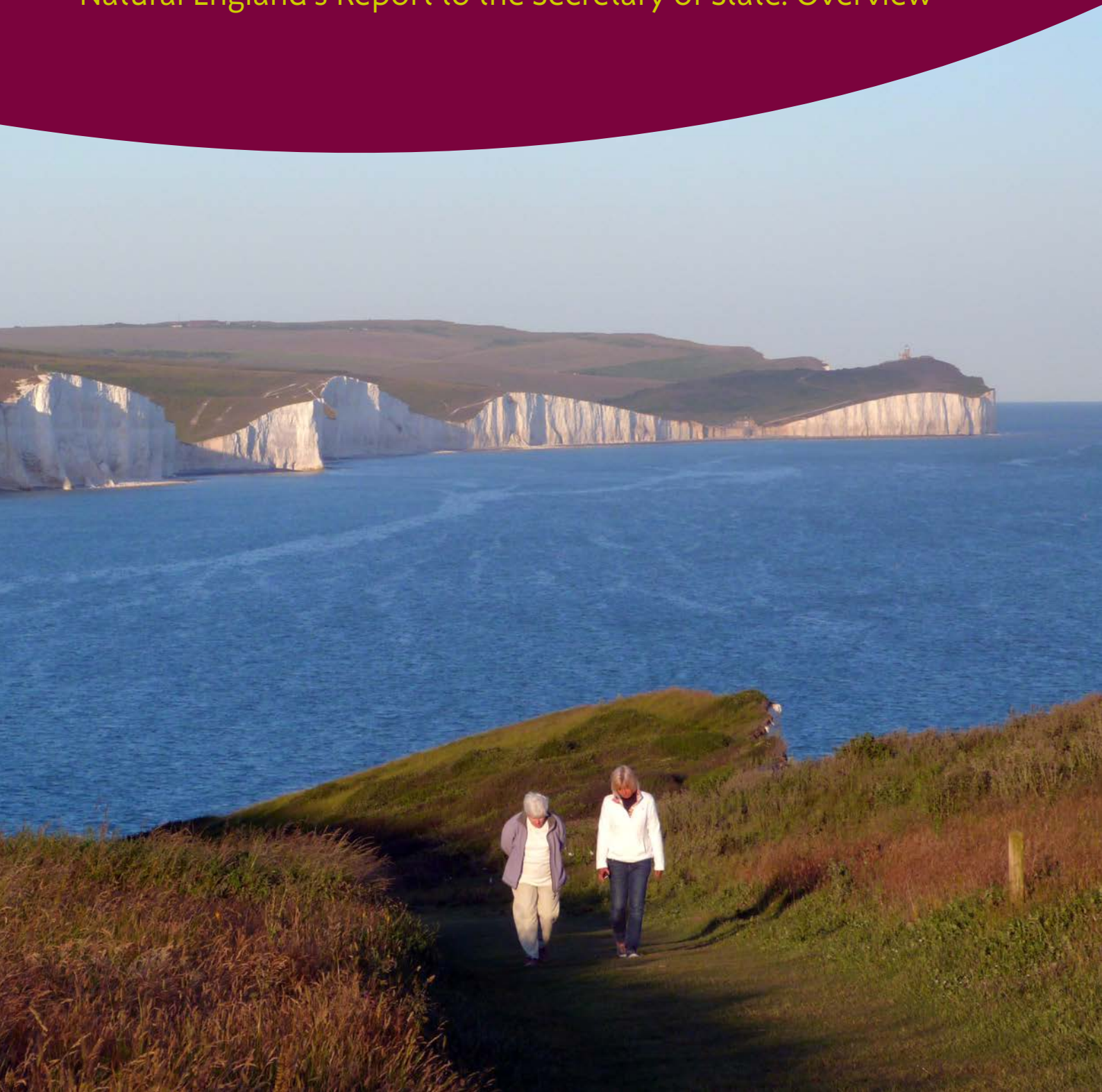


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NATURAL  
ENGLAND

# England Coast Path Shoreham-by-Sea to Eastbourne

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








**Map A: Chapter Overview - Shoreham to Eastbourne**


**Chapter number and title**

- 1** Shoreham Footbridge, Shoreham-by-Sea to Western Esplanade, Portslade-by-Sea (Maps 1a to 1d)
- 2** Western Esplanade, Portslade-by-Sea to Longridge Avenue, Saltdean (Maps 2a to 2h)
- 3** Longridge Avenue, Saltdean to Seaford Esplanade (Maps 3a to 3i)
- 4** Seaford Esplanade to Eastbourne Pier (Maps 4a to 4o)

Extent of proposals 

South Downs National Park 

Extent of proposals in each chapter 

N 

0 2 4 Kilometres

0 1.5 3 Miles

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## Advice on reading the report

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

### Overview

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

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

### Proposals

Chapters 1 to 4 are called the **proposals**. These set out and explain the access provisions we propose for each length of coast to which they relate.

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

### Using Map A (previous page)

Map A shows the whole of the Shoreham-by-Sea to Eastbourne stretch divided into short numbered lengths of coast, from Shoreham-by-Sea at the west end (Chapter 1) to Eastbourne at the east end (Chapter 4).

Each number on Map A corresponds to the number of the chapter in our proposals which relates to that length of coast.

To find our proposals for a particular place, find the place on Map A and note the number of the chapter which includes it. Please read the introduction to that chapter first: it will help you to understand the proposals that follow it. Then read the relevant part of the chapter while viewing the corresponding map as indicated.

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

### Printing

If printing, please note that the maps which accompany chapters 1 to 4 should ideally be printed on A3 paper. If you don't have the facility to print at A3 size, we suggest you print the text of the chapter you are interested in on A4 paper and view the associated map on your computer screen, using the zoom tool to view it at a suitable size.

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# Introduction

## 1. Purpose of the report

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. The duty is in two parts: one relating to securing a long-distance walking route around the whole coast: we call this the England Coast Path; the other relating to a margin of coastal land associated with the route where in appropriate places people will be able to spread out and explore, rest or picnic. Associated with this duty is a discretion given to Natural England to extend the trail up any river estuary on either or both sides beyond the seaward limit of the estuarial waters, 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 reports to the Secretary of State for Environment, Food and Rural Affairs recommending where the route should be and identifying the associated coastal margin. The reports must follow the approach set out in our methodology (the Coastal Access Scheme), which – as the legislation requires – has been approved by the Secretary of State for this purpose.

Each report covers a different stretch of coast. This report sets out Natural England's proposals to the Secretary of State under section 51 of the National Parks and Access to the Countryside Act 1949 for improved access along the coast of West and East Sussex between Shoreham-by-Sea and Eastbourne.

Our proposals would make the following key improvements to the existing arrangements for access to this part of the coast:

- New sections of coastal path would be created in strategic places to link existing coastal paths into a continuous route along this stretch of coast;
- For the first time, 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, 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.

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

## 2. The determination process

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

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

Following publication:

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

**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 Shoreham-by-Sea and Eastbourne which can be viewed here <https://www.gov.uk/government/publications/england-coast-path-from-shoreham-to-eastbourne-comment-on-proposals> together with more information about how to make representations or objections.**

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

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

Once proposals for the Shoreham-by-Sea to Eastbourne stretch have been confirmed, there will be a preparation period before the new access rights come into force. This period is to enable any necessary physical establishment of the trail to be carried out and to put in place any necessary local management arrangements (including any approved local access restrictions or exclusions).

Once the preparation period is complete, the rights will be brought into force on the Shoreham-by-Sea to Eastbourne stretch by order on a date decided by the Secretary of State. We will publicise the commencement of the rights to ensure they are known about and understood locally.

Parts 7 to 9 of the Overview explain more about the arrangements that we envisage will be necessary for the establishment and maintenance of the route and the procedures which we will follow to make any subsequent changes that prove necessary once proposals for the Shoreham-by-Sea to Eastbourne stretch have been approved.

### 3. Understanding the proposals and accompanying maps

Before looking at the proposals and accompanying maps, it will help you if you read the following notes and then look carefully at the key to the maps.

#### Our Proposals:

The proposals are divided into 4 chapters, each relating to a particular length of coast on this stretch. Each chapter is accompanied by detailed maps of the relevant length of coast. The maps are numbered according to the chapters to which they relate. For example, maps 1a to 1d illustrate the proposals described in chapter 1.

Each **chapter** comprises four parts:

- **Part 1** – This introduces our proposals for that length of coast. It sets the context and summarises any proposed use of our discretion in relation to aligning the route along an estuary, or to recommend changes to the default landward coastal margin. It also summarises the main access management measures that will need to be introduced and the overall accessibility (ease of use for all) of this length of coast, for all users. Additionally, it may identify any future changes of which we are aware that are likely to impact on this part of the coast, and explain how our proposals deal with this change.
- **Part 2** – This contains tables which form the detailed commentary to our formal proposals to the Secretary of State. The tables provide key details about the route sections along that particular length of coast, and should be read in conjunction with the relevant maps as identified:
  - In the first table or set of tables, we set out detailed information for each section of coast under the following column headings:
    - **Map(s)** – This column indicates which of the report maps to view alongside the details in the other columns in the same row.
    - **Route section number(s)** – This is the unique identification number for the route section concerned. In some cases, two or more adjacent route sections will be amalgamated into a single row in the table, if all other displayed details happen to be identical.
    - **Current status of this section** – This describes the current status of the route we have proposed and whether it has any existing access rights. Public highways, including public rights of way such as footpaths, are excepted from new coastal access rights because the existing public rights to use such highways will remain in force, and the trail is able to make use of these.

- **Other sections of the proposed trail** that do not currently have any access rights or where access is currently permitted by the landowner will become subject to new coastal access rights if our proposals are approved. These new rights, and any national or local restrictions on them, will not affect any existing access arrangements for cyclists, horse-riders or other types of recreational user that may currently exist at the local level - for example by formal agreement with, informal permission from or traditional toleration by the owner of the land, or through any type of pre-existing legal right that remains in force.
  
- **Current surface of this section** – This is a description of the existing surface of the proposed section of the trail.
  
- **Roll-back proposed?** – This indicates whether we propose that, in the event of significant coastal erosion or other geomorphological processes or significant encroachment by the sea, a section of trail which is affected by such factors should be capable of being repositioned in accordance with formal proposals in this report, without needing further confirmation of the change by the Secretary of State. 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.
  
- **Default landward coastal margin?** – 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.
  
- **Landward boundary of the margin** – This describes any proposals for the default landward boundary of the coastal margin on this section to be altered or clarified - see iv below in the Notes on Maps. In addition, in the Alternative Routes and Optional Alternative Route Table there are 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.



- **Reason for proposed landward boundary discretion** – This provides an explanation for any such proposal to alter or clarify the default margin on this section. This may be either because we are proposing a clear boundary around land that in our view would be margin by default, because it matches the description of ‘coastal land’ explained at paragraphs 4.8.8 of the Scheme; or because we propose using our discretion to add land to or remove it from the default margin, as described at paragraphs 4.8.11 of the Scheme.
- **Proposed exclusions or restrictions** – This indicates whether, at the time the proposals were prepared, we had identified any requirement for exclusions or restrictions that might affect either the section of trail itself or the adjacent margin. Any such exclusion or restriction identified might either come into force immediately following commencement or at some future date. It will sometimes be necessary to introduce new exclusions or restrictions in the future, even if not identified at the time of preparing our proposals. See Part 9 of this document and Part 2.4 of the approved Coastal Access Scheme for more information.
- In the second table or set of tables for each chapter, we set out any other options that were considered during our initial planning (in relation to the route and the coastal margin), and explain why they did not form part of our proposals.
- The third table or set of tables for each chapter 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.

