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England Coast Path Stretch: Salcott to Jaywick


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





Map A: Key map - Salcott to Jaywick


Report number and title

- SCJ 1** Salcott to Moor Farm, Langenhoe (Maps SCJ 1a to 1f)
- SCJ 2** The Strood to Fingringhoe (Maps SCJ 2a to 2f)
- SCJ 3** Fingringhoe to Wivenhoe Sailing Club (Maps SCJ 3a to 3e)
- SCJ 4** Wivenhoe Sailing Club to Brightlingsea Hard (Maps SCJ 4a to 4g)
- SCJ 5** Brightlingsea Hard to Stone Point, Point Clear (Maps SCJ 5a to 5g)
- SCJ 6** Stone Point, Point Clear to Lion Point, Jaywick (Maps SCJ 6a to 6f)

Extent of proposals 

Extent of proposals in each chapter 

Proposed route 

Proposed alternative/optional alternative route 

N

0 1 2 3 Km



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Report number and title

SCJ1: Salcott to Moor Farm, Langenhoe (Maps SCJ 1a to SCJ 1f)

SCJ2: The Strood to Fingringhoe (Maps SCJ 2a to SCJ 2g)

SCJ3: Fingringhoe to Wivenhoe Sailing Club (Maps SCJ 3a to SCJ 3e)

SCJ4: Wivenhoe Sailing Club to Brightlingsea Hard (Maps SCJ 4a to SCJ 4g)

SCJ5: Brightlingsea Hard to Stone Point, Point Clear (Maps SCJ 5a to SCJ 5g)

SCJ6: Stone Point, Point Clear to Lion Point, Jaywick (Maps SCJ 6a to SCJ 6f)

Using the Key Map

Map A (opposite) shows the whole of the Salcott to Jaywick stretch divided into shorter numbered lengths of coast.

Each number on Map A corresponds to the report which relates to that length of coast.

To find our proposals for a particular place, find the place on Map A and note the number of the report which includes it.

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

Printing

If printing, please note that the maps which accompany reports 1 to 6 should ideally be printed on A3 paper. If you don't have the facility to print at A3 size, we suggest you print the text of the report you are interested in on A4 paper and view the associated map on your computer screen, using the zoom tool to view it at a suitable size.

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Please read first!

This Overview document sets out the context for Natural England's proposals to improve public access to and along the stretch of coast between Salcott and Jaywick. It explains key common principles and background underlying the detailed proposals that we make in our compendium of linked but legally separate statutory reports, each covering a single length of coast within the stretch. Each of these reports should be read in conjunction with this Overview.

Taken together, these reports explain how we propose to implement the England Coast Path ("the trail") on this stretch of coast, and detail the likely consequences in terms of the wider 'Coastal Margin' that will be created if our proposals are approved by the Secretary of State. Our reports also set out:

- any proposals we think are necessary for restricting or excluding coastal access rights to address particular issues, in line with the powers in the legislation; and
- any proposed powers for the trail to be capable of being relocated on particular sections (through "roll-back"), if this proves necessary in the future because of coastal change.

So although this Overview has multiple reports associated with it, each report relating to a particular part of the stretch makes free-standing proposals, and seeks approval for them by the Secretary of State in their own right under section 52 of the National Parks and Access to the Countryside Act 1949.

We have carefully considered any potential environmental impacts of improving public access to this stretch of coast, and made any necessary adjustments to our proposals prior to publication in order to address these. Considerations in relation to environmental matters are explained in Section 6 of this Overview and relevant reports for each length of coast. Links are provided to relevant separately published documentation where appropriate.

The reports are published on our web pages as a series of separate documents, alongside this Overview and more general information about how the Coastal Access programme works.

Each report is accompanied by detailed **Proposals Maps** for the relevant length of coast. The maps are numbered according to the part of the report to which they relate. For example, maps SCJ 1a to SCJ 1f illustrate the proposals in report SCJ1, which deals with the length from Mill Lane, Salcott to Moor Farm, Langenhoe.

Introduction

1. Improving coastal access

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

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

This Overview and the related compendium of reports relate to the coast of Essex between Salcott and Jaywick. Taken together, our report proposals would make the following key improvements to the existing arrangements for access to this part of the coast:

- New sections of coastal path would be created in strategic places to link existing coastal paths into a continuous route along this stretch of coast for the first time;
- For the first time, there would be secure statutory rights of public access to some areas of beach, cliff and other coastal land on this stretch of coast;
- The coastal path would be able to ‘roll back’ as the cliffs erode or slip, or when other forms of coastal change occur, solving difficulties with maintaining a continuous route on this stretch of coast.

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

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

¹ section 301 of the Marine and Coastal Access Act 2009

2. The determination process

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

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

Following publication:

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

In order to be treated as valid, all objections and representations must be received by Natural England no later than the end of the advertised eight week period following publication. The specific closing date appears in the statutory notice for Salcott to Jaywick, which can be viewed here <https://www.gov.uk/government/collections/england-coast-path-salcott-to-jaywick> together with more information about how to make representations or objections.

The Planning Inspectorate will consider any objections and any related representations before passing recommendations to the Secretary of State, who in turn will consider both representations and objections and then make a decision as to whether to approve our proposals. Chapter 3 of our Coastal Access Scheme explains these processes in more detail (see Annex A: Bibliography).

The Secretary of State may confirm the proposals in each report in full, confirm some with modifications, or reject some or all of them. If the conclusion is that some modification to our proposed approach is required, further consideration may need to be given as to whether any further environmental assessment is necessary. We may need to prepare an amended report for consideration by the Secretary of State, relating to the part(s) of the coast affected by any rejected proposals. The same procedures for representation and objection would apply to the amended report.

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

Once the preparation period is complete, the rights will be brought into force by order on a date decided by the Secretary of State. Normally one single commencement date is used for the whole stretch. We will publicise the commencement of the rights to ensure they are known about and understood locally.

Parts 2 to 4 of each report explain more about the further steps that will be taken to establish the route, provisions for its future maintenance and the procedures which we will follow to make any subsequent changes that prove necessary once proposals for this part of the coast have been approved.

3. Understanding the proposals and accompanying maps

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

Our Proposals:

The proposals are divided into 6 reports, each relating to a particular length of coast on this stretch. Each report is accompanied by detailed maps of the relevant length of coast. The maps are numbered according to the report to which they relate. For example, maps SCJ 1a to SCJ 1f illustrate the proposals described in report SCJ1.

Each **report** comprises four parts:

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

Part 3 Proposals Tables explained

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

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

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

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

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

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

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

Example table 1: Section details

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

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

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

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

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

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

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

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

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

Example table 2: Alternative routes and optional alternative route details

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

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

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

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

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

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

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

Example table 3: Other options considered

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

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

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

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

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

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

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

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

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

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

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

Part 4 Proposals Maps explained

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

The proposed route of the trail:

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

The coastal margin:

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

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

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

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

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

Voluntary access dedication

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

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

4. Preparation of the report

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

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

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

Stage 1 - Prepare

This stage involved us working closely with 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 forum;
- County and District Council officers, including ecology, geology, historic environment, planning, transport and countryside ranger staff;
- local officers from the Environment Agency, in relation to flood defence and coastal erosion management on this stretch of coast;
- local officers of Historic England, in relation to historic features on this stretch of coast; and
- the Ministry of Defence, in relation to defence interests on this stretch of coast.

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

- the Ramblers Association;
- the National Farmers Union;
- the British Association for Shooting and Conservation, and
- the Country Land and Business Association.
- Essex Area Ramblers;
- Sustrans;
- HM Coastguard;
- Brightlingsea Harbour Authority;
- Essex Wildlife Trust;
- The Royal Society for the Protection of Birds;
- The National Trust;
- local wildfowling groups;
- GeoEssex;

- Colchester Natural History Society, and
- parish and town councils.

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 held community drop-in events at a number of village libraries and community halls including Peldon, Fingringhoe, Wivenhoe and Brightlingsea.

We also engaged with internal specialists and relevant organisations locally - including Essex Wildlife Trust, Royal Society for the Protection of Birds, Historic England - to consider any potential for impacts on key sensitive features.

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

We then took all reasonable steps to identify owners, occupiers and those with a legal interest in the land which could be affected, including the posting of notices on land parcels of unknown ownership.

Stage 2 - Develop

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

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

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

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

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

We sent relevant landowners and occupiers a mapped summary of our emerging proposals, clearly explaining how their land would be affected by any new rights and seeking any views about this.

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

Key issues along this stretch

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

The proposed Salcott to Jaywick stretch includes most of the estuarial waters of the River Colne and a small part of the estuary of the river Blackwater.

a) Introduction

This part of the Overview:

- introduces the core statutory duties and considerations for the national programme as a whole in relation to exercising the discretion to include part, or all, of an estuary within our proposals;
- describes the overall nature of the estuary system(s) found in this part of England, identifying the geographical limits of our discretion to align the trail around the River Colne estuary and part of the Blackwater estuary 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 River Colne estuary and part of the Blackwater estuary in question;
- sets out the options for estuary trail alignment which we have identified as a result of this analysis, and;
- describes and explains our chosen proposal in each case.

b) Estuary discretion

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

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

c) Core national duties and considerations relevant to estuaries

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

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

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

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

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

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

The Essex coast is characterised by a number of substantial estuaries with broad, sinuous creeks, low lying islands, mudflats, tidal salt marsh and reclaimed coastal grazing marsh, often extending well inland of the general line of the open sea coastline. This proposed stretch includes sections of the Blackwater and River Colne Estuaries that fall upstream of the seaward limit of the estuarial waters in each case. A large proportion of the river frontage on these estuaries passes through rural areas with a mix of arable cropping and grazing marshes or pastures, but there are also more developed sections with a mix of industrial units (chiefly Colchester area), residential and leisure/recreational uses (Brightlingsea, Wivenhoe, Rowhedge).

e) Blackwater Estuary

Geographical limits of our discretion

The seaward limit of the Blackwater estuary transitional waters lies east of Bradwell Power Station on the southern shore and at West Mersea, Mersea Island on its northern shore.

The first crossing point is more than ten miles upstream at Fullbridge, Maldon. Options to extend the trail around the rest of the estuary using this crossing point are considered as part of the published Burnham-on-Crouch to Maldon, Maldon to Salcott and Mersea Island Coastal Access Reports.

This proposal considers extending the trail along small channels (Pyefleet, Strood and Salcott Channels) on the north side of the main estuary near its seaward extent at Mersea Island.

The statutory estuary criteria

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

i) Ferry services

There are no ferry services operating across or within the Blackwater estuary.

ii) Character of the Estuary

Estuary width

The Blackwater Estuary is the largest estuary wholly within Essex. At its seaward limit it is more than 1.8miles/3kilometres wide and for the majority of its length it is over 1.2miles/2kilometres wide, only narrowing significantly near Northey Island and into Maldon.

These proposals relate to a short section of the north shore of the estuary near to its widest point.

Topography of the shoreline

This part of the shoreline of the Blackwater estuary is punctuated by a number of small creeks with numerous channels and saltmarsh “islands”.

Nature of affected land

This part of the estuary is very rural with one small village (Salcott) and a number of scattered dwellings along the coast.

The coastal land use is predominantly arable farming and the coast is protected from the sea by an earth bank which in places is fronted with concrete blocks. There are some large areas of saltmarsh and extensive mud flats.

Existing public access to the coast is limited to permissive access at two farms, one owned by Essex Wildlife Trust and the other by The National Trust.

Features of interest

With the exception of the small village of Salcott, this part of the coastline is rural in character and dominated by the numerous creeks and extensive areas of mudflats and saltmarsh along the shoreline, which offer a sense of solitude to the visitor.

