

www.gov.uk/englandcoastpath

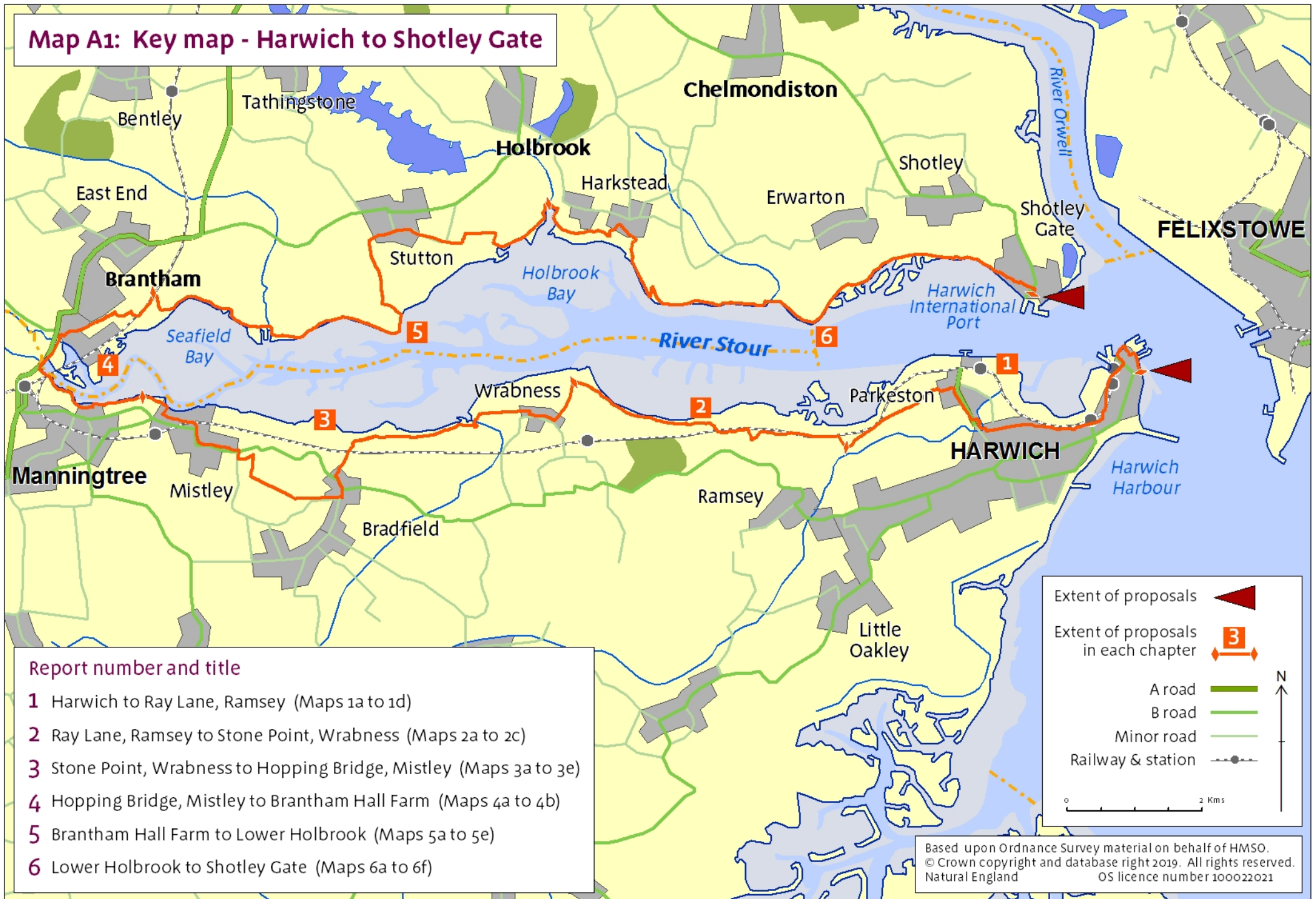


England Coast Path Stretch: Harwich to Shotley Gate

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





Map A1: Key map - Harwich to Shotley Gate





Report number and title


- 1** Harwich to Ray Lane, Ramsey (Maps 1a to 1d)
- 2** Ray Lane, Ramsey to Stone Point, Wrabness (Maps 2a to 2c)
- 3** Stone Point, Wrabness to Hopping Bridge, Mistley (Maps 3a to 3e)
- 4** Hopping Bridge, Mistley to Brantham Hall Farm (Maps 4a to 4b)
- 5** Brantham Hall Farm to Lower Holbrook (Maps 5a to 5e)
- 6** Lower Holbrook to Shotley Gate (Maps 6a to 6f)


Extent of proposals 

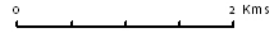
Extent of proposals in each chapter 


A road 

B road 

Minor road 

Railway & station 

0 2 Kms 

N 

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Using the Key Map

Map A1 (opposite) shows the whole of the Harwich to Shotley Gate stretch divided into shorter numbered lengths of coast.

Each number on Map A1 corresponds to the report which relates to that length of coast.

To find our proposals for a particular place, find the place on Map A1 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.

Report numbers and titles

HSG 1: Harwich to Ray Lane, Ramsey (maps HSG 1a to HSG 1d)

HSG 2: Ray Lane, Ramsey, to Stone Point, Wrabness (maps HSG 2a to HSG 2c)

HSG 3: Stone Point, Wrabness, to Hopping Bridge, Mistley (maps HSG 3a to HSG 3e)

HSG 4: Hopping Bridge, Mistley, to Brantham Hall Farm (maps HSG 4a to HSG 4b)

HSG 5: Brantham Hall Farm to Lower Holbrook (maps HSG 5a to HSG 5e)

HSG 6: Lower Holbrook to Shotley Gate (maps HSG 6a to HSG 6f)

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 Harwich and Shotley Gate. 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 relates to a particular part of the stretch, makes free-standing proposals, and seeks approval for them by the Secretary of State in its 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 in the relevant report 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 HSG 1a to HSG 1d illustrate the proposals in report HSG1, which deals with the length from Harwich to Ray Lane, Ramsey.

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 relates to securing a long-distance walking route (“the trail”) around the whole coast: we call this the England Coast Path; the other relates 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 and Suffolk between Harwich and Shotley Gate (i.e. around the Stour estuary). 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 most areas of beach, cliff and other coastal land on this stretch of coast;
- The coastal path would be able to ‘roll back’ as the cliffs erode or slip, or when other forms of coastal change occur, solving long-standing difficulties with maintaining a continuous route on this stretch of coast.

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

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

¹ section 301 of the Marine and Coastal Access Act 2009

2. The determination process

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

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

Following publication:

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

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

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

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

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

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

Parts 2 to 4 of each report explain more about the further steps that will be taken to establish the route, provisions for its future maintenance and the procedures 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 six 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 HSG 1a to HSG 1d illustrate the proposals described in report HSG 1.

Each **report** comprises four parts:

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

Part 3 Proposals Tables explained

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

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

user that may currently exist at the local level - for example by formal agreement with, informal permission from or traditional toleration by the owner of the land, or through any type of pre-existing legal right that remains in force.

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

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

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

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

Example table 1: Section details

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

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

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

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

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

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

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

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

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

Example table 2: Alternative routes and optional alternative route details

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

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

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

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

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

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

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

Example table 3: Other options considered

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

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

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

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

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

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

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

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

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

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

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

Part 4 Proposals Maps explained

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

The proposed route of the trail:

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

- Essex and Suffolk Local Access Forums;
- County and District Council officers, including ecology, geology, historic environment, planning and transport staff;
- Suffolk Coast and Heaths Area of Outstanding Natural Beauty Team;
- local officers from the Environment Agency, in relation to flood defence and coastal erosion management, and biodiversity protection within the Stour estuary; and
- local officers of Historic England, in relation to historic features.

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

- Essex and Suffolk Ramblers
- the National Farmers Union
- local wildfowling groups
- the Country Land and Business Association
- Suffolk Coast Forum
- Stour & Orwell Estuaries Management Group
- HM Coastguard
- the RSPB
- Essex Wildlife Trust
- Suffolk Wildlife Trust
- Individuals who monitor birds on the estuary, or with particular ornithological expertise
- a number of parish councils
- GeoEssex.

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

We also engaged with internal specialists and relevant organisations locally - including Essex and Suffolk Wildlife Trusts, the RSPB and 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.

We held community drop-in events at village halls in Wrabness and Harkstead, and libraries in Manningtree and Harwich, all of which were very well attended.

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 land to 'walk the course', so 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.