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

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

The route section number or numbers (as shown on the accompanying maps).	This column shows whether this route section could be repositioned in future in response to erosion etc without further approval by Secretary of State. See notes to table. More complex situations are explained in the separate table below.	We indicate where the landward coastal margin includes a default coastal land type	If we have proposed any change or clarification to the landward extent of the margin, this column says why.	This column indicates if we have proposed any restriction or exclusion over trail or margin.
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**2.2.1 Section Details – Maps 2a to 2h: Western Esplanade, Portslade to Longridge Avenue, Saltdean**

1	2	3	4	5	6a	6b	6c	7
Map(s)	Route section number(s)	Current status of this section	Current surface of this section	Roll-back proposed? (See Part 8 of Overview)	Default coastal land type?	Landward boundary of margin (See maps)	Reason for landward boundary discretion	Proposed exclusions or restrictions (See Part 9 of Overview)
2a	SEB-2-S001 and SEB-2-S002	Public footpath	Tarmac	No	No	Pavement edge	Clarity and cohesion	None
2a	SEB-2-S003	Public footpath	Tarmac	No	No	Landward edge of trail (2m)	Not used	None
2a	SEB-2-S004	Public Footway (pavement)	Tarmac	No	No	Various	Additional landward area	None

The relevant map(s) for the route section(s).	This column specifies the current access status of the proposed trail section.	This column specifies existing surface type of the proposed trail section.	This column indicates where the landward boundary of the coastal margin would be, adjacent to each route section. This might be by default, because it meets the description of 'coastal land types' in the Scheme, or because we propose to exercise our discretion to extend or reduce the margin.
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**3.2.3 Other options considered: Maps 3a to 3i: Longridge Avenue, Saltdean to Seaford Esplanade**

Map(s)	Section number(s)	Option(s) considered	Reasons for not proposing this option
3f and 3g	SEB-3-S071 to SEB-3-S084	On the east side of Newhaven, we considered aligning the further trail inland of the coast along existing public footpaths, landward of Mill Creek, to provide a quieter, more rural setting.	We opted for the proposed route because: <ul style="list-style-type: none"> <li>■ it is closer to the coast and provides a more direct route back to the sea</li> <li>■ it has better views of the sea</li> <li>■ it reduces the amount of coastal margin</li> <li>■ we concluded that overall the proposed route struck the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme</li> </ul>

The relevant map(s) for the route section(s).	The trail section number(s) (as shown on the accompanying maps).	This column describes other options we considered for the route or margin for the identified route section(s).	This column summarises the reason(s) that the other options we considered were not preferred.
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### 3.2.4 Roll-back implementation – more complex situations: Maps 3a to 3i: Longridge Avenue, Saltdean to Seaford Esplanade

Map(s)	Section number(s)	Feature or site potentially affected	How we will manage roll-back in relation to this feature or site
3a	SEB-3-S004 to SEB-3-S006	Southern Water Portobello works, landward of the clifftop grassland	If it is no longer possible to find a viable route seaward of the specified Southern Water works we will choose a new route after detailed discussions with all relevant interests, either (a) to pass through the site, or (b) if this is not practicable, to pass somewhere on the landward side of it. 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.

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

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

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.

## Notes on Maps:

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

### *The proposed route of the trail:*

- i The thickness of the line used to depict the proposed route on the maps is intended to make it easy to find on the map and to enable us to differentiate, by shading the line differently, between sections of the route that would use existing rights of way, sections that appear to follow other existing walked lines on the ground, and sections that do neither. The thickness of the line on the map is not an indication of the width of the actual trail on the ground – the proposed route simply follows the centre of the line shown. The legislation makes the default width of the trail four metres, but its actual width varies a good deal in practice according to the detail included section by section in our proposals.
- ii In places there are differences between the line of public rights of way recorded on the local Definitive Map 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 to either side of it. Under the legislation:
  - the coastal margin is a single, continuous corridor of land which includes the trail itself;
  - the margin also includes all land seaward of the trail land - although not all of that land would be subject to a new right of access (see point vi below);
  - the landward extent of this margin is by default the trail itself, or the inland edge of any land adjoining the trail on its landward side that is foreshore, cliff, dune or beach, or a bank, barrier or flat, or section 15 land (see Annex B: Glossary of terms).
- iv We have the discretion to propose that the landward boundary of the coastal margin should coincide with a recognisable physical feature on the ground – even if the effect of doing so is to add land into the margin, or to remove land from it. We may use this discretion:
  - to propose that instead of the default trail width of four metres set by the legislation, particular physical features such as walls, fences or pavement edges should be used

where appropriate to define the landward extent of the trail land on that section of the route: such features cannot be depicted on the maps at the scale used, but they are described in the formal proposals which accompany each map;

- to clarify or adjust the boundaries of a landward area included by default as margin, in order to create a better 'fit' with the circumstances on the ground; or
- to propose in some places that additional areas of land should be added to the coastal margin landward of the trail: land which is affected by such proposals is indicated on the maps with a purple wash and described in the formal proposals which accompany each map.

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

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

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

### *Voluntary access dedication*

- vii Land that was previously dedicated as access land under section 16 of the Countryside and Rights of Way Act 2000 (CROW) will become subject to the coastal access regime if it forms part of the coastal margin in any of the ways described above. There is also provision in the legislation for a land owner or long leaseholder to dedicate other land voluntarily as coastal margin if it lies adjacent to it or within it. Dedicating land as coastal margin disappplies the excepted land provisions within it, and may also make provision for the removal or relaxation of specific national restrictions that would otherwise apply. Section 4.8 of the Coastal Access Scheme explains these provisions in more detail.



## 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 report, we conducted extensive preliminary work in two main stages:

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

### Stage 1 - Prepare

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

- the local access fora;
- County and District Council officers, including ecology, geology, historic environment, planning, transport and countryside ranger staff;
- officers of the South Downs National Park Authority;
- local officers from the Environment Agency, in relation to flood defence and coastal erosion management on this stretch of coast;
- local officers of Historic England, in relation to historic features on this stretch of coast; and

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

- The Ramblers Association;
- The National Trust;

- the Coastguard;
- Royal Society for the Protection of Birds;
- Sussex Wildlife Trust;
- Shoreham Harbour Regeneration Project;
- Royal National Lifeboat Institution;
- the Open Spaces Society;
- the British Mountaineering Council;
- the National Farmers Union;
- the Country Land and Business Association.

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

We also engaged with relevant specialists, both within Natural England and from other organisations, to consider any potential for impacts on key sensitive features. See part 6 below for more information.

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

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

## **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 or ‘drop-ins’ to discuss our proposals with groups of people with a common legal interest, for example where homes or businesses occupy adjacent coastal

frontages, e.g. Peacehaven (chapter 3 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 9 – Future Change – 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 this report.

## Key issues along this stretch

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

The proposed Shoreham-by-Sea to Eastbourne stretch includes part of the Adur estuary (the north bank) and the estuaries of the rivers Ouse and Cuckmere.

Our proposals along the River Adur rely on the use of the Shoreham Footbridge, which is part of the East Head to Shoreham stretch proposals on the south side of the estuary including the footbridge, currently under consideration by the Secretary of State.

#### a) Introduction

This part of the Overview:

- introduces the core statutory duties and considerations for the national programme as a whole in relation to exercising the discretion to include part, or all, of an estuary within our proposals;
- describes the overall nature of the estuary system(s) found in this part of England, identifying the geographical limits of our discretion to align the trail around part of the Adur estuary and the Ouse and Cuckmere estuaries included within this stretch of coast;
- goes on to explain in more detail how each of the specific estuary considerations set out at section 301 of the 2009 Act affects our view of the options for the part of the Adur estuary and the Ouse and Cuckmere estuaries;
- sets out the options for estuary trail alignment which we have identified as a result of this analysis, and;
- describes and explains our chosen proposal.

#### b) Estuary discretion

Under the 2009 Act there is no requirement for the trail to extend up any estuary further than the seaward limit of the estuarial waters (see 'geographical limits of our discretion' below).

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

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

Section 296 of the 2009 Act places a legal duty (the Coastal Access Duty) on Natural England and the Secretary of State to secure a walking route around the whole of the

open coast of England, together with an associated margin of land for the public to enjoy either in conjunction with their use of the route, or otherwise.

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

The Scheme notes at paragraph 10.1.4 that because the seaward limit of estuarial waters is an arbitrary point from an access perspective, we are likely to use our discretion at most estuaries to extend the trail upstream to a more convenient point than this seaward limit. Paragraph 10.1.5 then adds “We will always give careful consideration to our option to extend the trail as far as the first bridge or tunnel with pedestrian public access” – both for reasons of continuity, and with a view to any additional recreational benefits that might result within the estuary itself from doing so.

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

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

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

The River Adur, Ouse and Cuckmere are narrow rivers flowing into the English Channel at Shoreham-by-Sea, Newhaven and Cuckmere Haven respectively and are tidal for many miles inland. Their headwaters start in the High Weald of Sussex and the rivers cut through the South Downs and flow south through wide valleys before reaching the sea.

#### **e) Adur estuary**

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

The seaward limit of the transitional waters of the River Adur are as shown on Map A2 and extend between the breakwaters at the mouth of Shoreham Harbour. The first public foot crossing is Shoreham Footbridge between Shoreham Beach and Shoreham High Street. Together with proposals made in the East Head to Shoreham report, this will create a continuous route around the relatively short Adur estuary.



# Map A2: Estuarial Waters of the River Adur

- Proposed route
- Proposed route (East Head to Shoreham)
- Seaward limit of the estuarial waters of the River Adur
- Estuarial water of the River Adur



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

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

### *i) Ferry services*

There is no ferry service on the River Adur at Shoreham-by-Sea.

### *ii) Character of the Estuary*

#### ■ Estuary width

The width of the River Adur at the footbridge is around 180m, with the river narrowing slightly downstream before it widens again at the estuary mouth, near to the Shoreham Harbour lock gates. Broad mud flats are evident at low tide along the length of the lower estuary giving the river a very coastal character. Where the mouth of the river widens there are also shingle beaches.

#### ■ Topography of the shoreline

The shoreline of the River Adur estuary downstream of the first crossing is generally low lying and estuarine in character, with sand and mudflats backing onto sea defences. There are areas of saltmarsh and shingle beaches to the east and west of its mouth.

#### ■ Nature of affected land

The proposal for the northern side of the Adur estuary extends the trail upstream around the head of the eastern arm of the Adur, at the Shoreham Harbour lock gates, and runs parallel to the western arm of the river, on inland roads, towards Shoreham Footbridge.

Shoreham Beach, which lies on the south side of the river is predominantly urban and defended, mainly comprising sea walls and promenades. On the northern side of the river, Shoreham-by-Sea has more marine, industrial and port activities occupying space by the riverside, with some of this industrial land currently changing to a more residential nature with planned waterfront promenades. The eastern arm of river at Shoreham Harbour has a combination of recreational shingle beach and port use.

#### ■ Features of interest

The town of Shoreham-by-Sea, on the north side of the estuary, is of considerable interest historically. The Shoreham Footbridge across the river offers unique views of the river, saltmarsh and its associated wildlife as well as of the maritime use of the area – with unique houseboats alongside traditional boat yards. There are also interesting historical sites along the lower reach of the river, including the Old Fort close to the harbour entrance on the south side of the river, and a leisure beach

and historical lighthouse on the northern bank of Shoreham Harbour. Shoreham Port offers close up views of large commercial ships as they pass through the lock gates at the head of the eastern arm of the river. Around the harbour are various leisure facilities and the harbour is a popular recreational location for water sports.

### *iii) Recreational benefit*

Shoreham-by-Sea has good rail and bus connections along the coast, as well as a diverse range of local services and historical and cultural attractions, both in the town and nearby. This historic, fishing town offers a different experience from the larger conurbations along this part of the proposed route and provides a welcome stopping place along the trail.

There are ongoing plans to open up a waterfront promenade along the northern banks of the western arm of the river, as part of a strategy for the re-development of Shoreham Harbour. The provisions for this walkway/cycleway are a condition of planning development and will take place over a number of years. The proposals for this stretch of coast envisage the trail moving from the coast road onto these riverside walkways, when they are available – which will significantly improve the walking experience and the enjoyment of the estuary. As these do not form part of our current proposals, Natural England will review its trail alignment and if appropriate, prepare a separate variation report to the Secretary of State to align the trail to the new walkways.