The area is particularly valued for its considerable wildlife interest, in particular the extensive waterbird assemblage is a draw for bird watchers. There are two nature reserves along this part of the estuary: Abbots Hall Farm Nature Reserve is owned and managed by the Essex Wildlife Trust as a working farm and nature reserve and is open to the public who are able to access the area on a network of permissive paths and trails. The neighbouring Copt Hall is a nature reserve owned by the National Trust, which again provides access to the water's edge on permissive paths. Both reserves provide a small amount of public parking and bird hides, but offer no other visitor facilities.

The narrow branching creeks provide a haven for sailing and other watersports. Facilities for these are located in West Mersea and Brightlingsea, but activities are widespread among the creeks and channels along this part of the coast. Oyster farming is also an important activity in the West Mersea area. Away from the few towns along this stretch much of the coast has a remote feel and high level of tranquillity as it can only be accessed by road at a few points.

iii) Recreational Benefit

New access links would be provided along part of the coastline that currently has very limited existing access, linking existing permissive access and parking at Abbots Hall and Copt Hall, and linking to the bus routes at Peldon and Tollesbury.

There are no public rights of way along this part of the estuary, and other than the permissive access offered by Essex Wildlife Trust and the National Trust on their reserves, no public access to the water's edge available between Salcott and the Strood crossing to Mersea Island.

The trail would provide access to an attractive waterside landscape, peaceful countryside and an area with outstanding wildlife interest. It would also provide a safe walking route to and from Mersea Island, Peldon, Wigborough and Salcott and via the existing public rights of way network to larger villages inland of the coast and further afield to Mersea Island, Maldon, Colchester and Tollesbury

iv) Excepted land

There are a small number of private houses and associated gardens very close to the seawall at the head of the Ray Channel which would require a short inland alignment of the proposed route to make onward connections with the route around the Colne estuary and over the causeway to Mersea Island. The route otherwise stays close to the water's edge for the majority of its length along this part of the estuary.

v) Options for the Blackwater Estuary

- Option 1 – do not extend the trail along the estuary further than the seaward limit of the Blackwater estuarial waters. Walkers would have to find their own way along public highways from the Mersea Island causeway to Salcott
- Option 2 – extend the trail along the north shore of the estuary. This would allow continuous access along the open coast for walkers and open up additional local walking routes via links to the existing network of public rights of way.

Proposed route of the trail

Our proposal is to adopt Option 2 and align the trail along the north shore of the Blackwater estuary upstream of the seaward limit of the estuarial waters at West Mersea as far as the village of Salcott.

This fulfils the core objective of the legislation - to create a continuous, uninterrupted route around the coast. It can be achieved in a simple and cost effective way and would bring significant user benefits including the creation of a statutory access link along a part of the estuary where there are currently no public rights of way.

Options to extend the trail further upstream of Salcott are considered as part of the proposals detailed in the Maldon to Salcott Coastal Access Report, which was confirmed by the Secretary of State on 25 January 2018.

f) Colne Estuary

Geographical limits of our discretion

The seaward limit of the transitional waters of the Colne estuary runs from Mersea Stone (Mersea Island) on the western shore to Stone Point, Point Clear on the eastern shore. The first bridge with pedestrian access is about 7 miles upstream at the Colne Causeway on the edge of Colchester.

This proposal extends the trail upstream on both sides of the main estuary channel to Colchester and upstream of all subsidiary channels to their first pedestrian crossing points.

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 bank to bank ferry service across the estuary, but Brightlingsea Harbour Commissioners operate a small foot ferry from the beach on Mersea Island at Mersea Stone to Brightlingsea and Stone Point from April to September. The boats currently used are open, flat bottomed boats with a hydraulic ramp at the front and carry a maximum of 12 people at a time. The ferry currently operates on an approximately hourly service between 10am to 5pm at peak times (weekends and school holidays), reducing to a 2 hourly pre-booked only service at other times during the operating season (2020 timetable).

Mersea Island is accessible from the mainland via a causeway, The Strood, which is subject to tidal inundation, meaning that access to the foot ferry from the mainland is not possible during certain states of the tide.

ii) Character of the Estuary

Estuary width

The Colne estuary gradually narrows from over 1km wide at its mouth to less than 30 metres wide at the first crossing point on the edge of Colchester. The main subsidiary creeks vary in width from the Roman River which is about 100 metres wide at its mouth, to Brightlingsea Creek which is over 450 metres wide at its mouth and widens to almost 600metres.

Topography of the shoreline

The shoreline of the Colne estuary is punctuated by five main side creeks, numerous small saltmarsh “islands” and several small towns and villages. Mersea Island sits at the mouth of the Estuary. Generally the coast is defended by a constructed seabank with arable land to the rear and extensive saltmarshes and mudflats seaward though in some sections, notably Fingringhoe marshes there is a more natural transition from saltmarsh through grazing marsh to farmland.

Nature of affected land

The western side of the estuary is predominantly rural, with villages at Fingringhoe and Rowhedge. Industrial use is located in the former port of Colchester and a sand and gravel works at Fingringhoe.

South of Fingringhoe an extensive area of coastal grazing marsh, woodland, saltmarsh and creeks is used as a military firing range.

The rest of the estuary is a mix of rural and urban. The rural areas include extensive grazing marshes, arable fields, small woodlands and saltmarshes whilst the urban areas include the busy towns of Wivenhoe and Brightlingsea, the former port of Colchester and the large caravan and chalet sites at Point Clear.

This proposal extends the trail upstream using a mixture of existing public rights of way, permissive routes and newly created routes, following seabanks, quaysides, country lanes and farm tracks.

Features of interest

The estuary is a mix of rural and more urban areas which offers a range of attractions for visitors to the area.

The intertidal areas of the estuary are designated as part of the Colne Estuary (Mid-Essex Coast Phase 2) Special Protection Area (SPA) and Ramsar site and are valued for the wide range of wildlife they support, in particular the over-wintering and passage waterbirds. There are a number of Nature Reserves on the estuary, including those managed by Essex Wildlife Trust at Fingringhoe Wick and Howlands Marsh.

Elsewhere along the estuary there are a number of attractive towns and villages such as Fingringhoe, Wivenhoe and Brightlingsea together with the historic town of Colchester which offer shops, pubs and other facilities for visitors. Many of these towns offer attractive waterfronts which add to the coastal character and experience. The Colne flood defence barrier at Wivenhoe is a distinctive local landmark which serves to protect thousands of homes in Wivenhoe and Colchester.

Brightlingsea in particular is a popular summer destination with its beach area and 1930s lido and well established boating facilities centred around the harbour.

iii) Recreational Benefit

The existing network of coastal public rights of way has many gaps. Links would be improved for local residents and visitors.

Some public rights of way south of Fingringhoe are closed for several days each week when military ranges are in use. The proposal will resolve this issue and will effectively provide a coastal walking route from Colchester to Mersea Island and Brightlingsea/Clacton, plus by linking with the public right of way network it will create new circular walks, especially around Fingringhoe and Brightlingsea

iv) Excepted land

The route in most parts closely follows the shoreline, but there are three extensive areas of excepted land

- At Fingringhoe Ranges an extensive live firing area is subject to military byelaws and therefore excepted from any coastal access rights. The area covered by the byelaws extends to the water's edge in some places meaning that an inland diversion is necessary.
- At Fingringhoe there is a sand and gravel quarry which extends down to the water's edge
- Bently Country Park is a holiday park at the head of Flag Creek

In addition there are a number of residential properties, arable land, and port and industrial areas along the route.

v) Options for the Colne Estuary

- Option 1 – align the trail around the estuary to the first suitable, year round publically available pedestrian crossing points of the main and subsidiary channels.
- Option 2 – do not extend the trail up the estuary further than the seaward limit of the estuarial waters. Walkers would have to negotiate their own way around the Colne estuary using either ferry services when available between Mersea Island and Brightlingsea/StonePoint or the network of public rights of way and highways. This would allow continuous access along the coast for walkers during operational times, but with:
 - No service in early mornings or evenings
 - No service at all from October to March inclusive
 - A limited service during weekdays outside of the school holiday period between April and September inclusive.

When the service is unavailable walkers would have an interrupted journey along the trail and would have to navigate themselves to the next part of the England Coast Path.

- Option 3 – Stop at the mouth of the estuary, where there is a seasonal ferry service between Mersea Island and Brightlingsea/StonePoint and establish an alternative route for when the ferry service is not available. The route would be the same as proposed in Option 1 in order to link areas with no current access and would allow continuous access along the coast for walkers in the spring /summer (when the ferry is operational), and a linear alternative during the autumn / winter. It would deny the public the opportunity to enjoy suitable areas of spreading room but would offer improvements to existing access around the estuary.

Proposed route of the trail

Our proposal is to align the trail around the estuary, crossing it at the Colne Causeway, Colchester – Option 1. This is because:

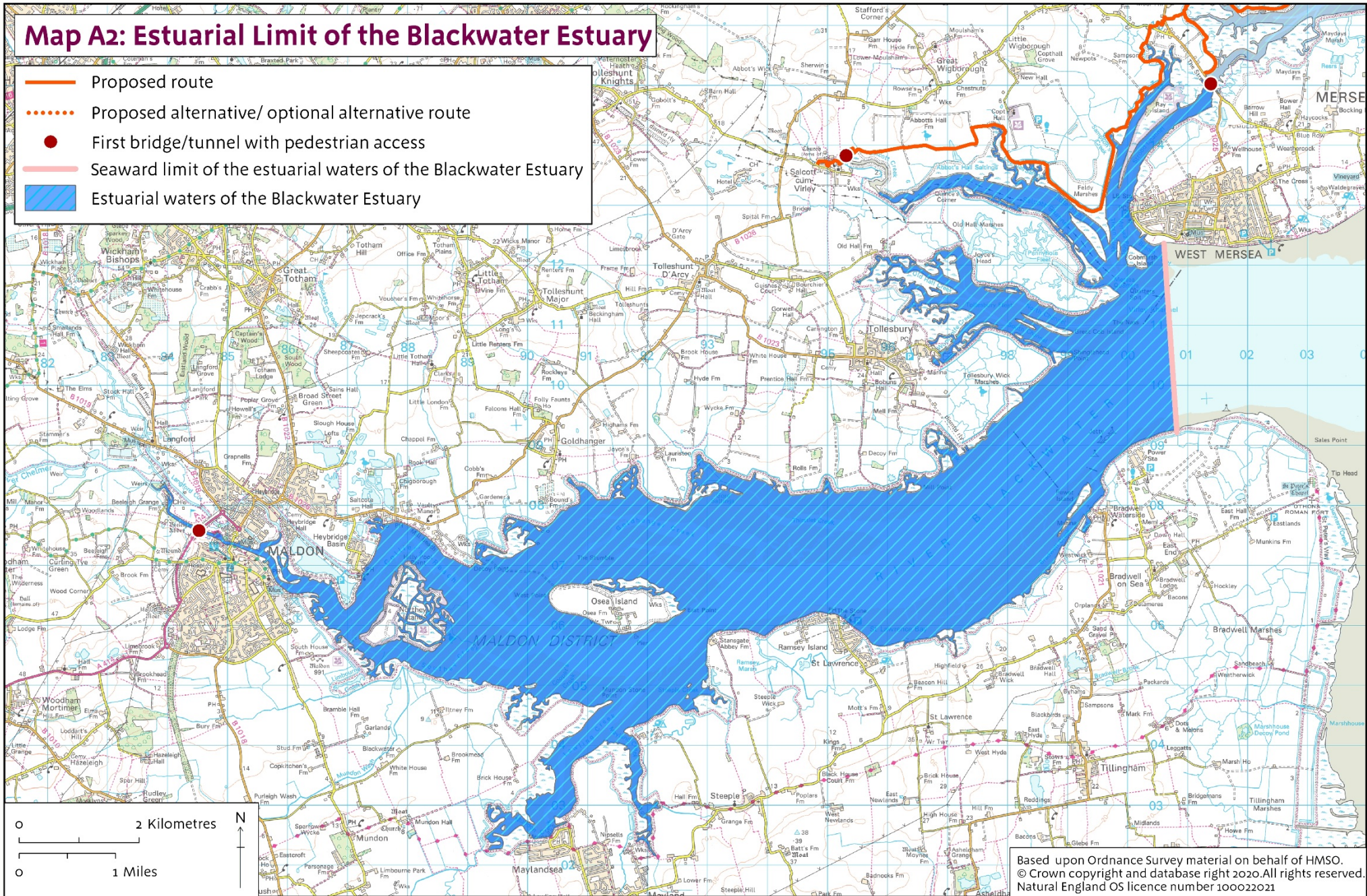
- It fulfils the core objective of the legislation to create a continuous uninterrupted route around the coast which the public will be able to enjoy throughout the year with confidence.
- In our view the estuaries of Essex, including the Colne, define the coast's character. As such they are key elements of a national trail which enables walkers to experience and enjoy the full range of English coastal land types.
- Option 1 can be achieved at reasonable cost in relation to the significant user benefits it would bring, which include:
 - New statutory access links.
 - More convenient, safer routes with estuary views.
 - Future- proofing of access against future coastal change by the use of roll-back.
- Option 2 would result in interruptions in walkers' onward journey for six months of the year, and during other times when the ferry is not operational, leaving them to determine their own route around the estuary on existing PRow and recreational routes. Overall, these routes are not as convenient or 'coastal' as the route we are proposing for the England Coast Path. As an alternative seasonal route this does not have associated coastal margin access rights, so the extra spreading room would not be secured. An alternative route option would also require active management on the newly accessible stretches to open and close it at given times of year and particularly over such a long route can lead to conflicts between users, land owners and potential trespassers. For these reasons we have ruled out Option 2.