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 affected owners and occupiers letters and accompanying maps, summarising our emerging proposals, explaining how their land would be affected by any new rights and seeking their 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 this report.

Key issues along this stretch

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

The proposed Harwich to Shotley Gate stretch centres almost entirely on the estuarial waters of the Stour, with approximately 0.5km fronting Harwich Harbour.

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 Stour 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 Stour estuary.
- Sets out the options for estuary trail alignment which we have identified as a result of this analysis.
- Describes and explains our chosen proposal.

b) Estuary discretion

Under the 2009 Act there is no requirement for the trail to extend up any estuary further than the seaward limit of 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) below, in relation to the Stour estuary.

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 Stour estuary forms the boundary between north-east Essex and south-east Suffolk. The shallow terrain and soft, easily eroded geology of the two counties have led to the formation of a complex of estuaries which defines the character of much of the local coastline.

The shape and size of the local estuaries vary considerably, but they are mostly relatively shallow, with extensive intertidal areas dominated by mud, and often fragmented or fringed by areas of saltmarsh or reedbed. Taken together, they provide an ecological and landscape resource unique in Britain.

e) The Stour estuary

In the local context the Stour estuary is moderate in size, and is relatively wide and shallow. It flows into the North Sea, along with the adjacent Orwell estuary, via Harwich Harbour, which is flanked by Harwich International Port on one side, and the Port of Felixstowe on the other.

Geographical limits of our discretion

The seaward limit of the transitional waters of the Stour estuary is defined by two lines which intersect in Harwich Harbour; one projecting north from Navyard Wharf, Harwich, the other east from Shotley Marina, Shotley Gate.

The proposed alignment within the Harwich to Shotley Gate stretch extends the trail from Harwich, at the mouth of the Stour estuary, along the Essex bank to Manningtree and Lawford, where the A137 crosses the estuary at White Bridge. From here it returns to the mouth of the estuary via the Suffolk bank and ends at Shotley Gate.

The statutory estuary criteria

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

i) Ferry services

There is a well-established ferry service which operates between Harwich, Shotley and Felixstowe. The service is provided by Harwich Harbour Ferry. Service times vary from year to year; below is a summary of the 2019 timetable for services between Harwich and Shotley, as listed on the company's website in January 2019 (<https://www.harwichharbourferry.com/ferry-time-price.html>). Services between Harwich and Felixstowe are similar.

- Service operates from 1 April to 3 November.
- From 1 April, May, until 30 June, & 2 September until 3 November (daily service): 6 services per day, between 10.50 and 17.00.
- 1 July until 1 September (daily service): 7 services per day, between 9.50 and 17.00.

ii) Character of the Estuary

Estuary width

The Stour estuary is of moderate length in the context of Essex and Suffolk estuaries, but is notable for being particularly broad and, for the most part, shallow. At its mouth it is approximately 1.2 km wide; at its widest approximately 2.1 km.

Topography of the shoreline

The estuary's shoreline skirts several broad, sweeping bays. With the exception of the freshwater Stour at the estuary's upstream limit, all the watercourses flowing into the estuary are very minor (the River Stour is separated from the estuary by sluice gates which maintain levels in the lower river and isolate it from the saltwater downstream). The wide expanse of the estuary and the low-lying landscape create a coastal feel, especially on windy days when the open topography enables wave heights to build. The waves erode the soft geology easily, causing long lengths of shoreline to shift landward regularly, mirroring the more dramatic erosion occurring on the coastline to the north.

Nature of affected land

The Suffolk bank of the Stour estuary is within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). At the time of writing, Natural England is about to make an Order extending the AONB to cover much of the estuary and its southern bank. Once made, the Order will be submitted to the Secretary of State for Environment, Food and Rural Affairs for confirmation. The designation will not come into effect unless and until confirmed by the Secretary of State. A public consultation about proposals for the extension took place in early 2018.

It is also worth noting that the Dedham Vale AONB is immediately to the west of the stretch (i.e. west of the A137), and extends along the lower reaches of the freshwater River Stour. This is the smallest AONB in England and it celebrates the landscape featured in the paintings of John Constable.

The general character of the Stour estuary landscape is similar to that of the Suffolk coast to its north. The greater part of it is rural in character, with low, gently undulating hills underlying mostly arable fields and scattered villages and hamlets, but with urban areas at both ends, at Manningtree/ Lawford and at Harwich/ Dovercourt/ Parkeston.

There are also areas of grassland, largely confined to low-lying, flattish land protected by seawalls, and pockets of woodland, notably Copperas Wood, which is immediately adjacent to the shore; a rare East Anglian example of these habitats being found side-by-side.

There are no major roads or railways close to the estuary other than the A137 and the London to Norwich mainline, both of which cross the estuary at its western end, but the Manningtree to Harwich branch line runs close to, and parallel with the south shore throughout its length. This line has constrained our proposals at certain points.

Within the estuary expansive mudflats are revealed at low tide. The relatively low levels of land and water-based activity help to ensure that these provide a valuable resource for waders and wildfowl, the Stour estuary being an important component of the ecology of the Suffolk and Essex estuaries complex.

Features of interest

The estuary is valued by birdwatchers, attracted especially by its high populations of over-wintering and passage waterbirds. There are also three neighbouring nature reserves open to the public, all on the Essex bank; at Copperas Wood, Stour Wood and at Wrabness.

At the extreme east of the estuary is the historic town of Harwich, home of the Mayflower, which carried the Pilgrim Fathers to America in 1620. Among the many historic features are the impressive Redoubt Fort, a crane designed to be powered by humans, and the Electric Palace; one of the oldest surviving purpose-built

cinemas. Harwich is a modest tourist destination, being strategically placed overlooking Harwich Harbour and the mouths of the Stour and Orwell estuaries.

Manningtree, at the western end of the estuary, is England's smallest town. Together with neighbouring Mistley it is also a modest tourist attraction with attractive old buildings, a working quay and expansive estuary views. It is also well-placed, its station being a stop for fast trains on the London to Norwich mainline. From Manningtree station visitors can visit the town and estuary to the east, the Dedham Vale AONB to the west, or the Suffolk Coast and Heaths AONB to the north.

There are narrow but attractive beaches half way along the Suffolk and Essex banks respectively, and a very small but well-placed beach at Manningtree. Both larger beaches are mostly inundated at high tide and have large areas of exposed mud at low tide. They have distinct characters: on the Suffolk side, the south-facing beach located in the broad sweep of Holbrook Bay is locally popular, with footpaths linking it to the attractive villages of Lower Holbrook and Harkstead; on the Essex bank, the beach and cliffs at Wrabness are populated by 100 or so substantial beach huts occupied as second homes.

iii) Recreational Benefit

As noted above, the Stour estuary is a key component of the complex of estuaries which largely defines the fundamental character of the Essex and Suffolk coastline. It has a distinctive character resulting from its relatively broad, shallow topography, which allows expansive views. It also has a surprisingly remote feel given the proximity of Harwich, Manningtree, Ipswich and Felixstowe, and of major transport links. Together with the unique features outlined above, these factors make it an important recreational resource.

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

- A large proportion of these PRoW have been adversely affected by coastal erosion, leading to them being undermined and currently located, in a legal sense, on cliff face or foreshore, such as at Bradfield, and between Stutton and Harkstead (where approximately 4km of shoreline between Stutton Park and Nether Hall is affected).
- There are also places where existing lengths of PRoW are located a considerable distance inland, with limited or non-existent views of the estuary, such as approximately 1.8 km of shoreline at Stutton, 2km between Mistley and Bradfield, and a further 2km in the eastern half of Copperas Bay, near Ramsey village.
- Where there are gaps in existing footpath access on the Essex bank, nearby sections of the B1352 are unsafe for pedestrian traffic, having poor visibility, high speed limits and no pavements.

Economic considerations

There is the potential to extend the economic benefits of hosting the national trail from the coastal towns of Harwich and Felixstowe to the inland towns of Ipswich and Manningtree, by extending the trail around the Stour and (if appropriate) Orwell Estuaries (note: the Orwell is being considered separately and will have its own stretch report). There is also potential for the trail, in conjunction with the existing ferry service and train links, to provide valuable links between these towns and extended circular routes for residents and visitors. In this way, local tourism would be promoted without attendant increases in car use.

iv) Excepted land

There are three extensive areas of excepted land:

- Around Bathside Bay and Parkeston, where commercial and port developments dominate the landscape and the Manningtree to Harwich railway line further separates the proposed alignment from the shoreline.