A trail could also link with the promoted Downs Link cycle/footpath that starts in Shoreham-by-Sea and leads up the River Adur towards the South Downs Way, providing opportunities for circular walks using the existing network.

In places there are existing restrictions for shoreline access to consider including industrial, port and marina use due to public safety and security.

### *iv) Excepted land*

A significant part of the northern side of the river is likely to be excepted land, consisting of accommodation, shops, yacht clubs, marinas, port and industrial areas. Some of this riverside area is currently being re-developed and a longer term scheme provides for a waterfront walkway/cycleway as a condition of planning development. Currently, there are good views along the river from the lock gates, the amenity beach and by the Lifeboat station on the north side of the river, as well as from the Shoreham Footbridge and along the promenades of the south side of the river. The coast road and route through the pedestrian centre of Shoreham-by-Sea provides a clear route around this excepted land until the riverside promenade becomes available.

### *v) Options for Adur estuary*

**Option 1** – Use our discretion to extend the trail upstream around the northern banks of Shoreham Harbour, using the lock gates at the harbour entrance and extending to the first pedestrian crossing at Shoreham Footbridge.

**Option 2** – Do not extend the trail up the Adur estuary but stop at the mouth of the harbour near the eastern breakwater of Shoreham Harbour and by the Old Fort near the western breakwater. This would leave a significant gap in the England Coast Path network.

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

Our proposal is to use Option 1 and to align the trail upstream around the northern banks of Shoreham Harbour, using the lock gates and extending to the first pedestrian crossing of the River Adur at Shoreham Footbridge. Together with proposals made in the East Head to Shoreham report this will create a continuous route around the relatively short Adur estuary, and guides walkers to a location with good transport links and an opportunity to enjoy a town rich in wildlife and maritime history – all in a simple and cost effective way.

## **f) Ouse estuary**

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

The seaward limit of the transitional waters of the River Ouse are as shown on Map A3 and extend from the West Pier at the mouth of Newhaven Harbour around to the East Pier at its eastern extent. The first bridge with pedestrian access is Newhaven Swing Bridge.

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

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

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

There is no ferry service on the River Ouse at Newhaven.

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

##### **■ Estuary width**

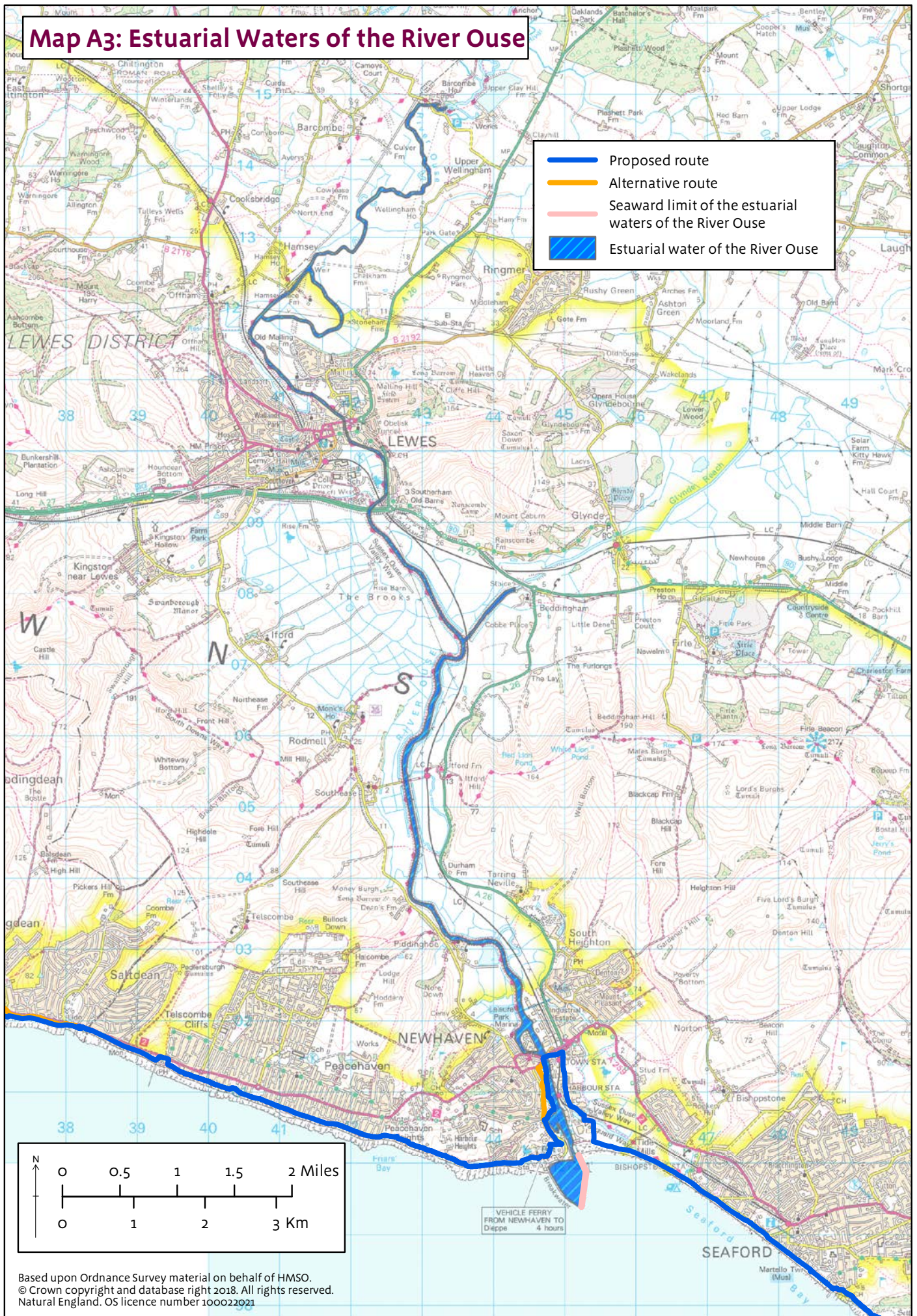
The width of the River Ouse estuary is 60 metres at its narrowest, by the Newhaven Swing Bridge, where the view downstream takes in the cross channel ferry terminal and the open sea beyond. The river widens gently downstream towards the mouth of the estuary, with its long breakwaters and sandflats. The widest section of the river is some 280 metres across, near Newhaven Marina.

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

The River Ouse cuts through the South Downs at Newhaven. The chalk cliffs to the west of the river mouth are topped by Newhaven Fort, which overlooks the harbour and the low lying coast to the east. The shoreline of the River Ouse through



# Map A3: Estuarial Waters of the River Ouse



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Newhaven is low lying with narrow mudflats backing onto sea defences and quays, and the estuary widens at the mouth to include breakwaters and coastal sandflats. These features give the estuary a coastal character. This character is accentuated by the busy quaysides with their fishing boats, yachts and the channel ferries.

The stretch of river downstream of the bridge is relatively straight, making the line of the proposed trail easy to follow.

#### ■ Nature of affected land

Newhaven Harbour is predominantly urban and defended, mainly comprising sea walls, quays and promenades with some light industry, a fishing fleet and a marina. On the eastern side of the Harbour, the Newhaven ferry terminal occupies the river frontage.

The estuary is fringed by mudflats at low tide, which are proposed for a long-term access exclusion.

#### ■ Features of interest

There are several nature reserves around the River Ouse estuary where visitors are welcome, such as Castle Hill Local Nature Reserve and Ouse Estuary Nature Reserve, which are of considerable wildlife interest. There are also interesting historical sites including the 19th century Newhaven Fort close to the western harbour entrance. Around the Harbour the quayside promenades offer great views of the fishing and leisure boats in the area and the large ferries that dock here. There are also various visitor facilities, including for water sports.

### *iii) Recreational Benefit*

The western side of the harbour has the Fort, Castle Hill Local Nature Reserve, a marina and pedestrian access adjacent to the water. On the east side of the Harbour there is limited public access to the waterfront due to the ferry terminal, light industry and the railway.

Newhaven offers public transport opportunities along the coast and up the River Ouse towards the South Downs Way National Trail and the county town of Lewes. The Newhaven ferry terminal brings visitors from Dieppe and elsewhere and is located on the proposed route – and the proposals would make it possible for visitors to step off the boat here and easily link with the England Coast Path network.

There are several existing promoted walking routes at Newhaven including the Vanguard Way, the Sussex Ouse Valley Way and the Seahaven Trail.

### *iv) Excepted land*

There are areas along the western side of the Harbour which are likely to include excepted

land, such as residential properties, boatyards, the marina and commercial areas – however they do not prevent a coastal route along this side of the river, with good views of the estuary, fishing fleet, quays and the ferry port. The eastern side of Newhaven Harbour is likely to be predominantly made up of excepted land, consisting of the ferry terminal, railway, port, industrial areas and properties. It is still possible to continue the trail inland of these industrial areas, following road pavements and existing paths.

#### *v) Options for Ouse estuary*

**Option 1** – use our discretion to extend the trail upstream, on already accessible routes around Newhaven Harbour, using the first pedestrian crossing of the River Ouse at Newhaven Swing Bridge.

**Option 2** – stop level with the mouth of the harbour on the clifftops near the Newhaven Fort and resume the England Coast Path at the East Pier in the east. This would prevent a continuous National Trail along the coast for walkers and would not bring the recreational benefit of promoting a well-managed and maintained route.

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

Our proposal is to use Option 1 and to align the trail around Newhaven Harbour, using Newhaven Swing Bridge to cross the River Ouse - to create a continuous route around the coast – in a simple and cost effective way.

This formalises current access into a clear and defined coast path, allowing walkers to enjoy the cultural and transport options of Newhaven town as well as enjoying the waterside promenades of the west bank of the river. This route would also provide new access from a major ferry terminal onto the England Coast Path.

#### ***g) Cuckmere estuary***

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

The seaward limit of the transitional waters of the River Cuckmere are as shown on Map A4 and extend between the Coastguard Cottages on the western side of the mouth of the River Cuckmere and Cliff End at its eastern extent.




The first bridge with pedestrian access is at Exceat Bridge, on the A259 coast road.