Furthermore, use of the ferry would require walkers to negotiate the Strood causeway on and off of Mersea Island which can be inundated at certain states of the tide and which could make it difficult for walkers to plan an onward journey utilising the ferry.

- We have discounted Option 3 because:
 - It would deny the public the opportunity to enjoy suitable areas of spreading room.
 - There would be disproportionate cost involved in establishing the trail, taking into account that it would only be intended for use for a proportion of each year.
 - As outlined above, use of the ferry would require walkers to negotiate the Strood causeway on and off of Mersea Island which can be inundated at certain states of the tide. This could make it difficult for walkers to reliably plan an onward journey utilising the ferry.

Map A2: Estuarial Limit of the Blackwater Estuary

- Proposed route
- ⋯ Proposed alternative/ optional alternative route
- First bridge/tunnel with pedestrian access
- Seaward limit of the estuarial waters of the Blackwater Estuary
- ▨ Estuarial waters of the Blackwater Estuary



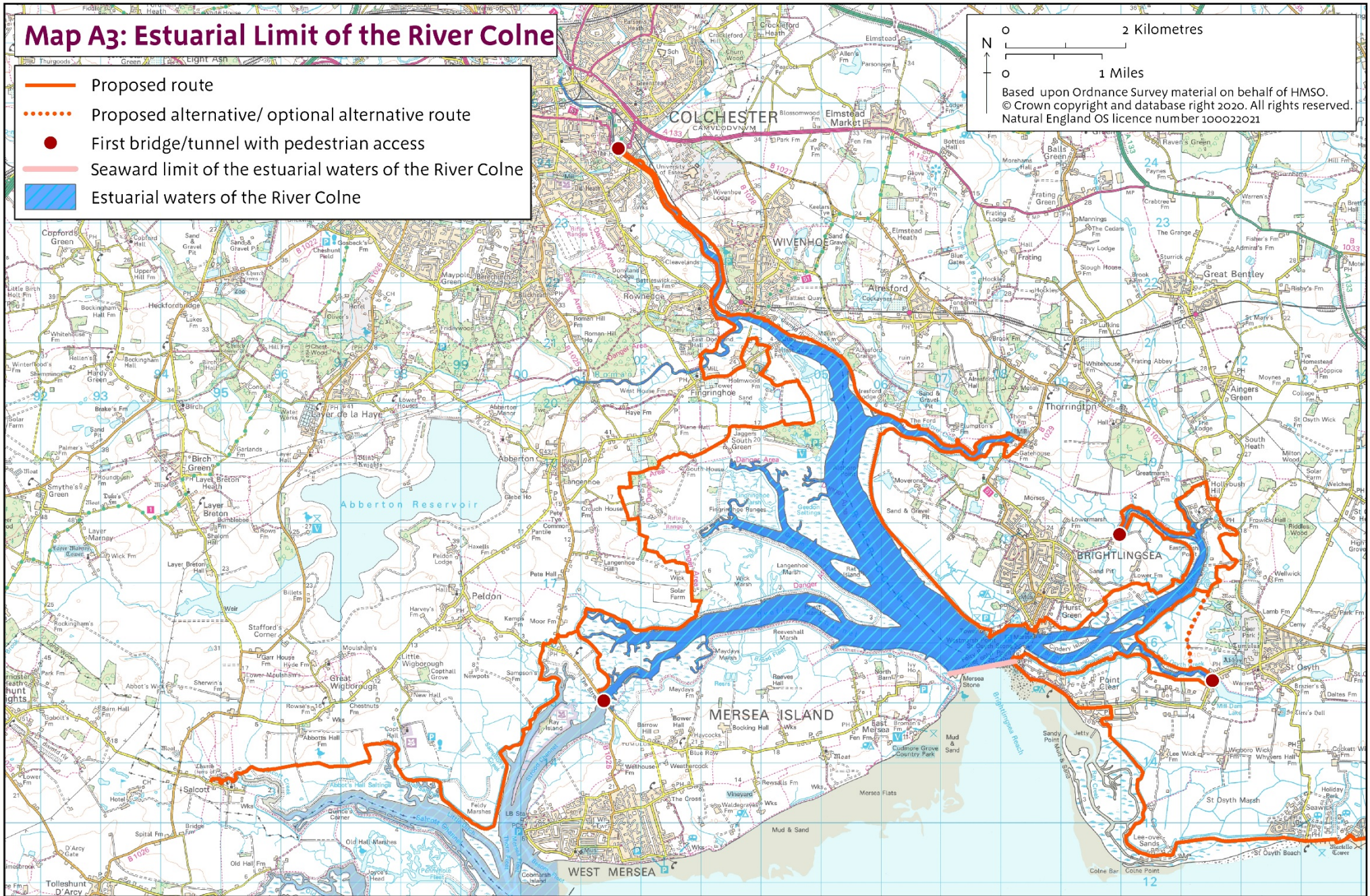
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Map A3: Estuarial Limit of the River Colne

- Proposed route
- ⋯ Proposed alternative/ optional alternative route
- First bridge/tunnel with pedestrian access
- Seaward limit of the estuarial waters of the River Colne
- ▒ Estuarial waters of the River Colne

0 2 Kilometres
0 1 Miles

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6. Other considerations on this stretch

a) Recreational Issues

We have considered interrelationships between our proposals and the Essex Rights of Way Improvement Plan. Our proposals will supplement the ambitions described in this plan by enhancing provision of access at the coast. In particular, our proposals will address themes D and E of the Plan. Better links between elements of the existing rights of way network and new routes in those areas where these are presently mostly absent will contribute towards Theme D – “A more continuous network”. The design of new and replacement access furniture along the route and an enhanced level of footpath maintenance will contribute towards the Plan’s Theme E – “Provide an accessible network that meets the requirements of all users”.

Map B gives an overview of existing public access to the Essex coast between Salcott and Jaywick, showing public rights of way, access land and part of the National Cycle Network Route 51 along the stretch.

Approximately two thirds of the Salcott to Jaywick stretch of the Essex coastline currently has reasonable or good access via the existing network of statutory rights of way and other existing walked routes. However, there are several significant gaps, particularly between the villages of Salcott and Fingringhoe, along the south bank of Alresford Creek, parts of Flag and St Osyth Creeks and south of Point Clear. Other coastal land uses such as military ranges, sand and gravel extraction/processing and industry mean that access opportunities on the coast can be limited and the first available route can be some distance inland.

Housing development in a number of locations such as at Rowhedge and Brightlingsea and the nearby city of Colchester is likely to increase demand on use of the footpath network in the future.

The current lack of continuity in the footpath network available in some coastal sections as mentioned above means that longer walks can only be undertaken by using the highways network. Walking along or crossing these roads can be hazardous for pedestrians as many minor roads have bends with poor sight lines, only narrow verges, and are used by a variety of traffic including heavy vehicles and speeding cars.

There are several small areas of land with other existing rights of access (Registered Common Land and Section 15 access land) along this stretch – see Map B.

The proposed trail route would pass along the western edge of Fingringhoe Common and the whole site would form part of the spreading room. Similarly, the proposed trail route would pass along the landward edge of the registered common land at the mouth of Alresford Creek.

The proposed trail route will pass along part of the access land shown on Map B to the east of Brightlingsea. The whole of this site would fall within the margin (but see “Section 15 land” entry in Annex B for explanation of the rights that would apply).

Local user groups and individuals asked for improved access to the existing public footpaths along the northern and western boundaries of the MOD Firing Ranges at Fingringhoe – see report SCJ2.

As well as considering the extent of existing access provision on the stretch we have looked at standards of accessibility for disabled people and those with constrained mobility, such as those with pushchairs, and the potential for improvements to be made. Our primary responsibility under the Equality Act 2010 is to have regard to the aim of advancing equality of opportunity, and our general approach to accessibility is outlined in the Coastal Access Scheme (paragraphs 4.3.8 to 4.3.11). Our proposals do what is reasonably practicable to ensure that as wide a range of people as possible are able to enjoy the same level of access provision. We have achieved this by:

- Making accessibility a high priority when we were considering route alignment options against the criteria set out in the *Coastal Access Scheme*.
- Only proposing new structures where they are strictly necessary.
- Proposing the removal of those structures that present barriers to those with constrained mobility, or, where this is not practicable, that they be replaced.
- Ensuring that all replacement and new structures are universally accessible.

The improvements we propose are those we think reasonable in the context of the terrain and budgetary realities:

- The needs of those with impaired mobility have been considered throughout our planning and decision-making processes.
- We have sought to ensure that adjustments to accommodate these needs are ambitious but reasonable, in cost and landscape terms.
- We have striven to identify the least restrictive option in each case.
- The expenditure we have recommended is proportionate to the benefits it will bring to trail users, so it focuses especially on areas that are generally more accessible, and where there is good transport connectivity.

In relation to the last bullet point above we considered the potential for including a new access ramp onto the seawall at Seawick to enable easier access in a westward direction. However the high cost of doing this did not justify inclusion when there are existing ramps to the east enabling access onto similar sections of seawall towards Jaywick.

b) Protection of the environment

The coastline between Salcott and Jaywick is predominantly formed of estuaries (River Colne and part of the Blackwater) with long narrow creeks reaching far inland, while at Point Clear and near Jaywick there is open coast directly bordering the sea with extensive areas of sandy beach attracting large numbers of visitors to the foreshore for recreation. Within the creeks around Mersea Island there are shellfisheries, particularly oysters, and the sheltered creeks provide a haven for sailing and other watersports (including water skiing, kite surfing and windsurfing) based around West Mersea, Rowhedge, Wivenhoe and Brightlingsea. Outside of these historic small towns the main destinations for visitors are the Essex Wildlife Trust reserves at Abbots Hall and Fingringhoe Wick.