- At Wrabness, where the Balhaven residential huts are, effectively, second homes with a communal/ shared curtilage.
- At Brantham/ Cattawade, where there is a large area of industrial land, some of which is currently in use or being re-developed, some derelict and likely to remain unsafe for access for the foreseeable future, and some due to be redeveloped as a railway service facility. Immediately adjacent to this is an area with outline planning permission for the building of 320 homes.

There is also a substantial ribbon of shoreline land between Mistley and Bradfield that will remain inaccessible from land despite not, in itself, being excepted. This is due to it being bordered on all landward sides by excepted land: the Harwich branch line to the south, and houses and gardens to both east and west.

v) Options for the Stour estuary

- Option 1 – Extend the trail around the estuary from Harwich to Shotley Gate, crossing the estuary at White Bridge/ the A137. This would involve the use of existing PRow where appropriate, linked by new sections of path.
- Option 2 – Do not extend the trail up the estuary further than the seaward limit of the Stour estuarial waters on the southern shore. Walkers would have a seasonal ferry service linking Harwich directly to Felixstowe, and also to Shotley Gate (between the mouths of the Stour and Orwell Estuaries). This would allow continuous access along the open coast for walkers during operational periods, but with (according to the 2018 and 2019 timetables):
 - no service in early mornings or evenings;
 - no service at all from November to March inclusive (varies slightly to coincide with whole weeks).

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 – As option 2, but establish an alternative route, following existing PRow around the estuary, for when the ferry service is not available (November to March inclusive). This would allow continuous access along the open coast for walkers for seven months, utilising the ferry service (albeit there would be no service early mornings or evenings), and a continuous walked route alternative during the autumn/ winter.
- Option 4 – As option 3, except that parts of the alternative route would be made up of new trail sections. These new sections would be the same as those proposed under Option 1, which would mean that:
 - Access routes close to the shoreline would be greatly improved.
 - The need for long diversions inland of the estuary would be much reduced compared with Option 3.
 - Hazardous road sections would be avoided.
 - There would be far better visual links with the estuary.

Proposed route of the trail

Our proposal is to align the trail around the estuary from Harwich to Shotley Gate, crossing it at White Bridge – Option 1. This is because:

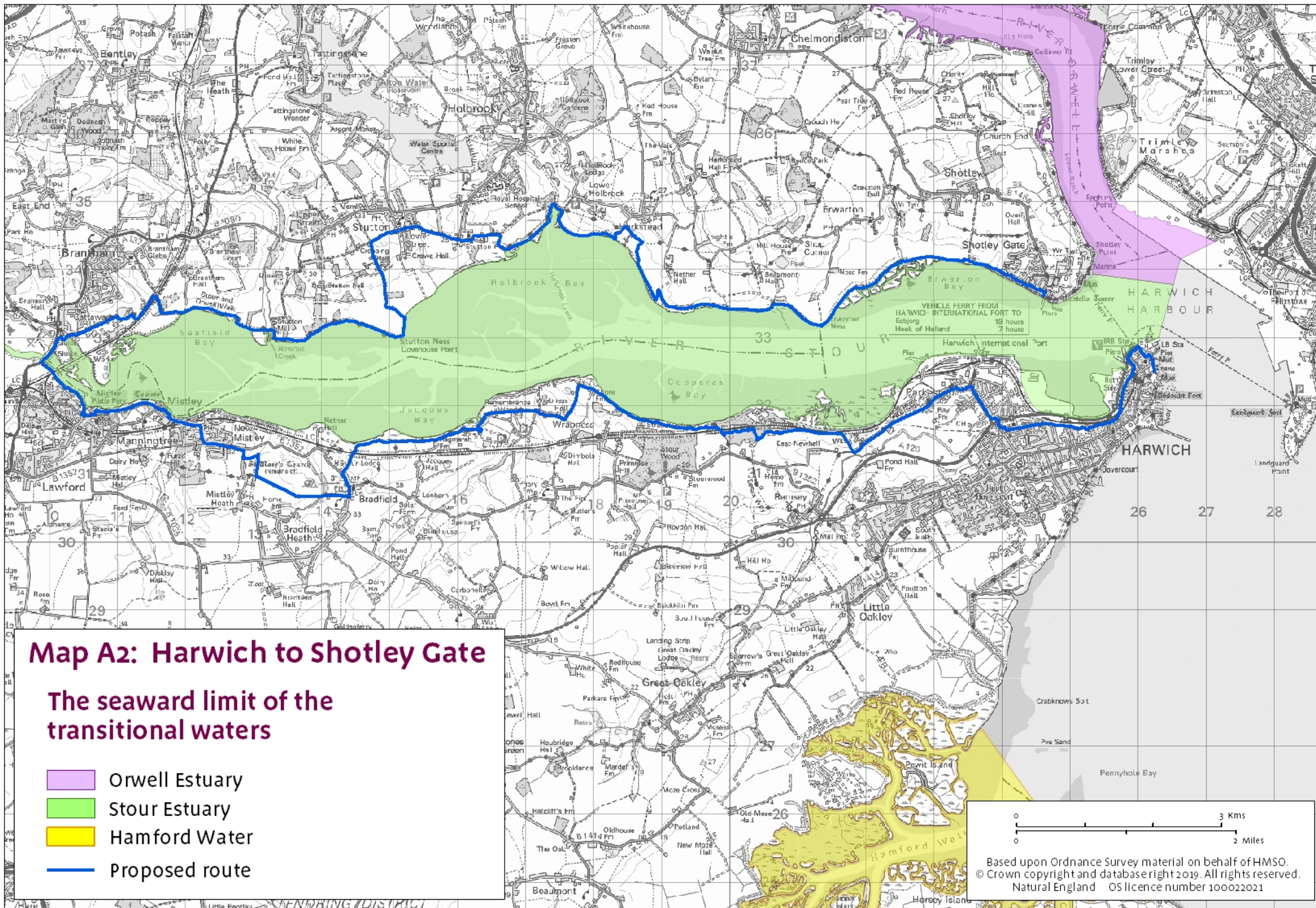
- It fulfils the core objective of the legislation to create a continuous uninterrupted route around the coast which the public will be able to enjoy throughout the year with confidence.

- In our view the estuaries of Essex and much of the Suffolk coast, including the Stour, 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.
 - Reinstatement of cliff-top access where PRoW have been undermined by coastal erosion.
 - Future- proofing of access against future coastal change by the use of roll-back.
 - Formalisation of access to areas landward of the trail already popular for recreational access, at Skinner's Wall (the seawall at Lawford) and at Shotley Gate.
 - Enhanced access to Skinner's Wall for those with impaired or constrained mobility.
 - Formalisation of rights in some areas of the seaward margin, e.g. the beaches at Wrabness, Stutton and Holbrook.
- We believe it will have a positive effect on the local economy and promote low environmental-impact transport.
- There is considerable local support for this option.
- Option 2 would result in interruptions in walkers' onward journey for five months of the year, and during early mornings and evenings during the remaining seven months, 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, and many would not be available in perpetuity, as coastal erosion has undermined significant lengths of existing PRoW, and will continue to do so. For these reasons we have ruled out Option 2.
- Option 3 would involve:
 - Two locations in Suffolk (Stutton Park, Stutton, and Nether Hall, Harkstead) where substantial diversions inland of the estuary would be necessary where shoreline PRoW have been lost to erosion. Beach alternatives are technically available in both locations (although hazardous/ impossible at Harkstead, depending on the state of the tide), but walking would be difficult and access rights uncertain in the longer term, due to ongoing coastal erosion.
 - One location in Essex (north of Ramsey) where a substantial inland diversion would be necessary to overcome the absence of a PRoW close to the shore, and to avoid a length of the hazardous B1352.
 - One location in Essex (centred on Mistley Heath) where an already substantial inland diversion would have to be increased to avoid the hazardous crossing of Heath Rd.

As a result, a considerable proportion of the alternative route established under Option 3 would be routed some distance inland of the estuary.

- We have discounted Option 3 because:
 - As outlined above, it would involve excessive use of routes inland of the estuary and have very limited views of it compared with Option 1.
 - It would deny the public the opportunity to enjoy suitable areas of spreading room.

- If PRow were to be strictly adhered to, the length of seawall near Manningtree would not be part of the trail, so it would be difficult to justify expenditure on enhancing the access ramp to facilitate universal access.
- It would not offer any improvements to existing access around the estuary, most notably in the areas where existing PRow have been undermined by erosion.
- We have ruled out Option 4 because:
 - As with option 3, no spreading room would be created.
 - There would be disproportionate cost involved in establishing the trail, taking into account that it would only be intended for use for 5 months of each year.