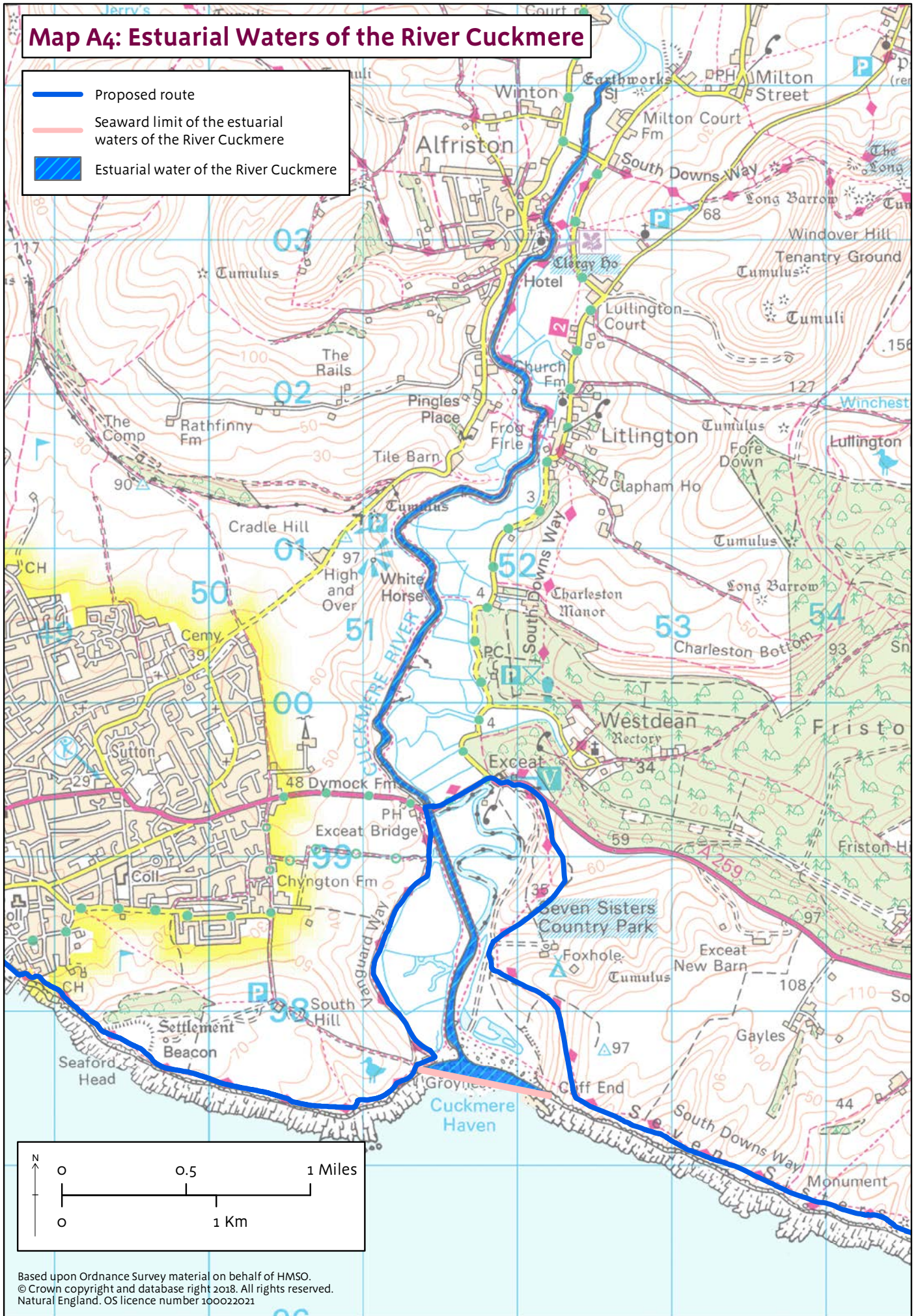
##### ***The statutory estuary criteria***

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



# Map A4: Estuarial Waters of the River Cuckmere

-  Proposed route
-  Seaward limit of the estuarial waters of the River Cuckmere
-  Estuarial water of the River Cuckmere



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### *i) Ferry services*

There is no ferry service on the River Cuckmere.

### *ii) Character of the Estuary*

#### ■ Estuary width

The width of the River Cuckmere is narrow, around 12 metres, along most of its length, widening abruptly at its mouth as it enters the sea at Cuckmere Haven.

#### ■ Topography of the shoreline

The river sits in a wide valley, cut through the South Downs, well known for its attractive meanders, which are now cut off from the main river. There are extensive areas of coastal and floodplain grazing marsh on each side of the river and there are mobile shingle beaches at its mouth. The valley is open to the coast and the views of the sea and coastal grazing marshes give the estuary a coastal character. The shoreline of the River Cuckmere is low lying and the river is canalised, with mudflats at low tide backing onto raised earthen defensive banks.

#### ■ Nature of affected land

The land is rural and contains coastal and floodplain grazing marsh. Though the River Cuckmere is canalised seaward of the Exceat Bridge, the original meanders still exist and now contain saline lagoons. There is significant public access on both sides of the river at Cuckmere Haven as people visit the shingle beaches at the mouth of the estuary and access the adjacent cliff top walks. The area is periodically grazed by stock, predominantly by sheep. These features all contribute to a coastal character for the estuary.

#### ■ Features of interest

This is a high profile visitor location and is a 'honeypot' site for visitors for walking, dog walking, bird watching, photography, visiting the beach and for viewing the iconic meanders and the Seven Sisters chalk cliffs. The Seven Sisters Country Park centre, café and car park, just off the coast road here, provides an easy access point to the coast and to the cliff top walks of Seven Sisters and Seaford Head, where the South Downs meet the sea. There is also the Cuckmere Inn public house close to the Exceat bridge for refreshments. Much of the land on the west side of the estuary is owned by the National Trust and Seaford Head Local Nature Reserve is managed by the Sussex Wildlife Trust. On the eastern side of the estuary is the Seven Sisters Country Park, where the trail follows the existing South Downs Way through open access land and this is a particularly popular site for visitors. There are other long distance walking trails passing through Cuckmere Haven, including the Vanguard Way and the Seahaven Trail.

### *iii) Recreational Benefit*

Cuckmere Haven and the Seven Sisters Country Park Visitor Centre are already a 'honeypot' destination for visitors, as outlined above. As a promoted route the England Coast Path could provide a continuous, well waymarked route around the estuary, using existing long distance trails on established Public Rights of Way. The views of the estuary are exceptional around Cuckmere Haven and the Seven Sisters Country Park offers an educational facility and café stop for walkers. There are good bus links along the coast from the Country Park Visitor Centre, as well as a variety of walking routes available, including the South Downs Way which heads inland at this point, and the Vanguard Way which heads north towards London.

The nature of this estuary may change in the future as a result of coastal change, which could affect the suitability of some of the current paths. The provision of rollback on the proposed trail would accommodate any coastal changes and benefit walkers by ensuring a continuous path would be available at this extremely popular site.

### *iv) Excepted land*

There is only a very limited area of excepted land within the Cuckmere Haven, which includes some residential, clifftop properties and a few other isolated buildings. These would not affect our ability to align the trail close to the estuary.

### *v) Options for Ouse estuary*

**Option 1** – use our discretion to extend the trail a short distance upstream around Cuckmere Haven using the first pedestrian crossing at Exceat Bridge. This formalises some of the current access and is in keeping with the approach being considered elsewhere in this report.

**Option 2** – stop at the mouth of the River Cuckmere near the Coastguard Cottages at the western edge of the estuarial waters and by Cliff End on the east. This would prevent the establishment of a continuous national trail along the coast for walkers.

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

Our proposal is to use Option 1 and to align the trail upstream to Exceat Bridge, where walkers may cross the River Cuckmere to create a continuous route around the coast – in a simple and cost effective way. This formalises current access into a clear and defined coast path, allowing walkers to enjoy Cuckmere Haven, its views and wildlife and provide an opportunity to stop and explore established inland routes and circular walks. It will also allow the trail to respond to any future coastal changes to the estuary using the 'roll back' provision ensuring a clear and well promoted walking route through this popular and iconic estuary landscape in perpetuity.

## 6. Other considerations

### a) Recreational Issues

The proposed route for the England Coast Path uses a relatively good linear coastal path network between Shoreham-by-Sea and Eastbourne that is largely made up of public rights of way or other existing walked routes. In general these paths are close to the sea with views of the coast. Map B gives an overview of existing public access showing public rights of way and access land as well as the South Downs Way National Trail which runs along the Sussex Heritage Coast between Exceat at Cuckmere Haven and Eastbourne. There are also several other promoted routes along this stretch of coast, including the Seahaven Trail between Saltdean and Exceat and part of the Vanguard Way between Exceat and Newhaven.

This section of coast is a mix of coastal towns and more rural landscapes, created by the South Downs meeting the sea. In most of the urban areas along the coast, including Brighton and Hove, Seaford and Eastbourne, there are well maintained and popular promenades alongside the sea and estuaries, including a promoted walk and cycleway along the base of the chalk cliffs between Brighton and Saltdean. Most of these paths are public rights of way, alongside some established use of quayside walkways, such as along the western shore of Newhaven Harbour.

In the port towns of Shoreham-by-Sea and Newhaven, the rights of way are partly set inland preventing access to the waterfront where port and ferry activities, as well as other commercial operations, are located. These inland roads have pavements to walk along but minimal views of the harbours. At Shoreham-by-Sea, the inland road is busy with traffic and while the proposed route for the trail utilises this road, it also diverts inland through Shoreham-by-Sea's main pedestrian area to provide a quieter route. In time, the Shoreham harbour-side area is planned to change, with new waterfront walkways providing riverside views as part of a major re-development strategy. This may provide a new location for the trail in future, as outlined in Chapter 1, Future changes. When complete, Natural England will review its trail alignment and if appropriate, prepare a separate variation report to the Secretary of State to align the trail to the new walkways.

Between Saltdean and Newhaven there are several residential areas along the top of the chalk cliffs, with housing often coming close to the cliff edge. There is still adequate room between the properties and the cliff edge for a popular walking route taking in the stunning views and visiting sites such as the Meridian monument at Peacehaven. These cliffs are mostly defended from erosion, however 'rollback' would secure a continuous route if any pinch-points along this length ever became unsuitable for walkers.

The existing cliff top paths between Newhaven and Eastbourne take in the famous Beachy Head and the Sussex Heritage Coast. This area has a number of promoted trails, including the South Downs Way National Trail and the Vanguard Way regional long distance trail. Again, cliff erosion takes place to varying degrees along this length, and the landscape in the chalk valleys such as at Cuckmere estuary may also change in time.



The inclusion of 'rollback' on the England Coast Path will secure the continuity of these trails into the future as the coastline moves.

Within the Sussex Heritage Coast, at Birling Gap, the South Downs Way crosses a car park, and our proposals seek to improve this route by taking it to the cliff edge steps. The South Downs Way is also inland from coast in some locations and these proposals use the popular paths closer to the sea. If the Secretary of State approves our proposed route for the England Coast Path along this length of coast, we propose to modify the approved route of the existing National Trail to coincide with the England Coast Path in places where the two diverge. This is achieved by means of a separate variation report to the Secretary of State.

In addition there are extensive areas of land along the coast with existing open access rights, particularly to the east of the stretch. This includes much of the Sussex Heritage Coast between Seaford Head and Eastbourne as well as land at Telscombe Cliffs, near Peacehaven (see Map B). The spreading room described in the later chapters of the report would include some of these areas, but there would also be spreading room over suitable additional land where there are currently no secure public rights of access - for example between Saltdean and Telscombe Cliffs and Peacehaven Heights to Newhaven Fort. The majority of this spreading room is owned by local authorities or the National Trust. It includes land on the seaward side of the trail, which would become accessible by default under the legislation, and extensive areas on the landward side, where we are minded to use our discretion to propose additional spreading room, with the support of the affected land owners.

Stakeholders raised a number of opportunities for the stretch. These included concern over the quality of the walking experience at Shoreham-by-Sea, where the trail is proposed inland on a busy road. In this instance, a re-development strategy for the area will provide a waterfront option for the trail in the coming years. See Future Changes, in Chapter 1 of the proposals.

West of Portslade-by-Sea, the shingle beach is backed by a private access road to Shoreham Harbour, well used by commercial vehicles servicing the port and other industry. The road has a pavement but poor sea views, as high coastal defence structures obscure the sea. Stakeholders have raised the opportunity to provide a beach top walkway here to provide an off-road route, with coastal views. This level of structural improvement is outside the scope of the England Coast Path Programme, however our proposals do include new access on a raised bank at the eastern end of this road (Basin Road South) which provide good views along the coast. In addition, Shoreham Harbour regeneration plans include the aim of upgrading the sea defences in places along Basin Road South, including a pedestrian and cycle route seaward of the road. This could provide the opportunity for an off-road path with improved views of the sea. See chapter 1, Future changes.

In Peacehaven, concerns were raised over the quality and safety of the un-adopted roads along the cliff edge. We investigated the issue with the landowner of the roads, Lewes District Council and East Sussex County Council, the Highways Authority – who consider the levels of vehicular traffic and the surface condition do not pose significant safety

concerns for the England Coast Path. Additional directional signage in the area will highlight the presence of the National Trail, helping to raise awareness that walkers also use the unsurfaced roads and verges in this area.