The extensive intertidal mudflats and sandflats are one of the most important areas in the UK for overwintering waterbirds, supporting large flocks that move between sites. The estuaries are also of international importance for several breeding bird. Four different saltmarsh features of European importance are represented as well as large areas of grazing marsh. Chiefly for a combination of these reasons they are mostly designated as SSSI, SAC, SPA, Ramsar – see maps C1 and C2. Details of the designations relevant to each length are given near the beginning of each of the individual reports in the Protection of the Environment section. A key feature for the Essex Estuaries as a whole is that during the winter months and spring and autumn migration periods, it supports internationally recognised populations of non-breeding waterbirds. The extensive areas of soft mud exposed at low tide are the main feeding areas but the birds also need suitable undisturbed places to roost (e.g. larger blocks of saltmarsh) and several species use inland areas that provide supporting habitat for feeding and resting. An Essex Coast

Recreational Disturbance Avoidance & Mitigation Strategy (Essex RAMS) Document is under development with support from local Councils.

Data relating to the historic sites and features was collated for us by Essex County Council. This included data about the presence of historic sites and features on this stretch of coast (Selected Heritage Inventory for Natural England: SHINE) and specialist advice as to the potential vulnerability of the sites and features to public access. The data was then assessed by Natural England in consultation with officers from Historic England and Essex County Council. We looked for evidence of any potential for our proposals to have a detrimental effect on protected sites or features. This included potential effects arising from the works that would be necessary to establish and/or maintain the proposed route and from people's use of the new access rights. Our conclusion from this assessment is that our proposals would not undermine the conservation objectives for the historic environment within the Salcott to Jaywick stretch.

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

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

- A single Habitats Regulations Assessment relating to any potential impact on the conservation objectives of affected sites from the proposals we make in each report for the stretch. This assessment considers any potential impacts in relation both to the individual length of coast covered by each report, and to the stretch as a whole.
- Our Nature Conservation Assessment for the stretch, in which we document our conclusions in relation to any other potential impacts on nature conservation.

c) Interests of owners and occupiers

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

Rural coast

Issues raised by owners and occupiers on the rural parts of the stretch generally related to the operational needs of businesses (livestock and dogs, theft, litter, impact on wildfowling and game shoots) and the potential impact of access on nature conservation interests (disturbance and damage to wildlife and fragile saltmarsh habitats). Concerns were also expressed about the potential hidden dangers for public safety of the intertidal areas.

In developing our proposals we have tried to address these concerns, whilst being mindful to strike a fair balance between public access and landowner interests. We have sought to identify a trail route which is sensitive to land use, as well as using our powers to restrict and exclude access to areas which are unsuitable for access or likely to impact on a site's sensitive features. Details of the proposed avoidance and mitigation measures addressing these concerns can be found in the appropriate chapters of the report.

Urban coast

The issues raised by owners and occupiers in the urban parts of the stretch generally related to the operational needs of businesses, to the privacy of residents and concerns about existing issues such as litter, dog mess and inconsiderate cyclists.

These issues are to a large extent addressed by the provisions in the legislation for particular categories of land to be automatically excepted from the coastal access rights – including land covered by buildings and their curtilage and land used as a garden. Land which becomes subject to development in the future will also become excepted from the coastal access rights if it is developed in these ways. Annex C: Excepted land categories sets out these provisions in more detail.

In some places we make specific recommendations to address issues raised by owners and occupiers. Such recommendations are set out in the chapters of the proposals which relate to the affected lengths of coast.

Industrial coast

There are two significant industrial areas on this stretch; at The Hythe, Colchester and on the east side of Brightlingsea. In addition there are a number of small industrial operations in rural locations along this stretch of coast.

Any potential issues with regards to access in these areas have been to a large extent addressed by identifying a route which is sensitive to the land use which, together with provisions in the legislation for particular categories of land to be automatically excepted from the coastal access rights, ensures that the coastal access rights will not interfere in any significant way with the operational needs of the business. In addition to this, access exclusions for public safety over most areas of saltmarsh and mudflat and a former gravel extraction site at Fingringhoe have the effect of avoiding these issues.

Military Land

Discussions have been held with the Ministry of Defence in relation to Fingringhoe Range which falls within the coastal margin. Parts of the range are already covered by military byelaws that restrict access rights but the Ministry of Defence have indicated that they are also intending on using their powers under s28 CROW to propose a direction to exclude coastal access rights from a specified area of land seaward of the trail due to the land being used for military purposes (see report SCJ 2).

d) Coastal processes

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

In general where the coast is defended with some certainty, we have not made any specific proposals to enable the trail to adapt to coastal change - for example, where the trail would be on, or on the landward side of sea defences which would protect it.

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










There are three locations on this stretch - two to the south of Rowhedge, part of King Edward Quay, Colchester and part of the north side of St Osyth Creek - where there are currently no sea defences and there is recent evidence of small scale coastal erosion. In addition, between Marsh Farm and Alresford Lodge the Shoreline Management Plan indicates 'No active intervention' on a section of coast. On these lengths of coast we propose to recommend that the trail is able to roll back so that it can be repositioned without further reference to the Secretary of State, once they have approved the initial route. There is more detail about these roll-back arrangements in part 7 of the Overview and in the relevant chapters of the proposals.

e) Other substantive issues

Seawalls

Sea walls on the defended part of this stretch typically have no clear boundary line between the landward slope of the bank and the 'folding' or other land that lies just inland of it. Accordingly where we propose in the reports that follow that the trail should be along the top of the flood bank, we typically also propose that the landward boundary of the margin should be the rear break of slope on the top of the flood bank. This is a clear break of slope and the proposal would deliver more clarity on the ground than the default legal position that the whole bank forms part of the margin.

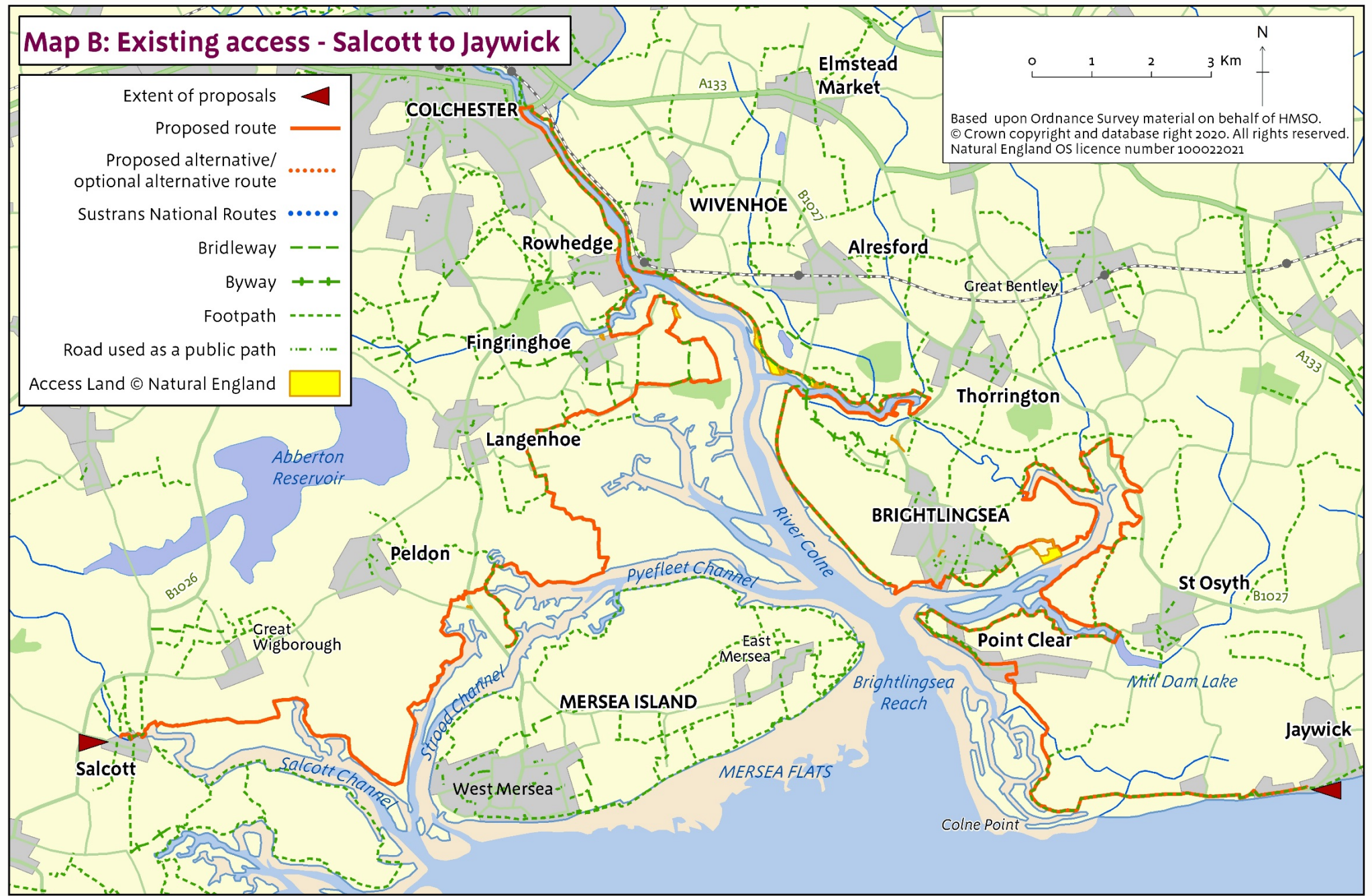
Map B: Existing access - Salcott to Jaywick

- Extent of proposals 
- Proposed route 
- Proposed alternative/ optional alternative route 
- Sustrans National Routes 
- Bridleway 
- Byway 
- Footpath 
- Road used as a public path 
- Access Land © Natural England 

0 1 2 3 Km

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Map C1: Key international statutory environmental designations Salcott to Jaywick


0 1 2 3 Km


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Extent of proposals 

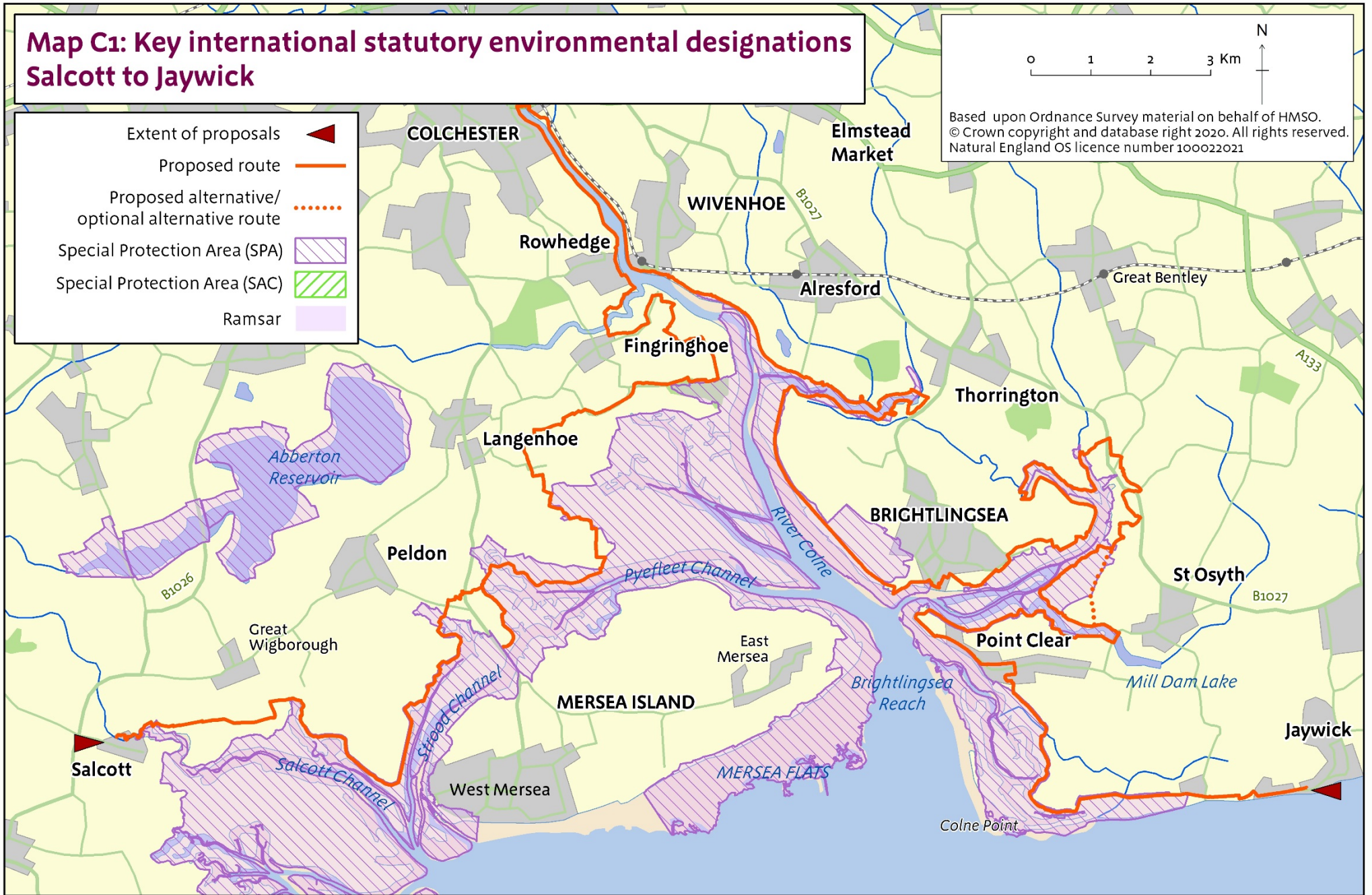
Proposed route 

Proposed alternative/
optional alternative route 

Special Protection Area (SPA) 