Map A2: Harwich to Shotley Gate

The seaward limit of the transitional waters

- Orwell Estuary
- Stour Estuary
- Hamford Water
- Proposed route

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6. Other considerations on this stretch

a) Recreational Issues

Map B gives an overview of existing public access around the Stour estuary, showing PRoW and promoted routes along the stretch. Approximately 70% of land on or near the shoreline is served by existing PRoW or, to a lesser extent, convenient public roads. There are promoted long distance routes on both sides of the estuary: the Essex Way to the south, and the Stour and Orwell Walk to the north.

The Essex Way is 82 miles long and links Harwich with Epping, north of London, taking in part of the nearby Dedham Vale AONB and many miles of gently undulating central Essex, with its clayey, arable fields and numerous deciduous woodlands. The Stour and Orwell Walk is 42 miles long and adheres loosely to the Suffolk bank of the Stour estuary and both banks of the Orwell estuary, effectively linking both estuaries with the Suffolk Coast Path, via a diverse landscape characterised by dry, sandy soils.

There is one Open Access area on the stretch - the linear grassy strip between The Walls, Mistley, and the estuary (see trail section HSG-4-S001, report HSG 4) – and another 250m to landward of the trail, in Lower Holbrook village (see report HSG 6). The former will fall within the coastal margin by default if our proposals are approved.

As well as the areas of promenades and beaches, there are two other areas where public access is enjoyed:

- Access rights for residents local to Mistley Quay were formalised by the successful registration of part of the Quay as a village green in 2014. We propose that the trail be aligned here (see report HSG 3).
- The wooded cliffs at Shotley Gate are managed as community/ heritage woodland, with paths, viewing areas, a small area of newly planted orchard, etc. Within, and immediately adjacent to the woodland are three parallel PRoW. We propose that the trail be aligned on the middle of the three routes, i.e. along the face of the cliff (see report HSG 6). The whole of the cliff would be included within the coastal margin, including where it is to landward of the trail, because cliffs are one of the land types which fall within the margin by default where they touch the trail on its landward side.

Although, at first sight, the Stour estuary appears well served by existing PRoW, there are a number of deficiencies in existing access provision:

- A substantial proportion of existing PRoW have been adversely affected by coastal erosion, or will be in the foreseeable future. This means that in many places footpaths exist, in a legal sense, on cliff face or foreshore, and are effectively impassable much of the time, or impossible to identify on the ground. This is a particular issue over approximately 4km of the shoreline between Stutton Park and Nether Hall, on the Suffolk bank of the estuary (see reports HSG 5 and HSG 6).
- There are several places where there is no shoreline access provision over significant distances, and the nearest available PRoW or roads are a considerable distance inland. These areas include:
 - Over 2km fronting the eastern half of Copperas Bay, where existing PRoW are located as far south as Ramsey village (see report HSG 2);
 - 2km of shoreline between Bradfield and Mistley (see report HSG 3);
 - Almost 2km to the south of Stutton village, between Graham's Wharf and Markwell's Farm, (see report HSG 5).
- There are also areas where industry, other commercial activity, or private holiday accommodation mean that access to the shore is constrained, e.g:

- At Parkeston, where Harwich International Port and the adjacent refinery cover large areas of land protected by high security measures (see report HSG 1);
- The extensive community of shoreline huts near Wrabness, managed by Balhaven Ltd (see report HSG 3);
- The industrial area at Factory Lane, Brantham, part of which is to be redeveloped as railway sidings/ maintenance area (see report HSG 4).
- Where there are gaps in existing footpath access on the Essex bank, nearby sections of the B1352 are unsafe for pedestrian traffic, having poor visibility, high speed limits and no pavements.
- There is a short length of existing promoted route on the Suffolk bank which is currently permissive (see report HSG 5).

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 impaired or 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.
- 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.
- We have striven to identify the least restrictive option in each case.

To help us identify opportunities for accessibility improvements on the Harwich to Shotley Gate stretch we sought the views of Suffolk and Essex County Councils, Local Access Forums, and those who attended our public drop-in sessions (outlined below). We also scrutinised the respective county Rights of Way Improvement Plans and undertook our own on-site assessments.

We have concluded there are three key accessibility factors relevant to this stretch of the ECP:

- Overall, there are very few locations where structures are necessary.
- As they are few in number, the existing structures that are still needed, e.g. for stock control reasons or to prevent vehicular access, should be replaced or adapted as necessary to optimise accessibility, at trail establishment stage.

- There is one location in particular that would benefit from significant investment to enhance accessibility for those with impaired mobility: Skinner's Wall (seawall), to the NW of Manningtree town centre; a popular location with local residents and visitors to the Stour estuary. Our proposals to extend and re-grade a ramp giving access to the seawall are explored further below, and in report HSG 4.

At an early stage in development of our proposals we held four well-attended 'drop-in' sessions, at Harkstead and Wrabness village halls, and Manningtree and Harwich libraries. At these events, and during subsequent discussions, the desire for improved coastal access was evident in relation to six key areas. Some, but not all of these aspirations have been addressed by our proposals. The reasons are set out in the relevant reports. The six areas are (in no particular order):

- The Balhaven huts site at Wrabness. Informal access to this area by local people has largely been tolerated by the residents/ owners of the huts for a considerable time. There is some pressure for this access to be formalised and for the current gap in access between Wall Lane and Stone Lane (to the west and east of Balhaven land respectively) to be bridged by the trail. We outline our conclusions relating to this area in report HSG 3.
- The shoreline between Mistley and Bradfield. Older residents remember a path, sometimes referred to as 'The Pilots' Path' or 'Cliff Path', linking these two settlements. It was said to have been used by pilots walking eastwards to Harwich, where they would be employed to guide vessels up-river to Mistley Quay. There is some resentment at the loss of this path many years ago, and enthusiasm for the trail to bridge the resultant gap in shoreline access, which is constrained by the close proximity of the Manningtree to Harwich branch line. This matter is addressed in report HSG 3.
- Mistley Quay. Local people have been attempting for some years to formalise claimed historic rights of access to the commercially active Mistley Quay. An Inquiry in 2014 resulted in the registration of part of the Quay as a village green. The site owner/operator appealed against the decision but we understand that the appeal was rejected by the Court of Appeal in late 2018. We propose that the trail be routed through Mistley Quay and our reasoning is explained in report HSG 3.
- The seawall - 'Skinner's Wall' - at Manningtree/ Lawford. This is currently one of the best maintained lengths of path on the stretch, despite not all of it being a PRoW. It is very well used by local people, who benefit from the expansive estuary views, but those with impaired or constrained mobility are discouraged from using it by steep, high steps at the Manningtree end. There is an existing access ramp a short distance to the north-west, but it has a gradient of approximately 1 in 8. Re-grading of the ramp to facilitate access by those with impaired mobility, pushing pushchairs, etc, is a popular idea and deemed advisable to comply with equality legislation. This is addressed in report HSG 4.
- The existing gap in shoreline access between Graham's Wharf and Markwell's Farm, south of Stutton. Some local residents claim that 25 or so years ago there were informal access routes crossing this area. Some are concerned about the impact a cliff-top route might have on birds feeding on the extensive intertidal area, as current levels of disturbance are very low, but the general consensus appears to be supportive of alignment close to the shore, particularly if this could be achieved without undue ecological impacts. Cliff-top alignment of the trail would also open up appealing circular walks linking with the local villages of Stutton and Lower Holbrook. There were a number of factors to take into account in this location, and these are explored in report HSG 5.
- The areas where existing PRoW have been undermined by coastal erosion. Many local residents/ path users are keen that we establish the trail along cliff top in places where existing public footpaths are no longer passable, and that these sections of route should be protected by roll-back. We have addressed these concerns in our proposals. The most extensive areas that would benefit from our proposals, should they be approved, are the high cliffs to the south-east of Stutton Park, and the lower-lying land on the eastern shores of Holbrook Bay, near Nether Hall (see reports HSG 5 and HSG 6).

b) Protection of the environment

As outlined above, the greater part of the landscape around the Stour estuary is characterised by shallow, gently rolling hills of sandy/ gravelly soils supporting mostly arable fields. There are also areas of grassland in the flatter, lower-lying areas closer to the water's edge, normally protected by seawalls, and some woodlands. In contrast, the extreme eastern and western ends of the estuary are dominated by urban areas.

The shallow, easily eroded topography has led to the formation of a particularly broad, shallow estuary with extensive areas of intertidal mud and numerous fragments of saltmarsh. These provide important wildlife habitats; the main features of interest are summarised in Table 6.1.