A number of stakeholders have raised the opportunity for better information about the unique landscape and wildlife found along the proposed route of the England Coast Path. Particular areas highlighted to us have been the UNESCO World Biosphere of Brighton and Lewes and new Marine Conservation Zones – particularly where they are adjacent to the undercliff walks between Brighton and Saltdean (chapter 2, maps 2e to 2h) and the presence of kittiwake birds that nest at Seaford Head cliffs (chapter 4, map 4a). We have discussed these opportunities with partner organisations and propose to work with them on developing information signs on the undercliff walk at Brighton Marina and Saltdean, if ongoing funding sources are not forthcoming, and to develop signage about the kittiwakes at Seaford Head.

The quality of one of the paths on the west side of Cuckmere Haven (chapter 4, map 4c) was raised due to occasional waterlogging. Minor surface improvements will be made to this path as part of the establishment work.

Stakeholders also flagged the difficulties for walkers associated with the River Cuckmere bridge, near Exceat. Here, walkers need to cross the coast road at either end of the bridge to access the pedestrian walkway across the river. Traffic is often busy here, queuing for the one-way road bridge. We discussed these concerns with East Sussex County Council (ESCC) and whether any other options were available to reduce the number of road crossings here. We concluded that there were currently no real alternatives and it was suitable for the trail to follow the well-established crossing points. However, ESCC has suggested a new two lane road bridge will be built and if so, a pedestrian walkway on the seaward side of the road would provide an ideal route in the future for the England Coast Path. See chapter 4, Future changes.

## **b) Protection of sensitive nature conservation features**

There are a number of protected sites along this stretch of coast, including SSSI and MCZ designations (Table 1) - see Map C: Key statutory environmental designations on the Shoreham-by-Sea to Eastbourne stretch. In our appraisal we have considered whether changes in recreation as a result of our proposals might have an impact on any of the features associated with these designated sites, or other protected species that occur along this section of coast. The main features of interest for this stretch of coast are summarised in Table 2 below.

Natural England's approach to ensuring the protection of sensitive nature conservation features under the Coastal Access Programme is set out in section 4.9 Coastal Access: Natural England's Approved Scheme 2013. We call our internal processes to support this approach 'Access and Sensitive Features Appraisal' (ASFA) and this document is a record of our conclusions. The appraisal includes our Habitats Regulations Assessment wherever relevant to the site in question.

Our final published proposal for a stretch of England Coast Path is preceded by detailed local consideration of options for route alignment, the extent of the coastal margin and any requirement for restrictions, exclusions or seasonal alternative routes. The proposals are thoroughly considered before being finalised and initial ideas may be modified or rejected during the iterative design process, drawing on the range of relevant expertise available within Natural England.

Evidence is also gathered as appropriate from a range of other sources which can include information and data held locally by external partners or from the experience of local land owners, environmental consultants and occupiers. The approach includes looking at any current visitor management practices, either informal or formal. It also involves discussing our emerging conclusions as appropriate with key local interests such as land owners or occupiers, conservation organisations or the local access authority. In these ways, any nature conservation concerns are discussed early and constructive solutions identified as necessary.

The conclusions of our appraisal are certified by both the member of staff responsible for developing the access proposal and the person responsible for considering any environmental impacts. This ensures appropriate separation of duties within Natural England.

Where our proposals for the England Coast Path and associated Coastal Margin are relevant to a Natura 2000 site, this appraisal fulfils our duty under the Habitats Regulations 2010 to assess their potential implications in order to ensure no likely significant effect on the site. The formal conclusions relating to this are recorded in Section 6 of the 'Access and Sensitive Features Appraisal' document, published alongside this report.

The development of our proposals for Shoreham-by-Sea to Eastbourne has been informed by input from people with relevant expertise within Natural England and other key organisations. The proposals have been thoroughly considered before being finalised and our initial ideas were modified during an iterative design process. We are particularly grateful to South Downs National Park, Brighton and Lewes Urban Biosphere (The Living Coast), the National Trust, Sussex Wildlife Trust, the Sussex Biological Records Centre, East Sussex County Council and the RSPB and other organisations and local experts, whose contributions and advice have helped to inform development of our proposals.

The new national arrangements for coastal access will establish a continuous well-maintained walking route around the coast and clarify where people can access the foreshore and other parts of the coastal margin. These changes will influence how people use the coast for recreation. Our aim in developing our proposals for the Sussex coast has been to secure and enhance opportunities for people to enjoy their visit whilst ensuring appropriate protection for scheduled nature conservation features. Objectives for design of our detailed local proposals have been to:

- avoid exacerbating disturbance at sensitive locations by making use of established coastal paths

- where there is no suitable established and regularly used coastal route, develop proposals that take account of risks to sensitive nature conservation features and incorporate mitigation as necessary in our proposals
- clarify when, where and how people may access the foreshore and other parts of the coastal margin on foot for recreational purposes
- work with local partners to design detailed proposals that take account of and complement efforts to manage access in sensitive locations
- where practical, incorporate opportunities to raise awareness of the importance of the Sussex coast for nesting and migratory birds and valuable marine habitats and how people can help efforts to protect them.

We have considered whether our proposals might have an impact on any of the features associated with these designated sites, or other protected species and important habitats that occur along this section of coast. We have taken our time to consider all of the features that might be affected.

Where necessary we have carried out an impact assessment, with input from specialists, to ensure our proposals minimise the risk of a detrimental impact.

In light of the existing high visitor use and current access management along the coast, including interpretation of important habitats, such as vegetated shingle and the chalk grassland along the clifftops of the South Downs, we consider that our proposals will not create additional risk to the key features along this stretch and specific mitigation measures are not necessary here.

However, we have looked for opportunities to enhance local understanding of the wildlife along the coast here to complement existing access management. Some suggestions by stakeholders include more information on the undercliff walk between Brighton and Saltdean to explain the important marine habitats here and to highlight the unique population of kittiwakes nesting on the cliffs at Seaford Head. If ongoing funding bids are not forthcoming, we propose to develop information signs for the undercliff walk at Brighton Marina and Saltdean. We will also develop signage at the best vantage point to view the unique population of kittiwakes at Seaford Head.

Full details of our Access and Sensitive Features Appraisal have been published alongside this report.

Once a route for the trail has been confirmed by the Secretary of State, we will work with the four access authorities: West Sussex County Council, Brighton and Hove City Council, East Sussex County Council and the South Downs National Park Authority to ensure any works on the ground are carried out with due regard to the conclusions of the appraisal and relevant statutory requirements.

Table 1. Designated sites

Section of coast: Site name:	Chapter 1 Shoreham Footbridge, Shoreham-by- Sea to Western Esplanade, Portslade by Sea	Chapter 2 Western Esplanade, Portslade by Sea to Longridge Avenue, Saltdean	Chapter 3 Longridge Avenue, Saltdean to Seaford Esplanade	Chapter 4 Seaford Esplanade to Eastbourne Pier
Brighton to Newhaven Cliffs SSSI		✓	✓	
Seaford to Beachy Head SSSI				✓
Beachy Head West MCZ		✓	✓	✓
Beachy Head East pMCZ				✓
Castle Hill Local Nature Reserve (LNR)			✓	
Seaford Head LNR				✓
South Downs National Park		✓	✓	✓
Sussex Heritage Coast				✓

Table 2. Description of the main features of interest

Interest	Description
Brighton to Newhaven Cliffs SSSI	Includes chalk cliffs, beach foreshore and chalk grassland areas between Black Rock, Brighton Marina and Newhaven Cliffs.
Seaford to Beachy Head SSSI	Includes chalk cliffs, estuary at Cuckmere Haven, beach foreshore and chalk grassland areas between Seaford Head and Eastbourne.
Beachy Head West MCZ	Includes inter-tidal areas. Located between Black Rock, Brighton to Beachy Head Lighthouse.
Beachy Head East pMCZ	Includes inter-tidal areas. Located between Beachy Head Lighthouse to St Leonards, towards Hastings.
Castle Hill LNR	Local Nature Reserve located on headland on west side of Newhaven Harbour adjacent to Newhaven Fort. Owned and managed by Lewes District Council.
Seaford Head LNR	Local Nature Reserve located on Seaford Head between Seaford Golf Course and Cuckmere Haven, owned by Seaford Town Council and leased to Sussex Wildlife Trust.
South Downs National Park	The England Coast Path and areas of proposed margin are within the open downland landscape of the National Park at Telscombe Cliffs and Sussex Heritage Coast between Seaford Head and Holywell, Eastbourne.
Sussex Heritage Coast	The England Coast Path and areas of margin are within Heritage Coast landscape where the South Downs meets the sea, between Seaford Head and Holywell, Eastbourne.

### **c) Protection of the Historic Environment**

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

We paid particular regard to Scheduled Monuments (See Map C: Key statutory environmental designations on the Shoreham-by-Sea to Eastbourne stretch).

Our conclusion from this assessment is that our proposals would not undermine the conservation objectives for the historic environment within the Shoreham-by-Sea to Eastbourne stretch.

### **d) Interests of owners and occupiers**

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

Between Shoreham-by-Sea and Eastbourne, there are a number of coastal towns as well as the large and rural Sussex Heritage Coast:

#### ***Shoreham-by-Sea***

The coast between the start of the stretch at Shoreham-by-Sea and the start of Hove seafront (chapter 1 of the proposals) is predominantly urban in character, albeit generally with harbour and sea views and areas of beach, foreshore and other coastal land.

The issues raised by owners and occupiers on this part of the stretch generally related to the proposed alignment of the trail near business entrances and to the effect of coastal margin on operational needs of businesses such as Shoreham Port Authority. Privacy of residents within the coastal margin was also a concern. These issues are addressed by aligning the trail along highways and existing rights of way, and to a large extent by clear signage of the route and the provisions in the legislation for particular categories of land to be excepted from the coastal access rights – including land covered by buildings and their curtilage and land used as a garden. In addition, within the Shoreham Port area,



regulations and codes, for example, the International Ship and Port Facility Security (ISPS) Code, set out mandatory security-related requirements for port authorities (in this case the Shoreham Port Authority) to manage and exclude access from areas of the Port, where necessary.

### ***Brighton and Hove***

At Brighton and Hove (chapter 2 of the proposals) the trail mainly uses the seafront promenades and Undercliff Walk with seaward views. In general the existing public access provisions are already managed effectively alongside adjacent land uses. Some issues were raised by owners and occupiers on this part of the stretch and these generally related to privacy of residents within the coastal margin. These issues are to a large extent addressed by clear signage of the route and the provisions in the legislation for particular categories of land to be excepted from the coastal access rights – including land covered by buildings and their curtilage and land used as a garden.

### ***Rottingdean to Peacehaven***

Between Rottingdean and Peacehaven Heights (chapter 3 of the proposals) the trail uses the Undercliff Walk as well as the public footpath upon the top of the chalk cliffs with sea views. In general the existing public access provisions are already managed effectively alongside adjacent land uses, but there are places where we have been able through discussion with relevant interests to identify small adjustments to the existing coastal route which better integrate recreational benefits with the interests of owners and occupiers. These are described in the relevant chapters of the proposals.

### ***Newhaven***

Newhaven Harbour (chapter 3 of the proposals) is predominantly urban in character, albeit generally with harbour and sea views and areas of beach, foreshore and other coastal land at Castle Hill Local Nature Reserve and around Seaford Bay towards Tide Mills. There is existing, promoted access along parts of the western bank of the River Ouse, and roadside access along the eastern side.

The issues raised by owners and occupiers on this part of the stretch generally related to the operational needs of businesses such as Newhaven Port Authority and Newhaven Marina as well as the privacy of residents. These issues are addressed by aligning the trail on existing, accessible routes and to a large extent by the provisions in the legislation for particular categories of land to be automatically excepted from the coastal access rights – including land covered by buildings and their curtilage and land used as a garden. Land which becomes subject to development in the future will also become excepted from the coastal access rights if it is developed in these ways. Annex C: Excepted land categories sets out these provisions in more detail.