Special Protection Area (SAC) 

Ramsar 









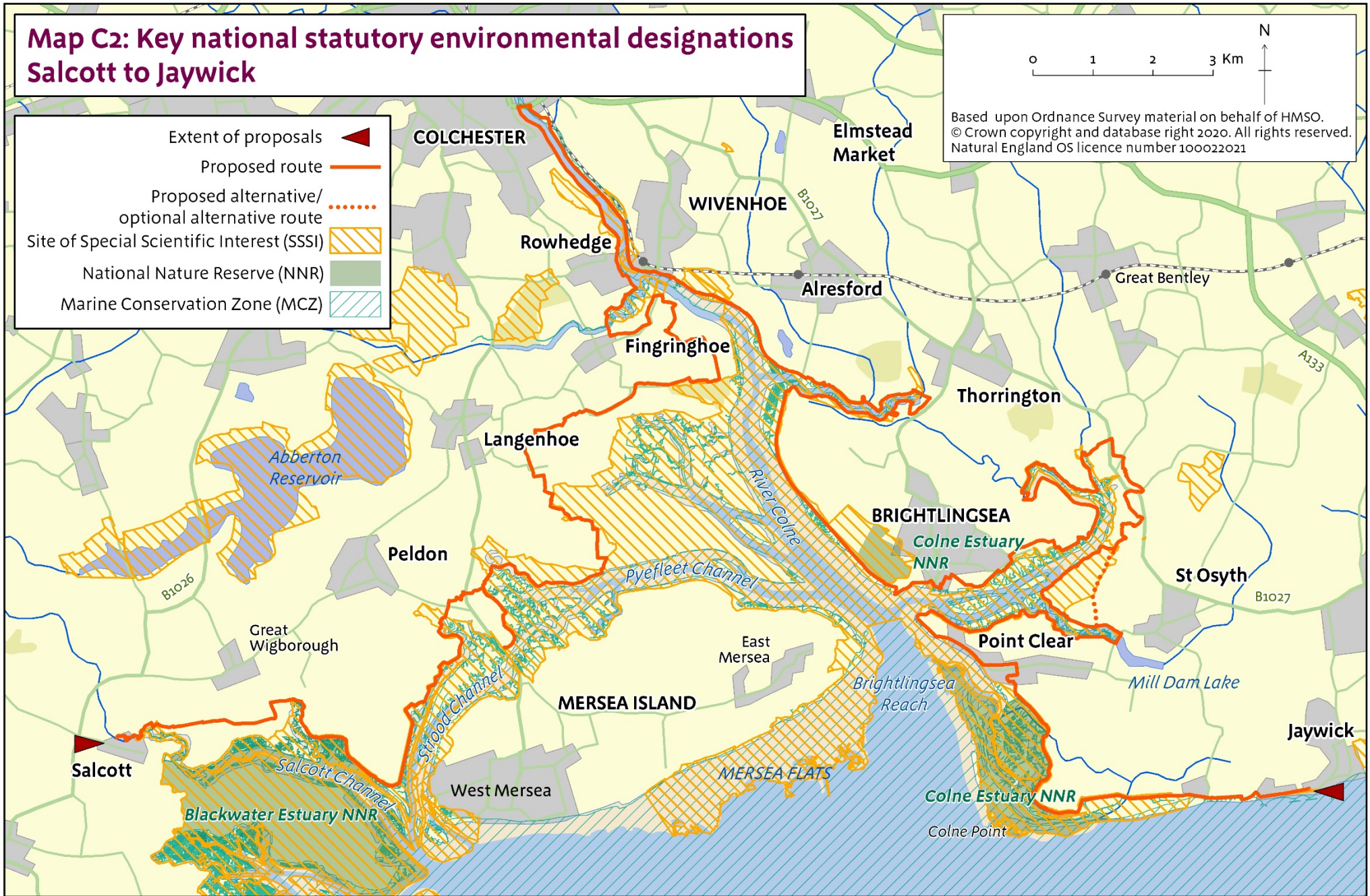
Map C2: Key national statutory environmental designations Salcott to Jaywick

0 1 2 3 Km






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- Extent of proposals 
- Proposed route 
- Proposed alternative/
optional alternative route 
- Site of Special Scientific Interest (SSSI) 
- National Nature Reserve (NNR) 
- Marine Conservation Zone (MCZ) 



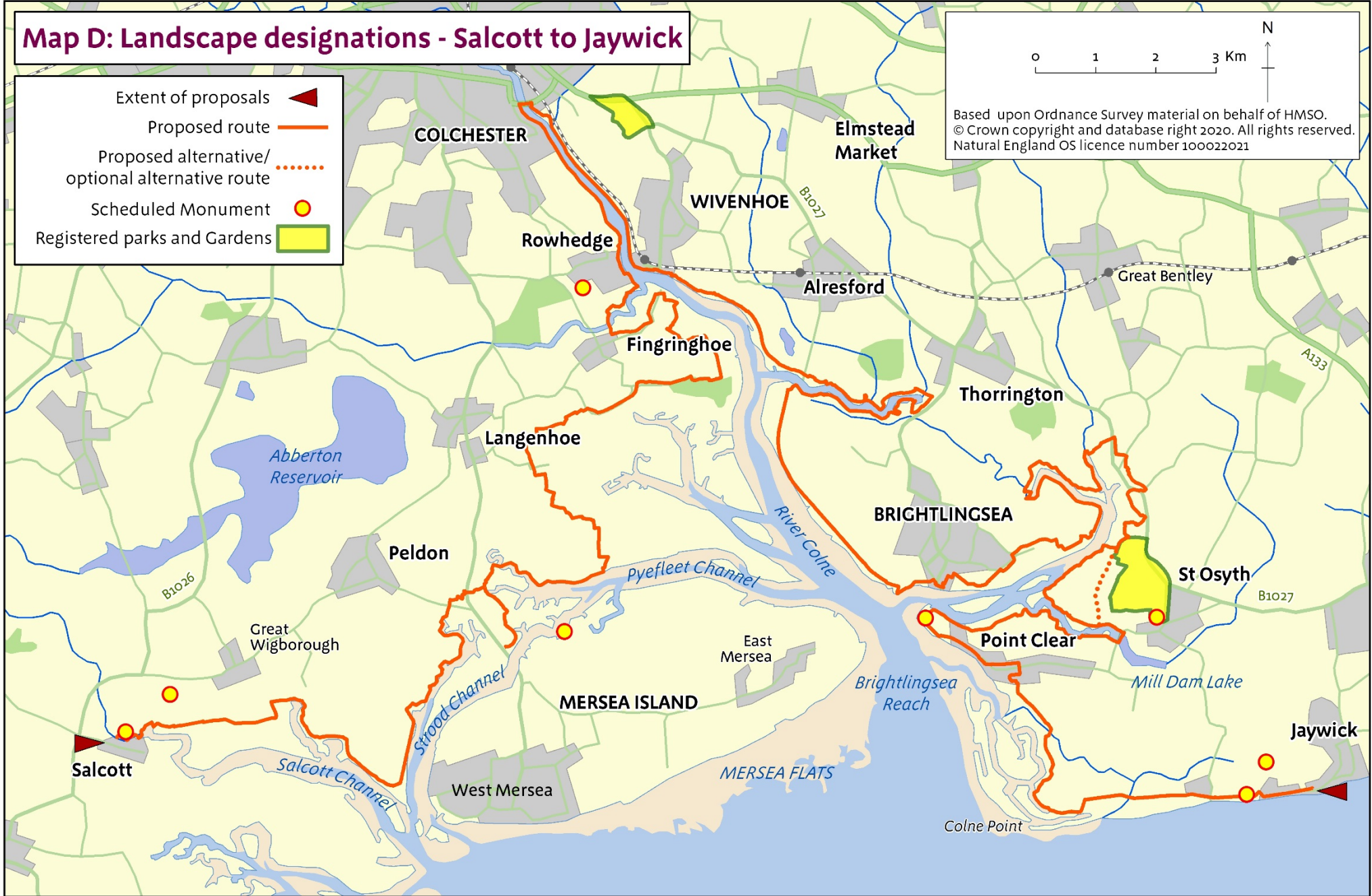
Map D: Landscape designations - Salcott to Jaywick

- Extent of proposals 
- Proposed route 
- Proposed alternative/optional alternative route 
- Scheduled Monument 
- Registered parks and Gardens 

0 1 2 3 Km

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Other issues

7. Future changes

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

Roll-back

Reports SCJ3, SCJ4 and SCJ5 include proposals for specified parts of the route to 'roll back' either:

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

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

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

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

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

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

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

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

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

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

Other changes

We will normally be required to submit a variation report seeking approval from the Secretary of State in order to make any other changes to the route of the trail (or to propose non-automatic changes to the landward boundary of the coastal margin) - for example if the land was subject to new build development. Such changes would be subject to the same procedures for consultation, representations and objections as our initial reports.