Table 6.1. Description of the main features of nature conservation interest

Nature conservation interests	Description of the main features
Non-breeding waterbirds	<p>The estuary's physical characteristics, combined with the relatively low levels of disturbance, mean that it provides a valuable resource for feeding and roosting birds.</p> <p>This value is enhanced by the proximity of grass and arable fields, which are utilised by some waterbirds for resting and feeding.</p> <p>The Stour supports a wide range of over-wintering and passage waterbirds which are regularly present in nationally and internationally important numbers.</p>
Breeding birds of damp grassland	<p>Although breeding habitats are less extensive, certain species (notably avocet) benefit from the proximity of a mosaic of wet/ damp habitats, mainly in the upper reaches of the estuary. Again, relatively low levels of disturbance enhance this value.</p>
Assemblages of vascular plants, including rare species	<p>The most important features in this category are the numerous areas of saltmarsh, which remain exposed or partially submerged at high tide. These areas are of considerable importance in their own right, and are also an essential supporting habitat for specialist invertebrate species and the waterbirds mentioned above. These habitats are vulnerable to damage by trampling.</p>

There are a number of protected sites along this stretch of coast, including a Special Protection Area (SPA) for birds, a Ramsar wetland site, and Sites of Special Scientific Interest (SSSIs); their locations are shown on Map C. These sites, and the lengths within the Harwich to Shotley Gate stretch relevant to them (corresponding to the six reports), are set out in Table 6.2.

Table 6.2. Designated sites

Designated site	HSG 1 Harwich to Ray Lane, Ramsey	HSG 2 Ray Lane, Ramsey, to Stone Point, Wrabness	HSG 3 Stone Point, Wrabness, to Hopping Bridge, Mistley	HSG 4 Hopping Bridge, Mistley, to Brantham Hall Farm	HSG 5 Brantham Hall Farm to Lower Holbrook	HSG 6 Lower Holbrook to Shotley Gate
Stour Estuary SSSI	✓	✓	✓	✓	✓	✓
Stour and Copperas Woods SSSI	✓	✓				
Cattawade Marshes SSSI				✓		
Stour and Orwell Estuaries SPA	✓	✓	✓	✓	✓	✓
Stour and Orwell Estuaries Ramsar Wetlands	✓	✓	✓	✓	✓	✓

There are also seven Local Wildlife Sites located within the coastal margin or on the proposed trail alignment; all of them are in Essex. There are a small number of Local Wildlife Sites close to the trail in Suffolk, but they are all landward of the trail and outside the coastal margin. We anticipate establishment of the ECP to have negligible/ minimal adverse impacts on these sites; our reasoning is explained in detail in the *Nature Conservation Assessment* for the Harwich to Shotley Gate stretch.

There are several scheduled monuments and other sites of historic/ cultural importance on or close to the proposed trail alignment in both Suffolk and Essex (See map E: Key historic sites on the Harwich to Shotley Gate stretch).

Despite the existence of the Suffolk Coast and Heaths AONB (from the Stour estuary northwards), the Dedham Vale AONB (to the immediate west), and some well know tourist ‘hot spots’ along the Suffolk coast, the Stour valley attracts a fairly low level of tourism. Certain lengths of existing footpaths and, in particular, certain areas of shoreline (notably at Wrabness in Essex and Lower Holbrook/ Harkstead in Suffolk), attract fairly significant numbers of visitors, albeit generally from relatively nearby areas.

Waterborne activities follow a similar pattern, with certain areas being popular with local people (again, Wrabness and Holbrook are examples, as is Manningtree), but levels of activity generally are relatively low despite the proximity of the major towns of Felixstowe, Harwich, Ipswich and Colchester. As noted above, it is this generally modest level of human activity that is partly responsible for the value of the estuary to wildlife.

As a result of the proposals described in this Overview and associated reports, 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 disturbance of wildlife by people or dogs, or destruction and fragmentation of habitats by the creation of new paths. The process we go through when developing our proposals for each length of coast involves finding ways to avoid or reduce such impacts, and to ensure compliance with environmental legislation.

The nearby parts of Suffolk and Essex have experienced high levels of housing growth over recent years. This trend is set to continue, with local planning authorities identifying substantial increases in housebuilding in their (draft) local plans. For example, there are proposals for three new 'Garden Communities', including one on the eastern outskirts of Colchester and just 10km from the Stour estuary; this is envisaged to comprise 2,500 – 3,000 homes within the plan period, but potentially to rise to 7,000 – 9,000 at a later date. Most of the relevant *Habitats Regulations Assessments* (HRAs) have concluded that these local plans have the potential to cause significant adverse impacts on European sites by increasing the numbers of visitors to the Stour estuary.

Note regarding proposed developments in north-east Essex: There is some uncertainty as to whether the garden communities will continue in their currently proposed form and locations. Colchester Borough Council, Braintree Borough Council and Tendring District Council are collaborating to produce a joint 'North Essex Authorities' Shared Strategic Part 1 for Local Plans'. This went through examination hearings in January and May 2018. In December 2018 the Inspector announced a pause in the examination while the NEAs carry out further work on the evidence base and Sustainability Appraisal. The three authorities intended consulting on the updated evidence base and any proposed modifications from mid-August 2019.

The pressure for housing growth has resulted in all of the local planning authorities signing up to the development of Recreational disturbance and Mitigation Strategies (RAMS). These strategies will be of key importance because they will provide, for the first time, a strategic way of managing impacts on sensitive sites. As a result, developers, home buyers and conservation bodies should be able to be confident that financial contributions (arising from tariffs on the sales of individual homes) will be used to protect and enhance vulnerable sites in the most effective way.

Separate RAMS are being established for Suffolk and Essex. Although neither initiative is finalised at the time of writing, housing proposals are already being subject to RAMS. Natural England has been closely involved in the development of both initiatives, which should be overwhelmingly positive in their effects.

The significance of the RAMS for the England Coast Path is that the strategies should not only ensure that any significant effects of increases in housing provision are avoided or mitigated, they should also mean there should be no residual, non-significant effects to act in combination with similar effects from our proposals. We have worked closely with the team delivering this strategy to ensure consistency of approach to managing recreation.

A more detailed consideration of the local plans and the Suffolk and Essex RAMS is provided in Table 9, section D4, of our HRA.

Another important local initiative is the *Stour & Orwell Estuaries Management Strategy 2016-2020*, which has been produced on behalf of a wide range of organisations including local authorities, government agencies and interest groups. More detail is provided in appendix 1 of our HRA, but a brief summary of its relevance to our proposals is provided below:

The *Stour & Orwell Estuaries Management Strategy* is a statutory document containing several objectives and associated actions which are directly relevant to the Harwich to Shotley Gate stretch of the England Coast Path, as well as the adjacent Shotley Gate to Felixstowe Ferry stretch.

The majority of the actions within it are focused on managing and reducing the negative impacts of recreational activity, so to the extent that it interacts with our proposals and those for the forthcoming

Shotley Gate to Felixstowe Ferry stretch, the outcomes should be wholly positive in terms of reduced impacts on sensitive sites.

Stour & Orwell Estuaries Management Strategy Vision statement: 'This strategy seeks to promote a sustainable future for the Stour and Orwell estuaries through the management of human activity in a way that is compatible with the conservation of the estuarine landscape and wildlife.'

The strategy covers four themes:

- Integrated planning and sustainable development
- Protecting environmental features and adapting to the changing coastal zone
- Supporting sustainable commercial activities
- Managing recreational activity

Theme 4 includes the following objectives and actions relevant to our proposals (abridged):

- **Objective 4.1** - We understand the positive and negative effects of recreational activity, now and into the future.
- **Objective 4.2** - Recreational activities are managed so they can be encouraged and enjoyed without adverse effect on the special qualities of the estuaries.
- **Objective 4.3** - Raising awareness: A well-informed public enjoy the estuaries without harming their special qualities and support beneficial activities.
- **Objective 4.4** - Visitor facilities are reviewed and where necessary improved to enable people to enjoy the estuaries.

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

- A single *Habitats Regulations Assessment* <https://www.gov.uk/government/publications/england-coast-path-from-harwich-to-shotley-gate-comment-on-proposals> relating to any potential impact on the conservation objectives of affected sites from the proposals we make in each report for the stretch. This assessment considers any potential impacts in relation to both the individual length of coast covered by each report, and to the stretch as a whole.
- Our *Nature Conservation Assessment* <https://www.gov.uk/government/publications/england-coast-path-from-harwich-to-shotley-gate-comment-on-proposals> for the stretch, in which we document our conclusions in relation to any other potential impacts on nature conservation and geological features.