## ***Sussex Heritage Coast – Seaford to Eastbourne***

Upon the iconic chalk cliffs of the East Sussex Heritage Coast the trail uses the clifftop footpath used by the Vanguard Way and South Downs Way long distance trails. At Seaford and Eastbourne the trail uses the seafront promenades. In general the existing public access provisions are already managed effectively alongside adjacent land uses, but there are places where we have been able through discussion with relevant interests to identify small adjustments to the existing coastal route which better integrate recreational benefits with the interests of owners and occupiers. These are described in the relevant chapters of the proposals.

### **e) Coastal processes**

The principal source of information regarding coastal processes on this stretch of coast is the Beachy Head to Selsey Bill Shoreline Management Plan (see Annex A: Bibliography), a non-statutory policy document for the management of flood risk and coastal erosion. With reference to this document, and with advice from the Environment Agency and officers from relevant local authorities, we have identified the lengths of coast within this stretch which are particularly susceptible to coastal erosion or other geomorphological processes, such as landslips.

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

- on, or on the landward side of sea defences which would protect it; or
- landward of the roads which would be protected under the policies set out in the Shoreline Management Plan 2.

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).

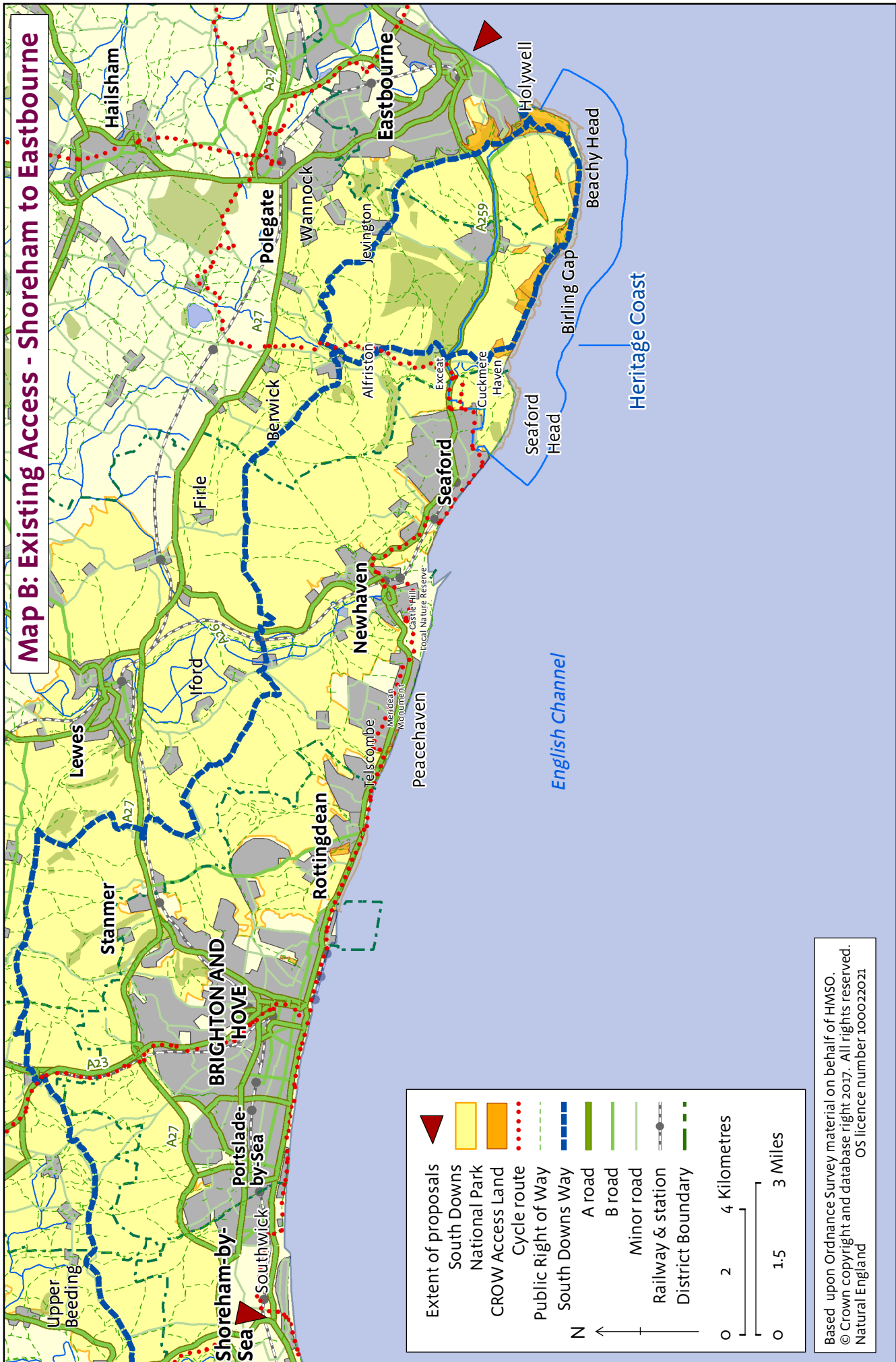
Generally the low lying, developed areas of this coastline between Shoreham-by-Sea through to Saltdean, described in chapters 1 to 2 of the proposals, are mostly protected by coastal defences. This includes Shoreham Harbour quays and walls, Hove and Brighton seafront promenades, Brighton Marina and the Undercliff Walk, so are unlikely to be affected significantly by coastal processes in the foreseeable future. This is also the case for Newhaven Harbour in chapter 3 and eastern Seaford in chapter 4.

Within Chapters 3 and 4 of the proposals, there are a number of places that 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 he has approved the initial route:

- where the trail follows clifftop paths and the base of the cliffs are undefended and subject to varying rates of erosion and cliff fall (chapters 3 and 4);
- where the trail follows clifftop paths and tracks through Peacehaven (chapter 3), the base of the cliff is protected but still subject to some localised cliff edge erosion. There are a number of pinch points along the cliff tops here as the trail passes between residential areas and the cliff edge, which could affect the long term future of the trail and may require a new route through the urban area;
- between Newhaven and Seaford (chapter 3), where the beaches will narrow and steepen in the long term at Tide Mills and along the western end of Seaford. The trail may need to move inland and onto the landward side of the current urban esplanade seawall;
- where the trail runs around the low lying Cuckmere valley, the estuary landscape may change in the future, in line with the flood defence policy for the area (chapter 4).

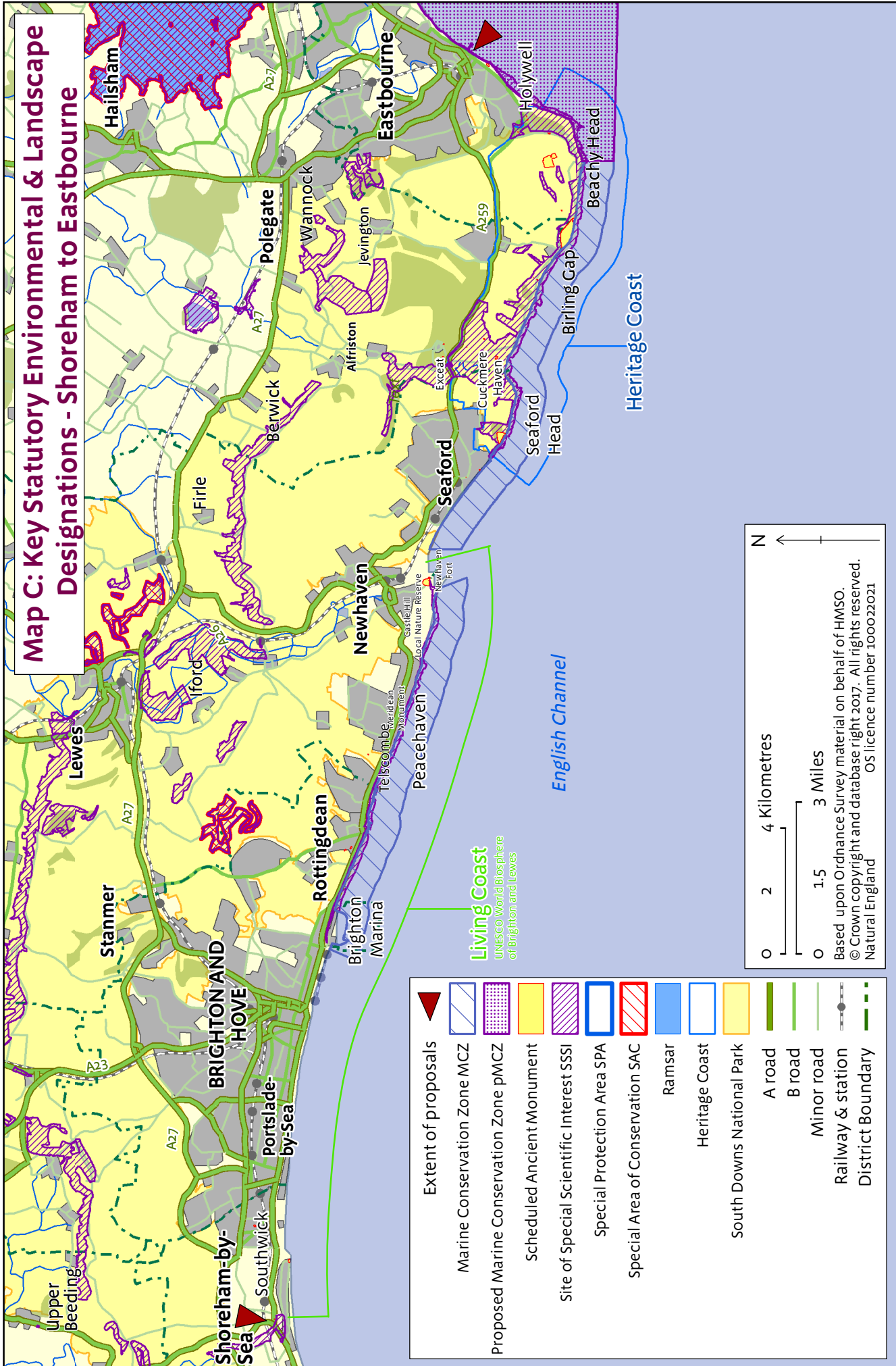
There is more detail about these roll-back arrangements in part 7 of the Overview and in the relevant chapters of the proposals.

# Map B: Existing Access - Shoreham to Eastbourne



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# Map C: Key Statutory Environmental & Landscape Designations - Shoreham to Eastbourne



- Extent of proposals
- Marine Conservation Zone MCZ
- Proposed Marine Conservation Zone pMCZ
- Scheduled Ancient Monument
- Site of Special Scientific Interest SSSI
- Special Protection Area SPA
- Special Area of Conservation SAC
- Ramsar
- Heritage Coast
- South Downs National Park
- A road
- B road
- Minor road
- Railway & station
- District Boundary

0 2 4 Kilometres  
 0 1.5 3 Miles

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# Implementation of the proposals

## 7. Physical establishment of the trail

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

The trail would make extensive use of existing coastal paths on the ground, including some of the existing route of the South Downs Way National Trail. Our estimate of the capital costs for physical establishment of the trail on the proposed route is £46,067 and is informed by:

- Information from West Sussex County Council, Brighton and Hove City Council and East Sussex County Council;
- information already held by the South Downs National Park Authority in relation to the management of the existing South Downs Way National Trail, and
- information gathered while visiting affected land and talking to the people who own and manage it about the options for the route.

The main elements to the overall cost are:

- A significant number of new signs would be needed on the trail, in particular on route sections where the proposed route differs from that of the existing South Downs Way.

The surfaces and access furniture of the existing paths and footways on the proposed route are generally of a suitable standard for the trail, but there are some places where new steps, path surfacing and dropped kerbs would enhance the convenience and clarity of the trail. These are mentioned in the detailed descriptions for the relevant route sections in the proposals. Table 3 explains our estimate of the capital cost for each of the main elements of physical establishment described above.