However, even without a variation report:

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

8. Restrictions and exclusions

Report reference	Location/extent (see relevant map for more information)	Type of direction	Purpose of direction	Grounds and relevant section of CROW	Duration
1-6	Saltmarsh and flats Part of the coastal margin seaward of the trail – see maps E1 to E7	No public access	Unsuitable for public access	Saltmarsh and flat 25A	All year
1	Abbotts Hall Farm Trail section SCJ-1-S006 to SCJ-1-S017 and coastal margin – see map E2	Dogs on leads to marked route only	Land management	Land management S24	All year
1	Abbotts Hall Farm Part of the coastal margin seaward of the trail – see map E2	No public access	Sensitive wildlife	Nature conservation S26(3)(a)	All year
1	Ray Island Nature Reserve Part of the coastal margin seaward of the trail – see map E2	No dogs	Sensitive wildlife	Nature conservation S26(3)(a)	All year
2	Wick and Langenhoe Point Part of the coastal margin seaward of the trail – see map E3	No public access	Sensitive wildlife	Nature conservation S26(3)(a)	All year
2	Wick Trail section SCJ-2-S014 – see map E3	Dogs on leads	Sensitive wildlife	Nature conservation S26(3)(a)	All year

Report reference	Location/extent (see relevant map for more information)	Type of direction	Purpose of direction	Grounds and relevant section of CROW	Duration
2	Fingringhoe Wick Nature Reserve Part of the coastal margin seaward of the trail – see map E3	Dogs on leads to marked route only	Land management	Land management S24	All year
2	Fingringhoe Wick Nature Reserve Trail section SCJ-2-S030 and coastal margin – see map E3	Keep dogs to fenced route	Land management	Land management S24	All year
2	Ballast Quay, aggregates processing facility Part of the coastal margin seaward of the trail – see map E3	No public access	Public Safety	Public safety 25(1)(b)	All year
4	Gatehouse Farm, Thorrington Part of the coastal margin seaward of the trail – see map E5	No public access	Public Safety	Public safety 25(1)(b)	All year
5	Howlands Marsh Nature Reserve Part of the coastal margin seaward of trail sections SCJ-5-S054 to SCJ-5-S056 – see map E6	No public access	Sensitive wildlife	Nature conservation S26(3)(a)	All year

Report reference	Location/extent (see relevant map for more information)	Type of direction	Purpose of direction	Grounds and relevant section of CROW	Duration
5	Howlands Marsh Nature Reserve Trail section SCJ-5-S054 to SCJ-5-S058 and coastal margin – see map E6 Alternative route provided	No public access	Sensitive wildlife	Nature conservation S26(3)(a)	1 September to 30 April each year
5	Howlands Marsh Nature Reserve Trail section SCJ-5-S054 to SCJ-5-S058 and coastal margin – see map E6	Dogs on leads on marked route only	Land management	Land management 24	1 May to 31 August each year
6	Colne Point Nature Reserve Part of the coastal margin seaward of the trail – see map E7	No public access	Sensitive wildlife	Nature conservation 26(3)(a)	All year
6	Colne Point Nature Reserve Part of the coastal margin seaward of the trail – see map E7	No dogs	Sensitive wildlife	Nature conservation 26(3)(a)	All year

These directions will not prevent or affect:

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

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

Where land already has open access rights for the public under Part 1 of the CROW Act (the right to roam over mountain, moor, heath, down and registered common), those pre-existing rights are replaced by coastal access rights wherever the land in question falls within the coastal margin. Where that happens, our report may in some circumstances propose to exclude the replacement rights, even where they were not excluded previously, based on an updated analysis of relevant powers and requirements.

Map E1: Extent of directions - Salcott to Jaywick

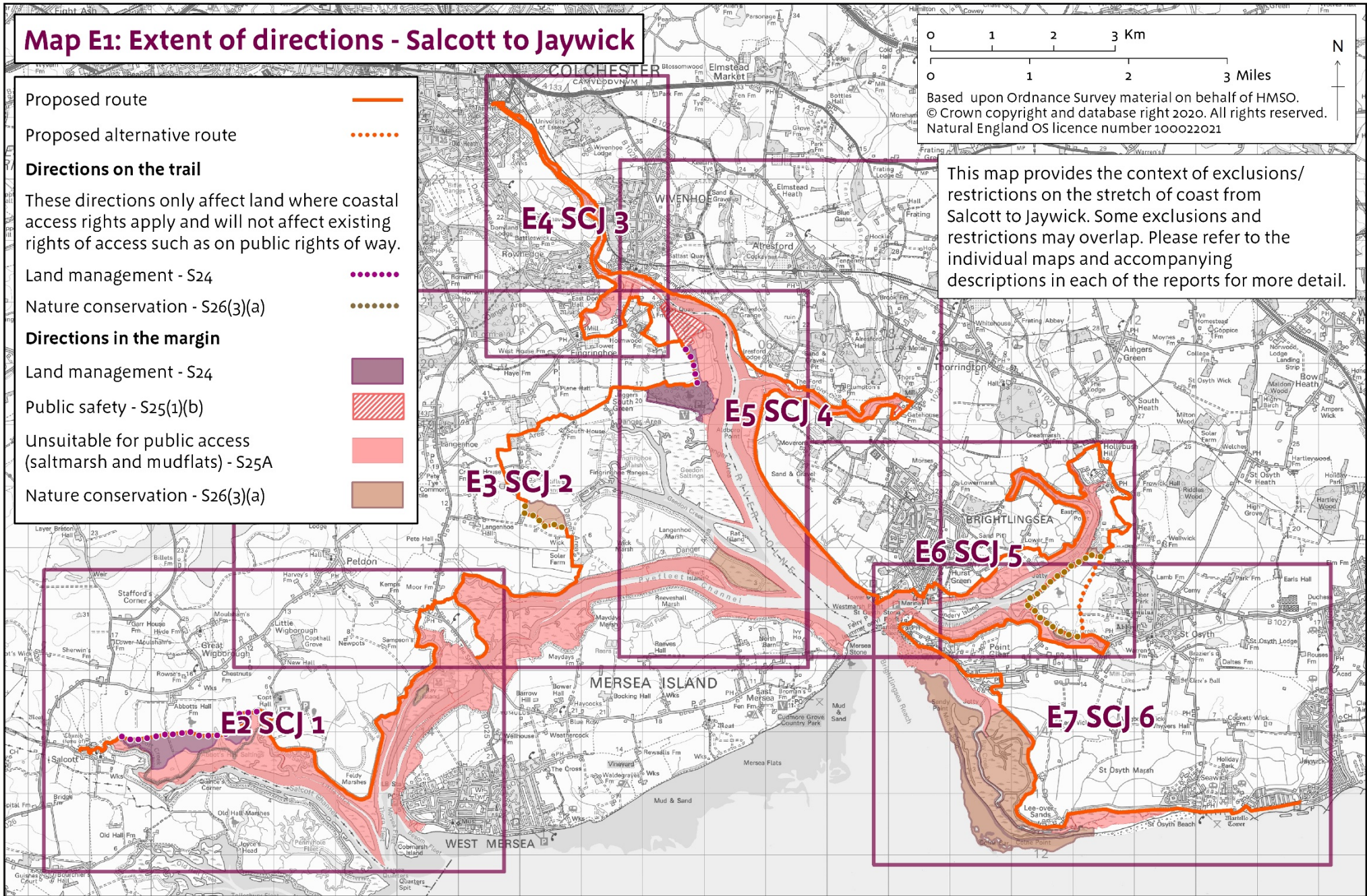
- Proposed route —
- Proposed alternative route ⋯
- Directions on the trail**
- These directions only affect land where coastal access rights apply and will not affect existing rights of access such as on public rights of way.
- Land management - S24 ⋯
- Nature conservation - S26(3)(a) ⋯
- Directions in the margin**
- Land management - S24
- Public safety - S25(1)(b)
- Unsuitable for public access (saltmarsh and mudflats) - S25A
- Nature conservation - S26(3)(a)

0 1 2 3 Km
0 1 2 3 Miles

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This map provides the context of exclusions/restrictions on the stretch of coast from Salcott to Jaywick. Some exclusions and restrictions may overlap. Please refer to the individual maps and accompanying descriptions in each of the reports for more detail.



Map E2: Extent of directions SCJ 1 Salcott to Moor Farm, Langenhoe

This map provides the context of exclusions/restrictions on part of the stretch of coast from Salcott to Jaywick. These directions only affect land where coastal access rights apply and will not affect existing rights of access such as on public rights of way. Some exclusions and restrictions may overlap. Please refer to the individual maps and accompanying descriptions in each of the reports for more detail.

Proposed route

Directions on the trail

Land management - S24

Directions in the margin

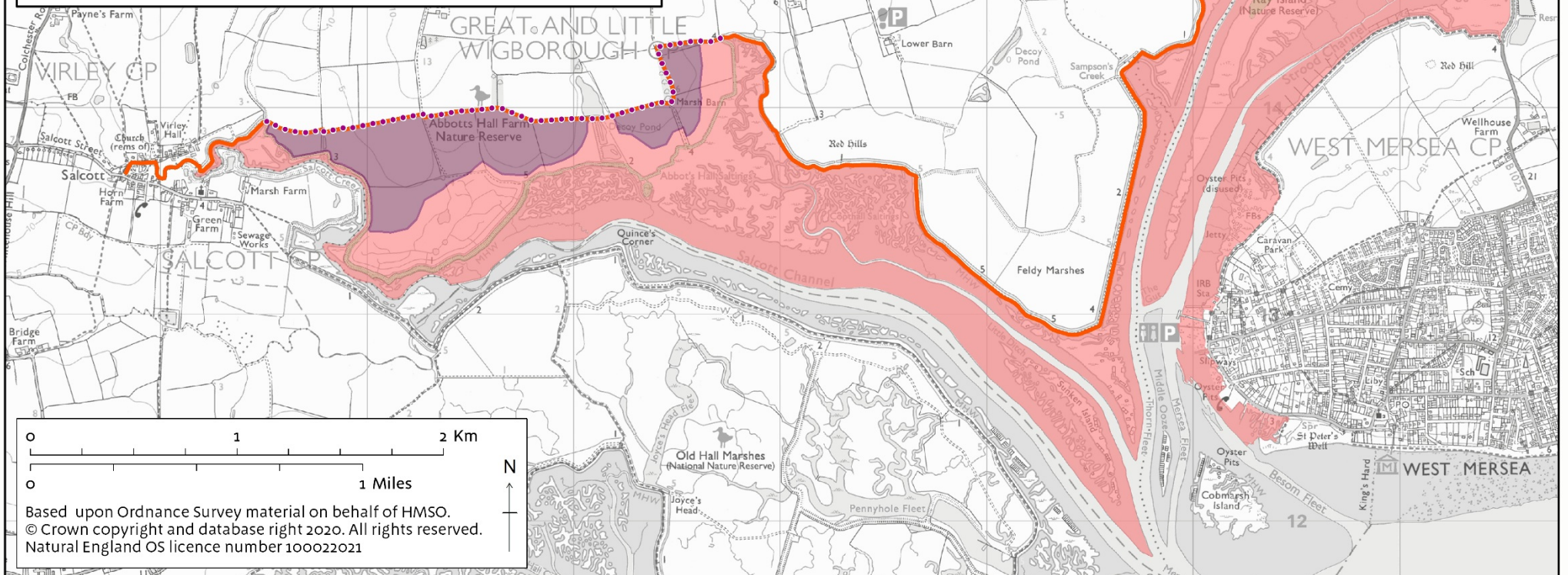
Land management - S24

Unsuitable for public access (saltmarsh and mudflats) - S25A

Nature conservation - S26(3)(a)

Other directions along the full stretch

Unsuitable for public access (saltmarsh and mudflats) - S25A



Map E3: Extent of directions SCJ 2 The Strood to Fingringhoe

Proposed route

Directions on the trail

Land management - S24

Nature conservation - S26(3)(a)

Directions in the margin

Land management - S24

Public safety - S25 (1)(b)

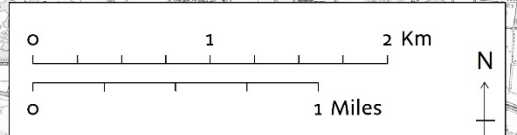
Unsuitable for public access (saltmarsh and mudflats)
S25A

Nature conservation - S26(3)(a)