We have looked for any potential for our proposals to have a detrimental effect on sites of historic importance, either through establishment works or via subsequent use. Our conclusion is that our proposals would not undermine the conservation objectives for the historic environment within the Harwich to Shotley Gate stretch.

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 objective in the design of our proposals, which were discussed in detail with the owners and occupiers of the affected land during 'walking the course' meetings and other processes.

Development of proposals for the Harwich to Shotley Gate stretch of the England Coast Path uncovered a range of concerns expressed by landowners and occupiers, some of which are inter-related.

Access rights within the coastal margin.

This has been raised as an issue by some landowners, for various reasons.

In a small number of locations there is no scope to align the trail close to the shoreline and we have proposed that it be located inland. This has the effect of creating relatively large areas of seaward coastal margin. In the more rural areas much of the affected land is excepted (mostly arable land and private gardens), but there are pockets of grassland, woodland and other areas to which there would be new access rights. Some landowners are concerned by this.

Few landowners claimed this would lead to significant financial or other disadvantage, but one cited the potential impact on a recreational business carried out on an area of grassland. Another identified the disturbance of sensitive bird species within pockets of reedbed on an arable farm near Factory Marsh, Brantham, and the RSPB was concerned about activity on the shore potentially disturbing large numbers of protected bird species inhabiting Copperas Bay.

Having looked at individual cases we have found that many concerns are without foundation when excepted land is taken into account, and that most residual issues are likely to be small and to not warrant special measures. We acknowledge, though, that the potential for disturbance of bird species protected under European and UK legislation in Copperas Bay does need to be addressed, and propose a restriction to prevent access by people with dogs. This is addressed in report HSG 2 and, to a lesser extent, in report HSG 1.

Regarding the small area of reedbed near Factory Marsh: Although we acknowledge the risk of disturbance of nesting marsh harriers, we consider this is unlikely to arise from this habitat falling within the coastal margin, the proposed trail route being 400m to the NE, with much of the intervening land being arable, i.e. excepted land. This matter is addressed in detail by the *Nature Conservation Assessment*.

New access rights to arable land.

We propose a number of new sections of path on arable land, all limited to field edges. We make these proposals for a range of reasons. Most are required because of the loss of long lengths of PRoW caused by erosion of the shoreline, but two new lengths of trail (both in Essex) are needed to provide more direct, less hazardous routes than are provided by the existing PRoW or local roads.

A view common to most of the affected landowners was that compensation for new access rights ought to be payable to them. However, with two or three notable exceptions, most acknowledged that there is no provision for the payment of compensation under the legislation and that we are trying to apply the *Coastal Access Scheme* fairly.

Residual issues include:

- Limitations on the ability to control rabbit and deer by shooting because of the proximity of the trail, which we propose to address by the installation of fencing (see report HSG 2).
- The impact of dogs on a commercial shoot, which we propose to resolve by the application of a 'dogs on leads' restriction to be in place for six months of each year, from when the birds are introduced to after the final shoot. This is covered in detail in report HSG 6.

Development sites.

At the time of writing there are three locations on the stretch where we propose alignment though sites currently being (re)developed, or where this is likely to occur in the near future, and where changes to existing walked routes/ PRoW are anticipated. These sites are at Dovercourt, Mistley and Brantham. The

circumstances and stages of development are different on all three sites, and our proposals reflect this; please see part 7, below, and reports HSG 1, HSG 3 and HSG 4.

Wildfowling.

Not all the wildfowling groups responded to our attempts to make contact, but the two that did were generally positive about the England Coast Path initiative and raised no objections during or after walk the course meetings.

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 - SMP2* (see Annex A: Bibliography), a non-statutory policy document for the management of flood risk and coastal erosion. With reference to this document, and with advice from the Environment Agency and officers from relevant local authorities, we have identified the parts of the coast within this stretch which are particularly susceptible to coastal erosion or other geomorphological processes, such as landslips.

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

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

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

The developed areas of Harwich, Parkeston, Manningtree, Lawford and Brantham, described in reports HSG 1, HSG 3 and HSG 4 of the proposals, are defended by hard defences and earth seawalls. Maintenance of these defences by the Environment Agency and local authorities is likely to continue and these locations are unlikely to be affected significantly by coastal processes within the foreseeable future. We have not made any specific proposals to enable the trail to adapt to coastal change on these lengths of coast.

Elsewhere, the local geology is soft and easily eroded by the tides, and the Stour estuary is broad enough for wave action to have a significant effect on the rate of erosion. The shallowly undulating topography mean that eroding sandy cliffs, which are mostly unprotected, range in height from one metre (e.g. to the north-east of Bradfield), to twenty metres (to the north of Wrabness). Where the land is especially low-lying, there are localise lengths of seawall protecting it from flooding. For the most part, the land behind these seawalls is agricultural, with few houses or commercial premises.

The effectiveness of the lengths of rural seawall, as with other defences, is dependent on ongoing maintenance, the responsibility for which is likely to rest primarily with individual landowners, rather than public bodies. It is likely that most landowners will continue to maintain their seawalls as long as the cost is proportionate to the economic and other benefits the protected land provides. However, maintenance of sea defences can be expensive and cannot necessarily be taken for granted in the longer term. There is also the potential for low-lying areas to be deliberately flooded for habitat creation purposes. In certain locations on the Stour, especially in Erwarton Bay, there are relatively large areas of low-lying land that would be affected by tidal flooding should seawalls be allowed to fail. This would have significant implications for the trail, which are discussed in the relevant reports (notably HSG 6).

On the unprotected lengths of shoreline we propose to recommend that the trail is able to roll back so that it may be repositioned without further reference to the Secretary of State, at any time after our initial route has

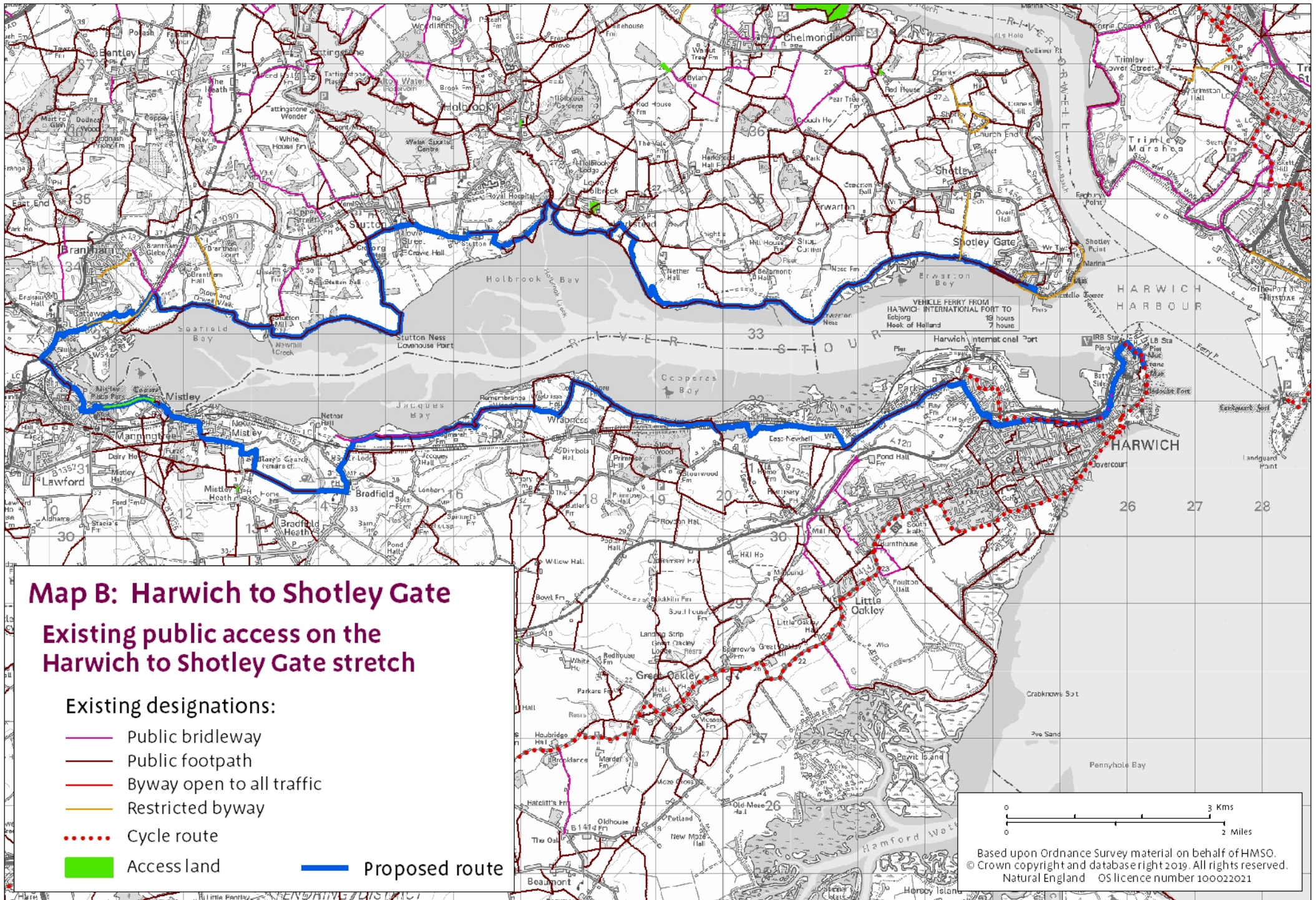
been approved. There is more detail about these roll-back arrangements in part 7, below, and in the relevant proposals reports.

e) Other substantive issues - Landward extent of coastal margin.