**Table 3: Estimate of capital costs**

Item	Cost
Signs	£28,586
Interpretation	£2,500
Steps and gates	£853
Dropped kerbs	£4,800
Path surfacing works	£8,328
Project management	£1,000
<b>Total</b>	<b>£46,067 (Exclusive of any VAT payable)</b>

Once the Secretary of State’s decision on our report has been notified, we, or the access authorities, West Sussex County Council, Brighton and Hove City Council, East Sussex County Council and the South Downs National Park Authority on our behalf, will consult further with affected land owners and occupiers about relevant aspects of the design, installation and maintenance of the new signs and infrastructure that are needed. All



such works would conform to the published standards for National Trails and the other criteria described in our Coastal Access Scheme.

The figures above do not include some establishment work within Shoreham Harbour, as Shoreham Port Authority has offered to undertake some works, including ground preparation, to improve the trail alignment at the eastern end of Basin Road South (chapter 1, map 1d).

## **8. Maintenance of the trail**

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

Our estimate of the annual cost to maintain the trail is £17,665 (exclusive of any VAT payable).

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

## 9. Future changes

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

### Roll-back

Chapters 1, 3 and 4 of the proposals include proposals for 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 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:

- with the trail itself, or
- because an 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.

Whilst coastal change is inherently difficult to predict with any accuracy, this report identifies those parts of the stretch where we consider such powers are likely to be needed over time in order to ensure continuity of the trail. These are as follows:

- Land at the eastern end of Shoreham Harbour, where the trail follows raised land at the top of a shingle beach near Basin Road South (Chapter 1, map 1d).
- Along the chalk cliffs between Saltdean and Castle Hill Nature Reserve, Newhaven (Chapter 3) which have areas of potential erosion, including:
  - Saltdean to Telscombe Cliffs, where the chalk cliff is not protected by a sea defence, as described in Chapter 3, map 3a.
  - Peacehaven, adjacent to The Promenade. The cliff is protected by a sea defence, however any long term cliff top erosion may affect the trail route, especially at pinch points such as near Cliff Avenue, as described in Chapter 3, map 3c.
  - Peacehaven Heights to Newhaven Fort, where the chalk cliff is not protected by a sea defence, as described in Chapter 3, maps 3c and 3d.
  - At Harbour Heights, Newhaven, where residential park properties are close to the cliff edge, as described in Chapter 3, map 3d.
- At Seaford Bay, near Tide Mills, where the beach will narrow in the long term, as described in Chapter 3, maps 3f and 3g.
- At the western end of Seaford esplanade, where the trail is seaward of the urban seawall coastal defence, Chapter 3, map 3h.
- The Cuckmere estuary, where inundation may become more frequent in the future with coastal change and sea level rise resulting in changes to this landscape, see Chapter 4, maps 4c and 4d.
- The Sussex Heritage Coast between Seaford Head and Holywell, near Eastbourne, where the chalk cliffs are not protected. This area is described in Chapter 4, maps 4a to 4k.

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 2 of the relevant report chapters. This and the above information is intended as a guide only, based on information available to us at the time of writing this report, 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 this report and during any subsequent 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 other changes to the route of the trail or the landward boundary of the coastal margin - for example if the land was subject to new build development. Such changes would be subject to the same procedures for consultation, representations and objections as our initial reports. Potential developments of which we are already aware that could potentially affect the route on the Shoreham-by-Sea to Eastbourne stretch are summarised below.

- The incremental development in the next few years of much of the waterfront area at Shoreham-by-Sea along the north side of the River Adur between the Shoreham Footbridge, the coast road and the Lifeboat Station at Kingston Beach. When the development is complete Natural England will review its trail alignment and if appropriate, prepare a separate variation report to the Secretary of State to align the trail to the new waterfront walkway, as described in Chapter 1, maps 1a and 1b.
- A proposed sea defence with walkway along sections of coast adjacent to Basin Road South, Shoreham Harbour. When completed, the trail can be relocated onto the walkway as described in Chapter 1, map 1d.
- The proposed development at Newhaven Port, between Mill Creek and the East Pier, may affect the trail route in future, as described in Chapter 3, map 3f.
- The proposed replacement of Exceat Bridge across the River Cuckmere which is used as part of the proposed trail described in Chapter 4, map 4d.

However, even without a variation report:

- i We would be able to impose new or modify existing local restrictions or exclusions on coastal access rights as necessary, and people with a legal interest in the land would be able to apply to us for such directions under certain circumstances – see chapter 6 of the Coastal Access Scheme.



- ii Further work could be carried out where necessary either to establish or maintain the route, or to provide any means of access to the coastal margin, using powers and procedures set out in Schedule 20 of the Marine and Coastal Access Act 2009 and chapter 3 of the Countryside and Rights of Way Act.
- iii If at any time the use of affected land should change, the normal rules in relation to excepted land would apply, so for example land covered by buildings and their curtilage, and land in the course of development, would automatically become excepted from the coastal access rights – see Annex C: Excepted Land Categories.

## 10. Restrictions and exclusions

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

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

Report chapter	Location/extent (see relevant map for more information)	Type of direction	Purpose of direction	Grounds and relevant section of CROW	Duration
1	River Adur, Shoreham Harbour West Arm The saltmarsh and flat adjacent to route sections SEB-1-S001 to SEB-1-S004. See Map D	Exclusion	Unsuitable for Public Access	Salt marsh and flat 25A	Year-round
3	Newhaven Swing Bridge, River Ouse The mud flat adjacent to route section SEB-3-S067. See Map E	Exclusion	Unsuitable for Public Access	Salt marsh and flat 25A	Year-round
4	Cuckmere River, Cuckmere Haven The saltmarsh and flat adjacent to route section SEB-4-S006 to SEB-4-S016. See Map F	Exclusion	Unsuitable for Public Access	Salt marsh and flat 25A	Year-round

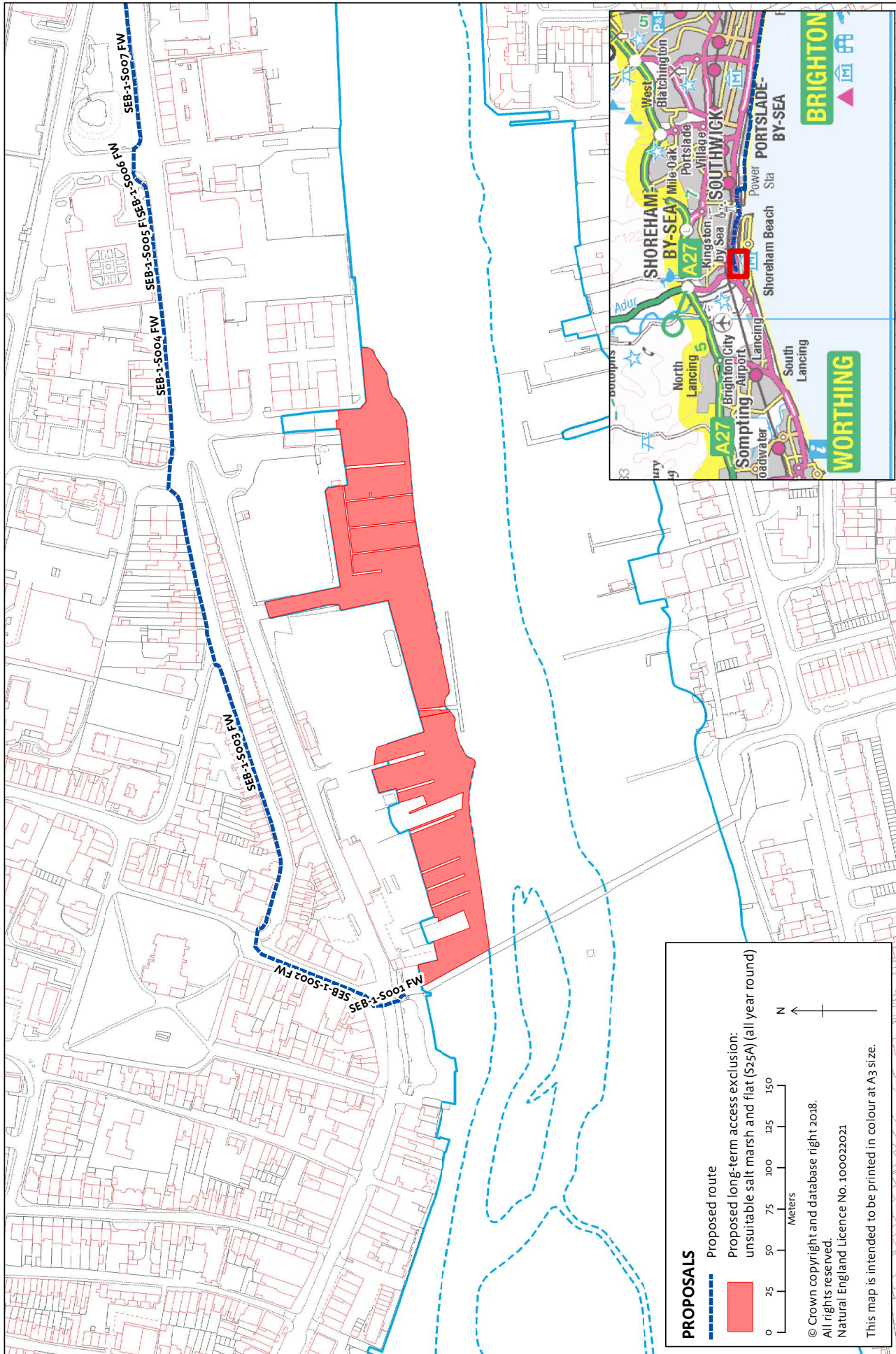
These directions will not prevent or affect:

- 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 rights at common law or by Royal Charter etc.

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

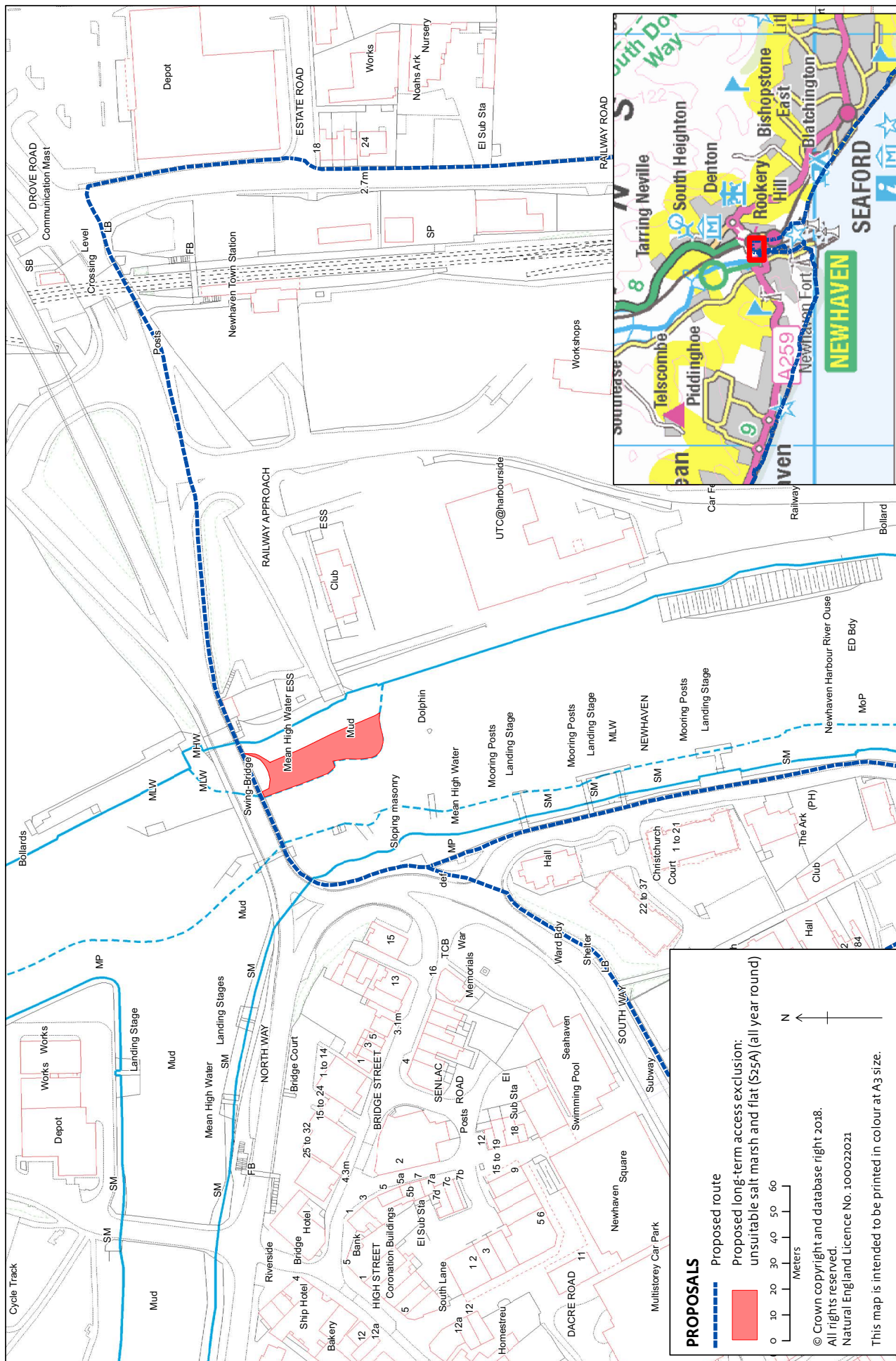
However the directions are intended to avoid any new public rights being created over the area in question in view of local patterns of tidal inundation.

