of Schedule 1 to the Countryside and Rights of Way Act 2000 is that some categories of land are completely excluded from the coastal access rights, even if they fall within the coastal margin:

- land covered by buildings or the curtilage of such land;
- land used as a park or garden;
- land used for the getting of minerals by surface working including quarrying (except, under certain circumstances, the removal of sand or shingle from an area of foreshore or beach);
- land used for the purposes of a railway (including a light railway) or tramway;
- land covered by pens in use for the temporary detention of livestock;
- land used for the purposes of a racecourse or aerodrome;
- land which is being developed and which will become excepted land under certain other excepted land provisions;
- land covered by works used for the purposes of a statutory undertaking (other than flood defence works or sea defence works) or the curtilage of such land;
- land covered by works used for an electronic communications code network or the curtilage of any such land;
- land the use of which is regulated by byelaws under section 14 of the Military Lands Act 1892 or section 2 of the Military Lands Act 1900;
- land which is, or forms part of, a school playing field or is otherwise occupied by the school and used for the purposes of the school; and
- land which is, or forms part of, a highway (within the meaning of the Highways Act 1980) – see below.

Some other land categories are excepted by default, but we may propose that the trail should cross them on an access strip – in which case the strip itself is not excepted from the coastal access rights. Where land in any of these categories would form part of the coastal margin in proposals, it would therefore be fully excepted from coastal access rights. That includes:

- land on which the soil is being, or has at any time within the previous 12 months been, disturbed by any ploughing or drilling undertaken for the purposes of planting or sowing crops or trees;
- land used for the purposes of a golf course;
- land which is, or forms part of, a regulated caravan or camping site; and
- land which is, or forms part of, a burial ground.

Highways are also excepted from the coastal access rights. This does not prevent the trail from following a public footpath or other highway, and people can continue exercising their rights to use highways that fall within the wider spreading room. Such highways form part of the coastal margin even though the access rights along them are afforded by other legislation.

Land owners may choose, under the legislation, to dedicate excepted land as a permanent part of the coastal margin. These provisions are explained in more detail in Chapter 2 of our Coastal Access Scheme.

Annex D: National restrictions

The coastal access rights which would be newly introduced under our proposals include most types of open-air recreation on foot or by wheelchair including walking, climbing and picnicking.

The scope of these coastal access rights is normally limited by a set of rules that we call in the Coastal Access Scheme the “national restrictions”.

They list some specific activities not included within the coastal access rights – for example camping, horse riding and cycling. The national restrictions on the coastal access rights are set out on the pages that follow.

The national restrictions do not prevent such recreational uses taking place under other rights, or with the landowner’s permission, or by traditional tolerance – for example on an area of foreshore where horse riding is customary. In particular, these national restrictions have no effect on people’s use of public rights of way or Section 15 land (see the entry for ‘section 15 land’ in the Glossary).

The land owner (or in some circumstances a long leaseholder or farm tenant) also has the option to include such recreational uses within the coastal access rights on a particular area of land, or on his holdings generally. He can do this:

- permanently (i.e. on behalf of himself and future owners of the land), by dedicating such rights under section 16 of the Countryside and Rights of Way Act 2000 (CROW); or
- until further notice, by agreeing that we should give a direction under CROW Schedule 2 paragraph 7 to this effect.

We can provide more information about these options on request.

Countryside and Rights of Way Act 2000

SCHEDULE 2 RESTRICTIONS TO BE OBSERVED BY PERSONS EXERCISING RIGHT OF ACCESS (Section 2)