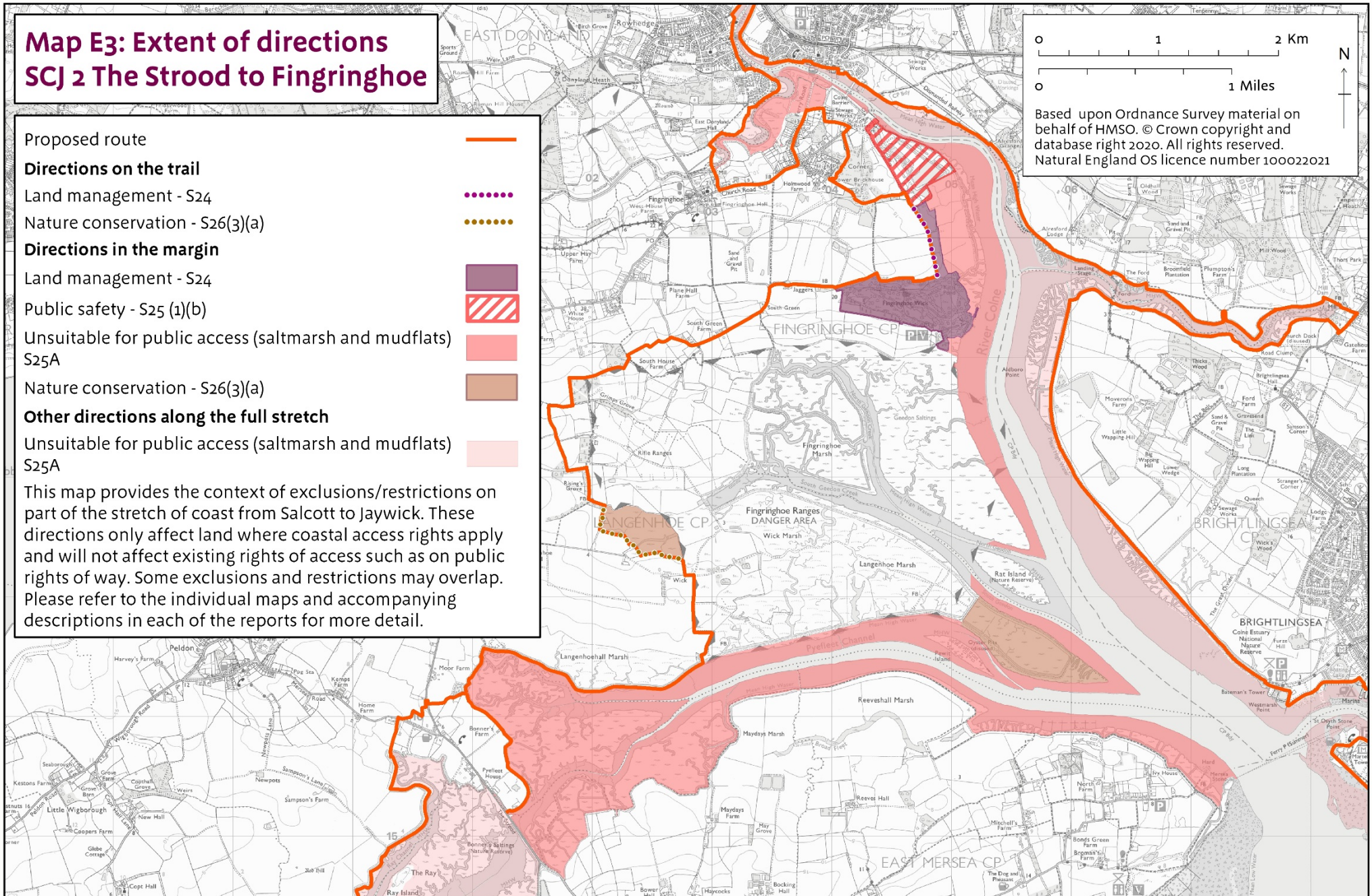
Other directions along the full stretch

Unsuitable for public access (saltmarsh and mudflats)
S25A

This map provides the context of exclusions/restrictions on part of the stretch of coast from Salcott to Jaywick. These directions only affect land where coastal access rights apply and will not affect existing rights of access such as on public rights of way. Some exclusions and restrictions may overlap. Please refer to the individual maps and accompanying descriptions in each of the reports for more detail.



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MapE4: Extent of directions SCJ 3 Fingringhoe to Wivenhoe Sailing Club

Proposed route —

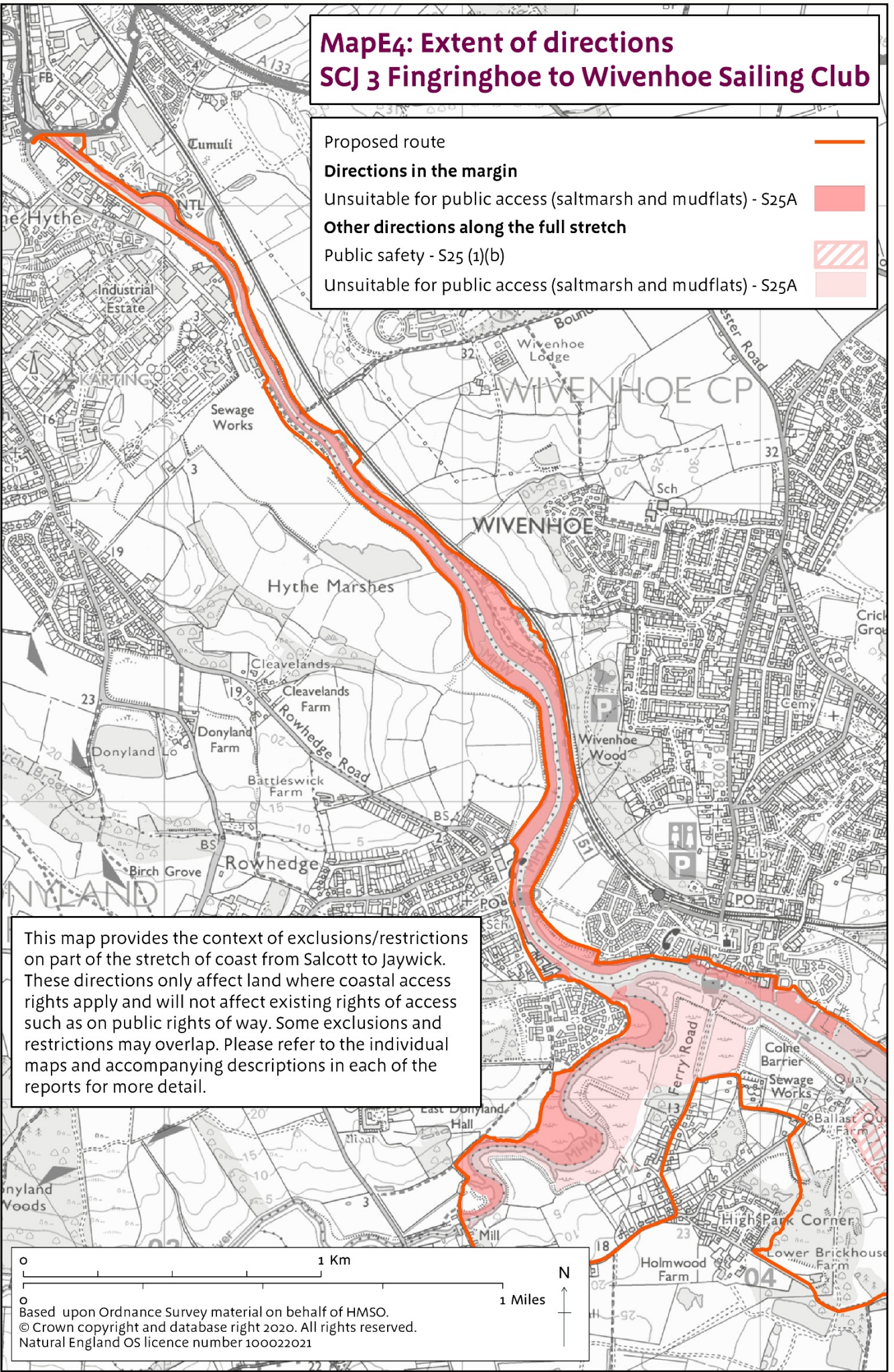
Directions in the margin

Unsuitable for public access (saltmarsh and mudflats) - S25A ■

Other directions along the full stretch

Public safety - S25 (1)(b) ▨

Unsuitable for public access (saltmarsh and mudflats) - S25A ■



This map provides the context of exclusions/restrictions on part of the stretch of coast from Salcott to Jaywick. These directions only affect land where coastal access rights apply and will not affect existing rights of access such as on public rights of way. Some exclusions and restrictions may overlap. Please refer to the individual maps and accompanying descriptions in each of the reports for more detail.







0 1 Km

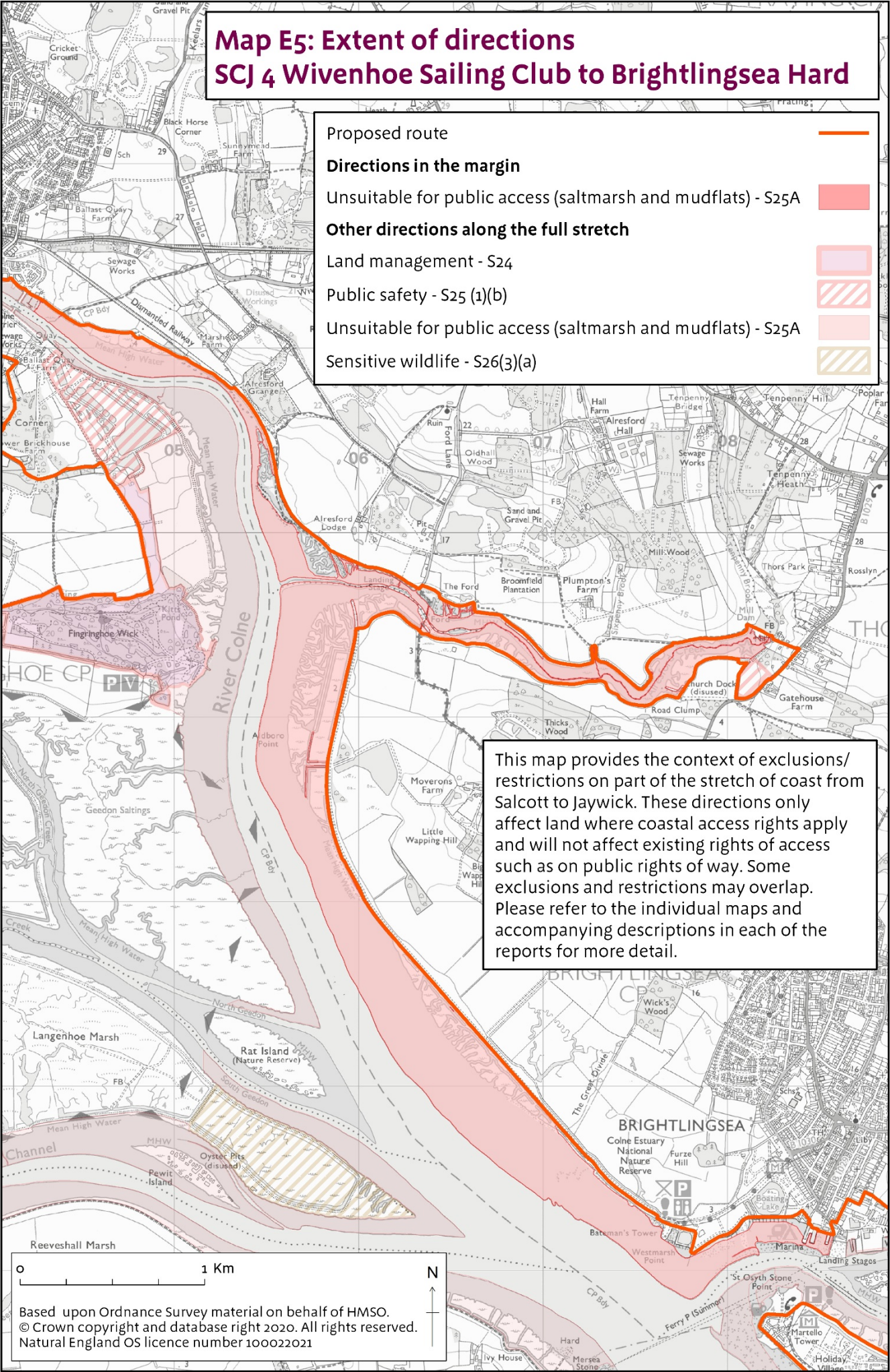
0 1 Miles

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Map E5: Extent of directions SCJ 4 Wivenhoe Sailing Club to Brightlingsea Hard

Proposed route	
Directions in the margin	
Unsuitable for public access (saltmarsh and mudflats) - S25A	
Other directions along the full stretch	
Land management - S24	
Public safety - S25 (1)(b)	
Unsuitable for public access (saltmarsh and mudflats) - S25A	
Sensitive wildlife - S26(3)(a)	



This map provides the context of exclusions/restrictions on part of the stretch of coast from Salcott to Jaywick. These directions only affect land where coastal access rights apply and will not affect existing rights of access such as on public rights of way. Some exclusions and restrictions may overlap. Please refer to the individual maps and accompanying descriptions in each of the reports for more detail.