We have adhered to the guidance set out in the *Coastal Access Scheme* regarding trail alignment on seawalls, i.e. we recommend that, by default, the slopes on both sides of the seawall are included within the coastal margin.

We further propose that the coastal margin in the vicinity of Skinner's Wall, Lawford/ Manningtree, be extended landward to include the adjacent 'folding' (i.e. the landward extent of the coastal margin to be defined by the seaward bank of the adjacent borrowdyke, or fences where there is no borrowdyke), and also a small triangle of grassland near South Strand (road). This is because there is a long history of unhindered public access to these areas and by including them we take advantage of clearer landward boundaries. Bringing this area within the coastal margin also facilitates investment in improvements to the seawall access ramp. See report HSG 4.

There is one other large area of coastal margin landward of the trail: the heritage/ community woodland on the cliffs at Shotley Gate. By default, cliffs are included within the coastal margin where they are located immediately landward of the trail. For clarity, we recommend the landward margin is extended slightly beyond the cliffs, as far as the seaward kerb of Stourside, the cliff-top road. Again, there is a long history of public access to the cliffs and adjacent grassland, with the Parish Council and community groups maintaining woodland paths, picnic areas, viewing points, etc. See report HSG 6.



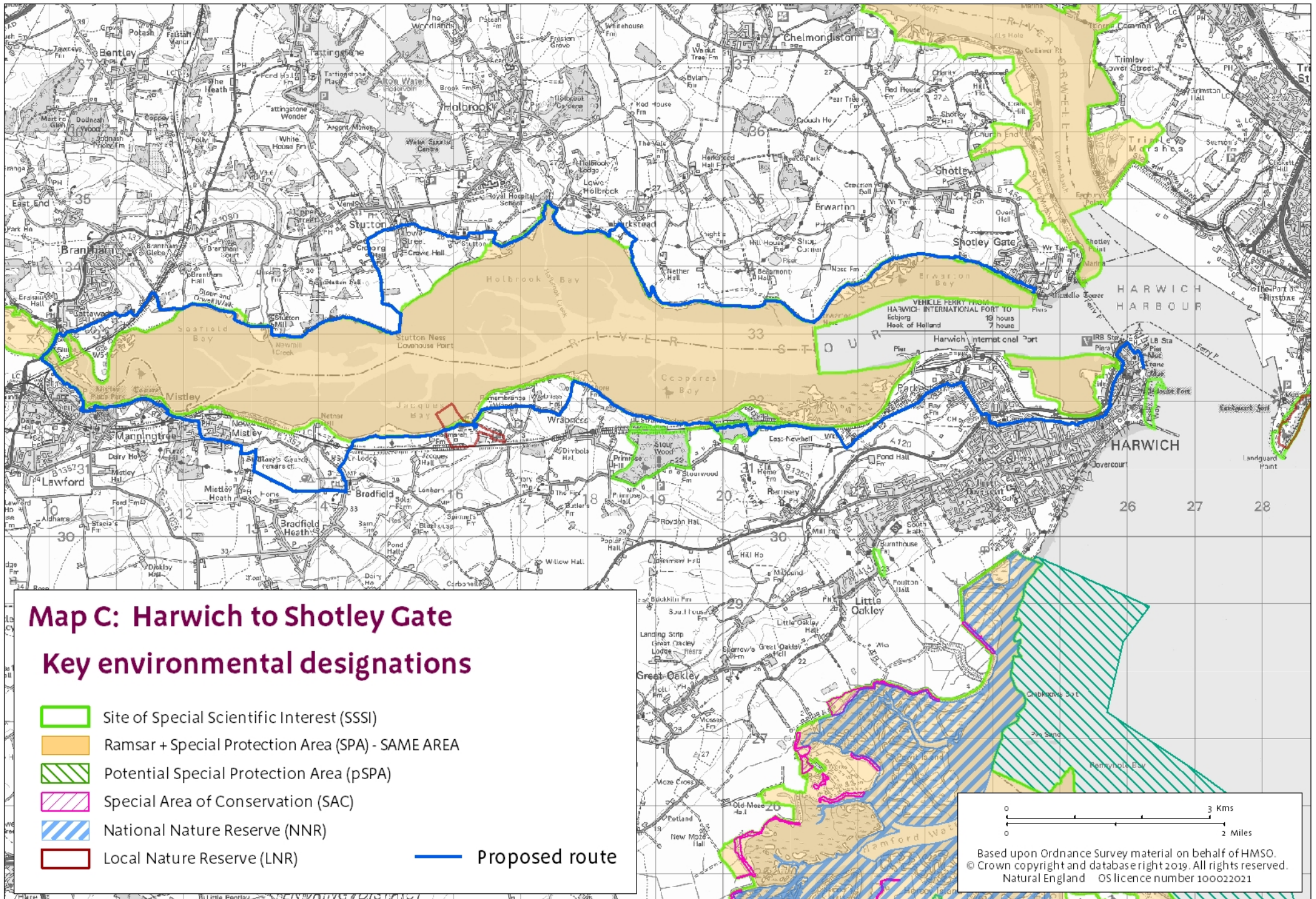
Map B: Harwich to Shotley Gate

Existing public access on the Harwich to Shotley Gate stretch

Existing designations:

- Public bridleway
- Public footpath
- Byway open to all traffic
- Restricted byway
- ⋯ Cycle route
- Access land
- Proposed route

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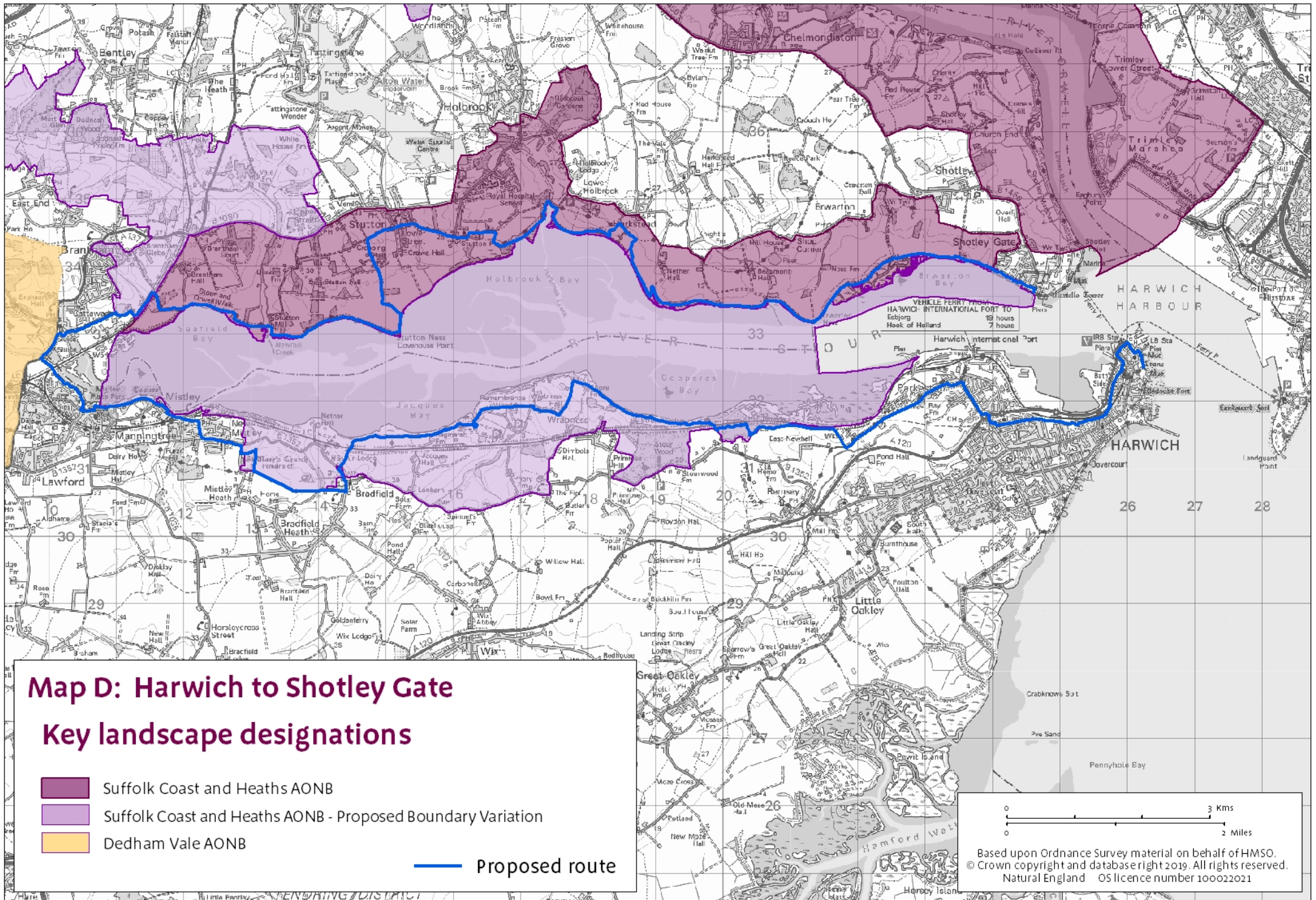
Map C: Harwich to Shotley Gate