General restrictions

- 1 (1) Subject to sub-paragraph (2), section 2(1) does not entitle a person to be on any land if, in or on that land, he –
- (a) drives or rides any vehicle other than an invalid carriage as defined by section 20(2) of the Chronically Sick and Disabled Persons Act 1970,
 - (b) uses a vessel or sailboard on any non-tidal water,
 - (c) has with him any animal other than a dog,
 - (d) commits any criminal offence,
 - (e) lights or tends a fire or does any act which is likely to cause a fire,
 - (f) intentionally or recklessly takes, kills, injures or disturbs any animal, bird or fish,
 - (g) intentionally or recklessly takes, damages or destroys any eggs or nests,
 - (h) feeds any livestock,
 - (i) bathes in any non-tidal water,
 - (j) engages in any operations of or connected with hunting, shooting, fishing, trapping, snaring, taking or destroying of animals, birds or fish or has with him any engine, instrument or apparatus used for hunting, shooting, fishing, trapping, snaring, taking or destroying animals, birds or fish,
 - (k) uses or has with him any metal detector,
 - (l) intentionally removes, damages or destroys any plant, shrub, tree or root or any part of a plant, shrub, tree or root,
 - (m) obstructs the flow of any drain or watercourse, or opens, shuts or otherwise interferes with any sluice-gate or other apparatus,
 - (n) without reasonable excuse, interferes with any fence, barrier or other device designed to prevent accidents to people or to enclose livestock,
 - (o) neglects to shut any gate or to fasten it where any means of doing so is provided, except where it is reasonable to assume that a gate is intended to be left open,
 - (p) affixes or writes any advertisement, bill, placard or notice,
 - (q) in relation to any lawful activity which persons are engaging in or are about to engage in on that or adjoining land, does anything which is intended by him to have the effect –
 - (i) of intimidating those persons so as to deter them or any of them from engaging in that activity,
 - (ii) of obstructing that activity, or
 - (iii) of disrupting that activity,
 - (r) without reasonable excuse, does anything which (whether or not intended by him to have the effect mentioned in paragraph (q)) disturbs, annoys or obstructs any persons engaged in a lawful activity on the land,
 - (s) engages in any organised games, or in camping, hang-gliding or para-gliding, or
 - (t) engages in any activity which is organised or undertaken (whether by him or another) for any commercial purpose.
- (2) Nothing in sub-paragraph (1)(f) or (j) affects a person's entitlement by virtue of section 2(1) to be on any land which is coastal margin if the person's conduct (to the extent that it falls within sub-paragraph (1)(f) or (j)) is limited to permitted fishing-related conduct.
- (3) In sub-paragraph (2) the reference to permitted fishing-related conduct is a reference to the person –
- (a) having a fishing rod or line, or

(b) engaging in any activities which –

(i) are connected with, or ancillary to, fishing with a rod and line, or with a line only, in the exercise of a right to fish, and

(ii) take place on land other than land used for grazing or other agricultural purposes.

2 (1) In paragraph 1(k), “metal detector” means any device designed or adapted for detecting or locating any metal or mineral in the ground.

(2) For the purposes of paragraph 1(q) and (r), activity on any occasion on the part of a person or persons on land is “lawful” if he or they may engage in the activity on the land on that occasion without committing an offence or trespassing on the land.

3 Regulations may amend paragraphs 1 and 2.

4 (1) During the period beginning with 1st March and ending with 31st July in each year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead.

(2) Sub-paragraph (1) does not apply in relation to land which is coastal margin.

5 Whatever the time of year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead and which is in the vicinity of livestock.

6 In paragraphs 4 and 5, “short lead” means a lead of fixed length and of not more than two metres.

6A (1) Whatever the time of year, section 2(1) does not entitle a person to be on any land which is coastal margin at any time if –

(a) that person has taken onto the land, or allowed to enter or remain on the land, any dog, and

(b) at that time, the dog is not under the effective control of that person or another person.

(2) For this purpose a dog is under the effective control of a person if the following conditions are met.

(3) The first condition is that –

(a) the dog is on a lead, or

(b) the dog is within sight of the person and the person remains aware of the dog's actions and has reason to be confident that the dog will return to the person reliably and promptly on the person's command.

(4) The second condition is that the dog remains –

(a) on access land, or

(b) on other land to which that person has a right of access.

(5) For the purposes of sub-paragraph (4), a dog which is in tidal waters is to be regarded as remaining on access land.

6B (1) Section 2(1) does not entitle a person to be on any land which is coastal margin if, on that land, the person obstructs any person passing, or attempting to pass, on foot along any part of the English coastal route, any official alternative route or any relevant temporary route.

(2) In this paragraph –

“the English coastal route” means the route secured pursuant to the coastal access duty (within the meaning of section 296 of the Marine and Coastal Access Act 2009);

“official alternative route” has the meaning given by section 55J of the National Parks and Access to the Countryside Act 1949;

“relevant temporary route” means a route for the time being having effect by virtue of a direction under section 55I of that Act to the extent that the line of the route passes over coastal margin.

Front cover photo: View towards Leysdown-on-Sea from Warden Cliffs
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Enquiries about the proposals should be addressed to:

South East Coastal Access Delivery Team

Natural England

International House

Dover Place

Ashford

Kent

TN23 1HU

Telephone: 0208 026 8045

Email: southeastcoastalaccess@naturalengland.org.uk

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