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Map E6: Extent of directions SCJ 5 Brightlingsea Hard to Stone Point, Point Clear

Proposed route

Directions on the trail

Proposed alternative route

Nature conservation - S26(3)(a)

Directions in the margin

Unsuitable for public access (saltmarsh and mudflats) - S25A

Nature conservation - S26(3)(a)

Other directions along the full stretch

Unsuitable for public access (saltmarsh and mudflats) - S25A

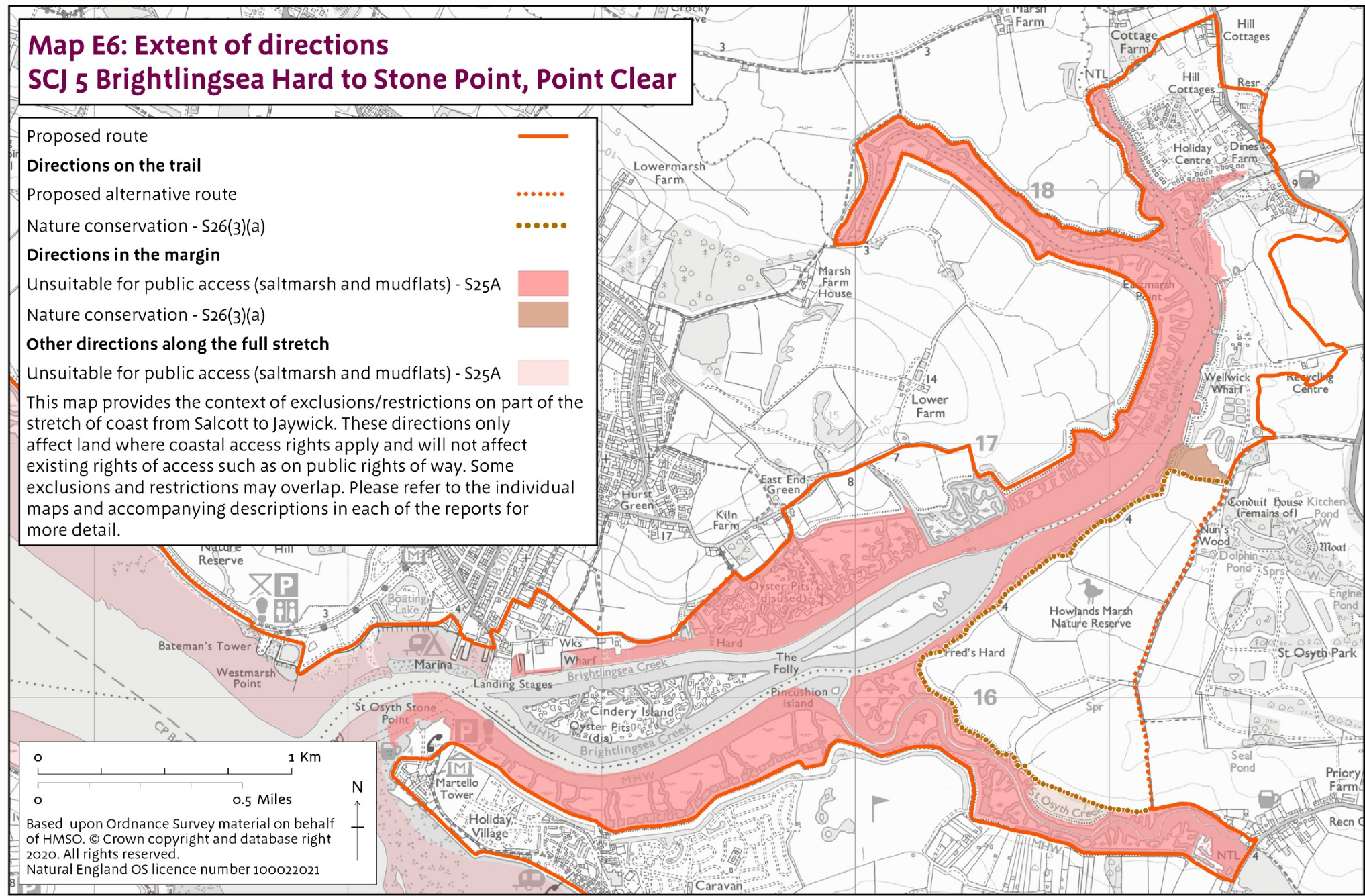
This map provides the context of exclusions/restrictions on part of the stretch of coast from Salcott to Jaywick. These directions only affect land where coastal access rights apply and will not affect existing rights of access such as on public rights of way. Some exclusions and restrictions may overlap. Please refer to the individual maps and accompanying descriptions in each of the reports for more detail.








Scale: 0 to 1 Km / 0 to 0.5 Miles

North arrow (N)

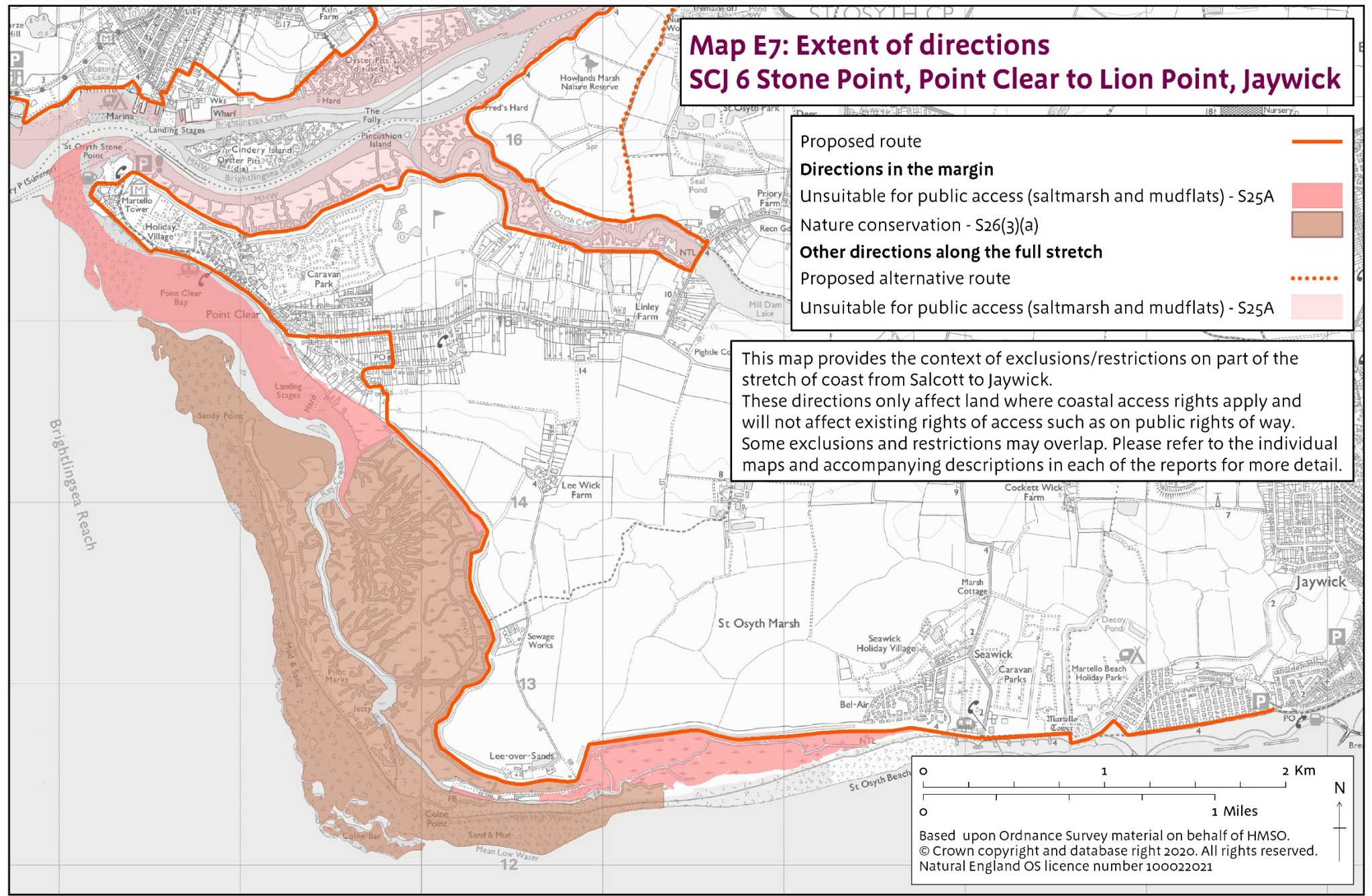
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Map E7: Extent of directions SCJ 6 Stone Point, Point Clear to Lion Point, Jaywick

Proposed route	
Directions in the margin	
Unsuitable for public access (saltmarsh and mudflats) - S25A	
Nature conservation - S26(3)(a)	
Other directions along the full stretch	
Proposed alternative route	
Unsuitable for public access (saltmarsh and mudflats) - S25A	

This map provides the context of exclusions/restrictions on part of the stretch of coast from Salcott to Jaywick. These directions only affect land where coastal access rights apply and will not affect existing rights of access such as on public rights of way. Some exclusions and restrictions may overlap. Please refer to the individual maps and accompanying descriptions in each of the reports for more detail.



0 1 2 Km
0 1 Miles

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Annex A: Bibliography

Information about Natural England's coastal access programme:

Natural England

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

Information about the statutory framework for coastal access:

Department for Environment, Food and Rural Affairs

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

Coastal Access Scheme

NE446 - Coastal Access: Natural England's Approved Scheme

Natural England

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

Marine and Coastal Access Act 2009

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

Countryside & Rights of Way Act 2000 [CROW]

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

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

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

National Parks and Access to the Countryside Act 1949

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

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

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

Environmental legislation referred to in the reports:

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

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

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

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

Other published information used in the preparation of the report:

Essex and South Suffolk Shoreline Management Plan SMP2 (2010)

Royal Haskoning – on behalf of the East Anglia Coastal Group

<http://eacg.org.uk/smp8.asp>

Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS)

Habitats Regulations Assessment Strategy document 2018-2038

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

Essex Highways Rights of Way Improvement Plan (2009)

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

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

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

Annex B: Glossary of terms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

excepted land – see Annex C.

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

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

gate is used in several ways in the reports:

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

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

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

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

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

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

margin (see coastal margin)

national restrictions – see Annex D.

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

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

ordinary route means the line normally followed by the trail.

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

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

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

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

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

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

restrict/restriction – see “exclude/exclusion”.

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

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

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

section 15 land means land with public access rights under:

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

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

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

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

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

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

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

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

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

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

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

Annex C: Excepted land categories

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

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

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

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

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

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

Annex D: National restrictions

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

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

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

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

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

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

We can provide more information about these options on request.

Countryside and Rights of Way Act 2000

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

General restrictions

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

(b) engaging in any activities which –

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

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

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

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

3 Regulations may amend paragraphs 1 and 2.

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

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

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

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

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

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

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

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

(3) The first condition is that –

(a) the dog is on a lead, or

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

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

(a) on access land, or

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

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

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

(2) In this paragraph –

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

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

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

Front cover photo:

Alresford Creek

Roger Gerry, Natural England

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