Map D Proposed long-term access exclusion: unsuitable salt marsh and flat (S25A) (all year round)



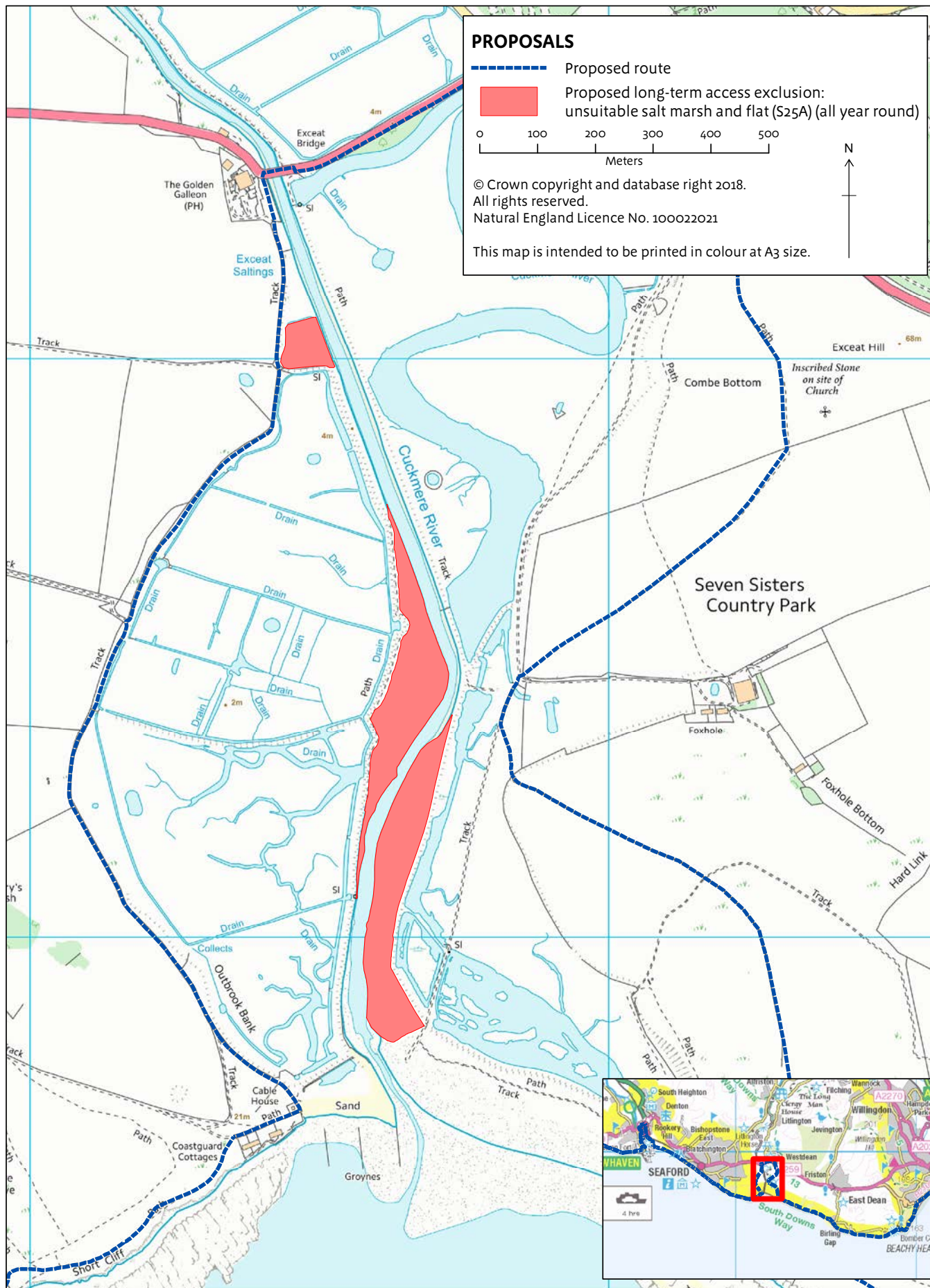


# Map E Proposed long-term access exclusion:unsuitable salt marsh and flat (S25A) (all year round)





## Map F Proposed long-term access exclusion:unsuitable salt marsh and flat (S25A) (all year round)



## Annexes

### Annex A: Bibliography

Information about Natural England's coastal access programme:

#### **Natural England**

[www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast](http://www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast)

Information about the statutory framework for coastal access:

#### **Department for Environment, Food and Rural Affairs**

[www.gov.uk/government/publications/marine-and-coastal-access-act-2009](http://www.gov.uk/government/publications/marine-and-coastal-access-act-2009)

#### **Coastal Access Scheme**

NE446 - Coastal Access: Natural England's Approved Scheme

Natural England

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

#### **Marine and Coastal Access Act 2009**

[www.legislation.gov.uk/ukpga/2009/23/part/9/crossheading/the-coastal-access-duty](http://www.legislation.gov.uk/ukpga/2009/23/part/9/crossheading/the-coastal-access-duty)

#### **Countryside & Rights of Way Act 2000 [CROW]**

[www.legislation.gov.uk/ukpga/2000/37/contents](http://www.legislation.gov.uk/ukpga/2000/37/contents)

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

[www.legislation.gov.uk/uksi/2010/558/contents/made](http://www.legislation.gov.uk/uksi/2010/558/contents/made)

#### **National Parks and Access to the Countryside Act 1949**

[www.legislation.gov.uk/ukpga/Geo6/12-13-14/97](http://www.legislation.gov.uk/ukpga/Geo6/12-13-14/97)

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

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

Environmental legislation referred to in the report:

#### **Habitats Directive**

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

European Commission

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

Other published information used in the preparation of the report:

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

British Mountaineering Council

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

**Beachy Head to Selsey Bill Shoreline Management Plan, May 2006**

<http://www.se-coastalgroup.org.uk/bh-to-sb-2006/>

**East Sussex Vegetated Shingle Management Plan, 2009**

T. Smith.

<http://www.pevensey-bay.co.uk/resources/pdf/ESCC%20Shingle%20MP%20-%202009.pdf>

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

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

## Annex B: Glossary of terms

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

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

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

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

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

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

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

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

**appropriate assessment** means, for the purposes of the Scheme, an assessment of the implications of a plan or project for a **European site** in view of the site's conservation objectives, made in accordance with Article 6.3 of the **Habitats Directive**. Natural England is required to conduct an appropriate assessment where it concludes that the introduction



of **coastal access rights** in the form proposed is likely to have a significant effect on the conservation objectives for a European site. Our proposals to the Secretary of State include as necessary any local measures designed to prevent such a likely significant effect arising from improved access. Section 4.9 of the Scheme explains in more detail how we fulfil this requirement where it is relevant.

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

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

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

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

**coastal margin** or margin means a margin of land at the coast falling within one or more of the descriptions given at article 3 of the **Order**. It is explained at section 1.3. Its main component is land subject to the **coastal access rights**, but it also contains other land, including some land that is not accessible to the public. A land owner may also voluntarily include land in the coastal access margin by making a **dedication**. Section 2.3 of the Scheme explains these other categories of land and how they fit in.

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

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

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

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

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

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

**European site** means a site:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**restrict/restriction** – see “exclude/exclusion”.

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

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



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

**section 15 land** means land with public access rights under:

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

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

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

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

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

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

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

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

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

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

the **trail** is the term the report uses to describe the strip of land people walk along when following the route identified for the purposes of the **Coastal Access Duty**: see section 1.2. Following approval by the Secretary of State of the proposals in our coastal access report, the trail along that stretch becomes part of the **National Trail** known as the **England Coast Path**. By default, it is the land within 2 metres on either side of the approved route line, but often it is wider or narrower than this. The trail forms part of the **coastal margin**.

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

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

## Annex C: Excepted land categories

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

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

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

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

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

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

## Annex D: National restrictions

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

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

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

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

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

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

We can provide more information about these options on request.



# Countryside and Rights of Way Act 2000

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

### General restrictions

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

- (3) In sub-paragraph (2) the reference to permitted fishing-related conduct is a reference to the person –
- (a) having a fishing rod or line, or
  - (b) engaging in any activities which –
    - (i) are connected with, or ancillary to, fishing with a rod and line, or with a line only, in the exercise of a right to fish, and
    - (ii) take place on land other than land used for grazing or other agricultural purposes.
- 2 (1) In paragraph 1(k), “metal detector” means any device designed or adapted for detecting or locating any metal or mineral in the ground.
- (2) For the purposes of paragraph 1(q) and (r), activity on any occasion on the part of a person or persons on land is “lawful” if he or they may engage in the activity on the land on that occasion without committing an offence or trespassing on the land.
- 3 Regulations may amend paragraphs 1 and 2.
- 4 (1) During the period beginning with 1st March and ending with 31st July in each year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead.
- (2) Sub-paragraph (1) does not apply in relation to land which is coastal margin.
- 5 Whatever the time of year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead and which is in the vicinity of livestock.
- 6 In paragraphs 4 and 5, “short lead” means a lead of fixed length and of not more than two metres.
- 6A (1) Whatever the time of year, section 2(1) does not entitle a person to be on any land which is coastal margin at any time if –
- (a) that person has taken onto the land, or allowed to enter or remain on the land, any dog, and
  - (b) at that time, the dog is not under the effective control of that person or another person.
- (2) For this purpose a dog is under the effective control of a person if the following conditions are met.
- (3) The first condition is that – (a) the dog is on a lead, or
- (b) the dog is within sight of the person and the person remains aware of the dog’s actions and has reason to be confident that the dog will return to the person reliably and promptly on the person’s command.
- (4) The second condition is that the dog remains – (a) on access land, or
- (b) on other land to which that person has a right of access.
- (5) For the purposes of sub-paragraph (4), a dog which is in tidal waters is to be regarded as remaining on access land.
- 6B (1) Section 2(1) does not entitle a person to be on any land which is coastal margin if, on that land, the person obstructs any person passing, or attempting to pass, on foot along any part of the English coastal route, any official alternative route or any relevant temporary route.
- (2) In this paragraph –
- “the English coastal route” means the route secured pursuant to the coastal access duty (within the meaning of section 296 of the Marine and Coastal Access Act 2009);
  - “official alternative route” has the meaning given by section 55J of the National Parks and Access to the Countryside Act 1949;
  - “relevant temporary route” means a route for the time being having effect by virtue of a direction under section 55I of that Act to the extent that the line of the route passes over coastal margin.

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