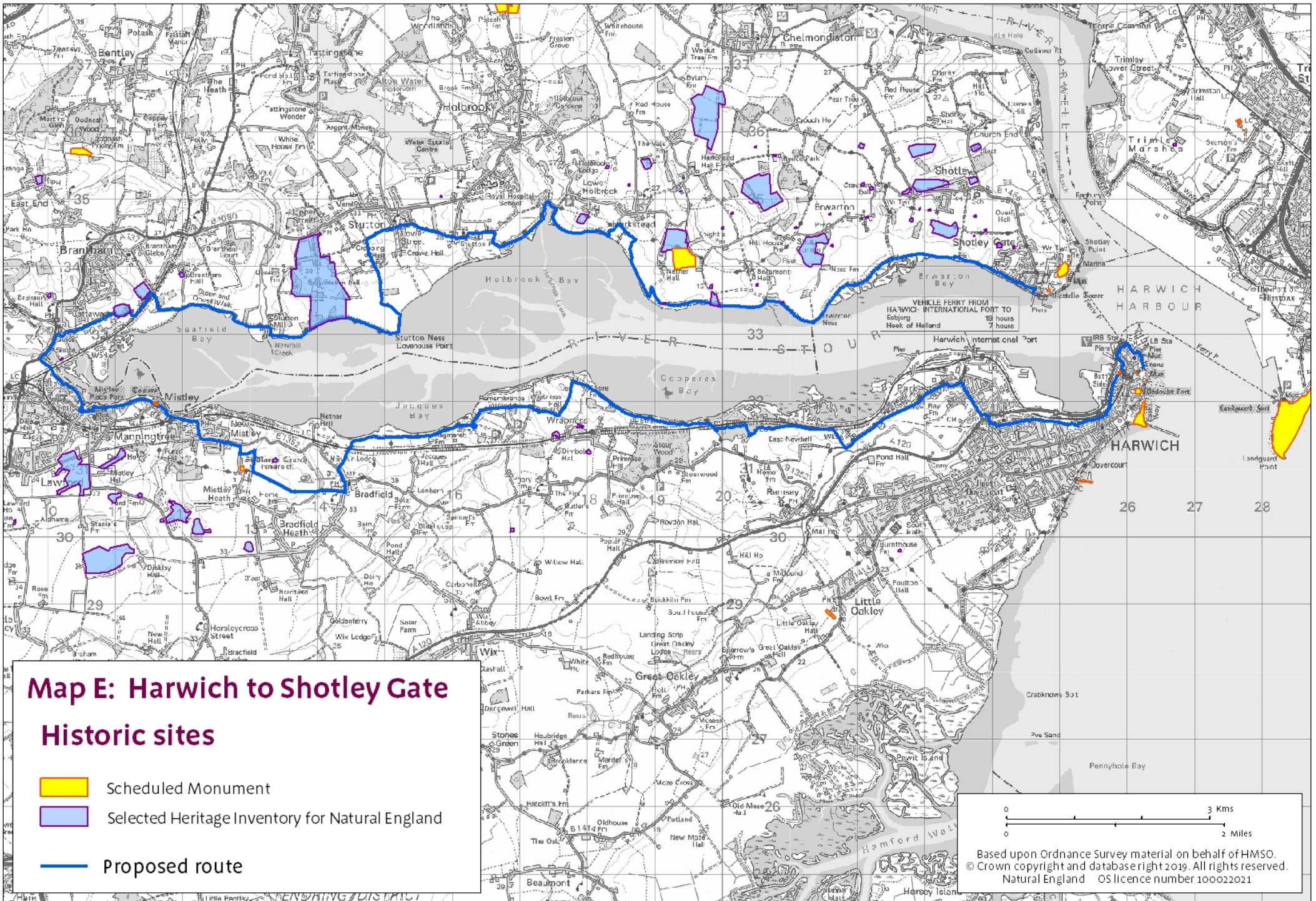
Key environmental designations

- Site of Special Scientific Interest (SSSI)
- Ramsar + Special Protection Area (SPA) - SAME AREA
- Potential Special Protection Area (pSPA)
- Special Area of Conservation (SAC)
- National Nature Reserve (NNR)
- Local Nature Reserve (LNR)
- Proposed route

0 3 Kms
0 2 Miles

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Map E: Harwich to Shotley Gate

Historic sites

- Scheduled Monument
- Selected Heritage Inventory for Natural England
- Proposed route

0 3 Kms
0 2 Miles

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Other issues

7. Future changes

We explain, below, 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 HSG 2, HSG 3, HSG 5 and HSG 6 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 of 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 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 were subject to new built development. Such changes would be subject to the same procedures for consultation, representations and objections as our initial reports. Potential developments of which we are already aware that could potentially affect the route on the Harwich to Shotley Gate stretch are summarised below.

- Brantham Industrial Estate and land to the north. This area has outline planning permission for a mixed used development to comprise approximately 320 dwellings, employment, retail and community uses. There is currently a walked route between the eastern end of Factory Lane and Decoy Pond, around and to the east of the pond. This route is well established and has long been part of the Stour and Orwell Walk. However, the owners of the site have been in negotiations with Suffolk County Council about two aspects of the existing walked route:
 - The alignment of it is some distance from the definitive PRoW, the latter having been built over some decades ago;
 - The need to formalise and realign the walked route to accommodate the proposed development and, specifically, a flood bund.

At the time of writing it is envisaged by the site owners and Suffolk County Council that the new PRoW route will remain partly on the existing walked route (around and to the east of Decoy Pond), and partly within a few metres and parallel to it (between the end of Factory Lane and Decoy Pond); we have identified this agreed route as the ordinary (final) alignment of the England Coast Path – see report HSG 4. Until site development reaches a stage at which this route becomes available, we propose to waymark, on the ground, an informal diversion likely to be located along the existing walked route between Factory Lane and Decoy Pond, although it may move one or more times to accommodate site development.

- Land at the junction of The Hangings, Pattrick's Lane and Station Lane, Dovercourt. This land is proposed to accommodate residential development which may necessitate movement of the existing PRoW. However, at the time of writing detailed proposals have not been agreed with the planning or access authorities.

We propose that trail alignment adheres to the existing PRoW while it remains in use, but that it moves to the same alignment as the newly established PRoW once the latter is established and open to use by the public. This will require production of a variation report. See report HSG 1.

- The third development site through which the trail passes is at Harwich Road, Mistley. We have identified alignment here in accordance with the most recent detailed planning permission for the site (see report HSG 3). The proposed route adheres to a new footpath/ cycleway which, at the time of writing is nearing completion, so it is not envisaged that changes will be required within the foreseeable future.

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

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

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

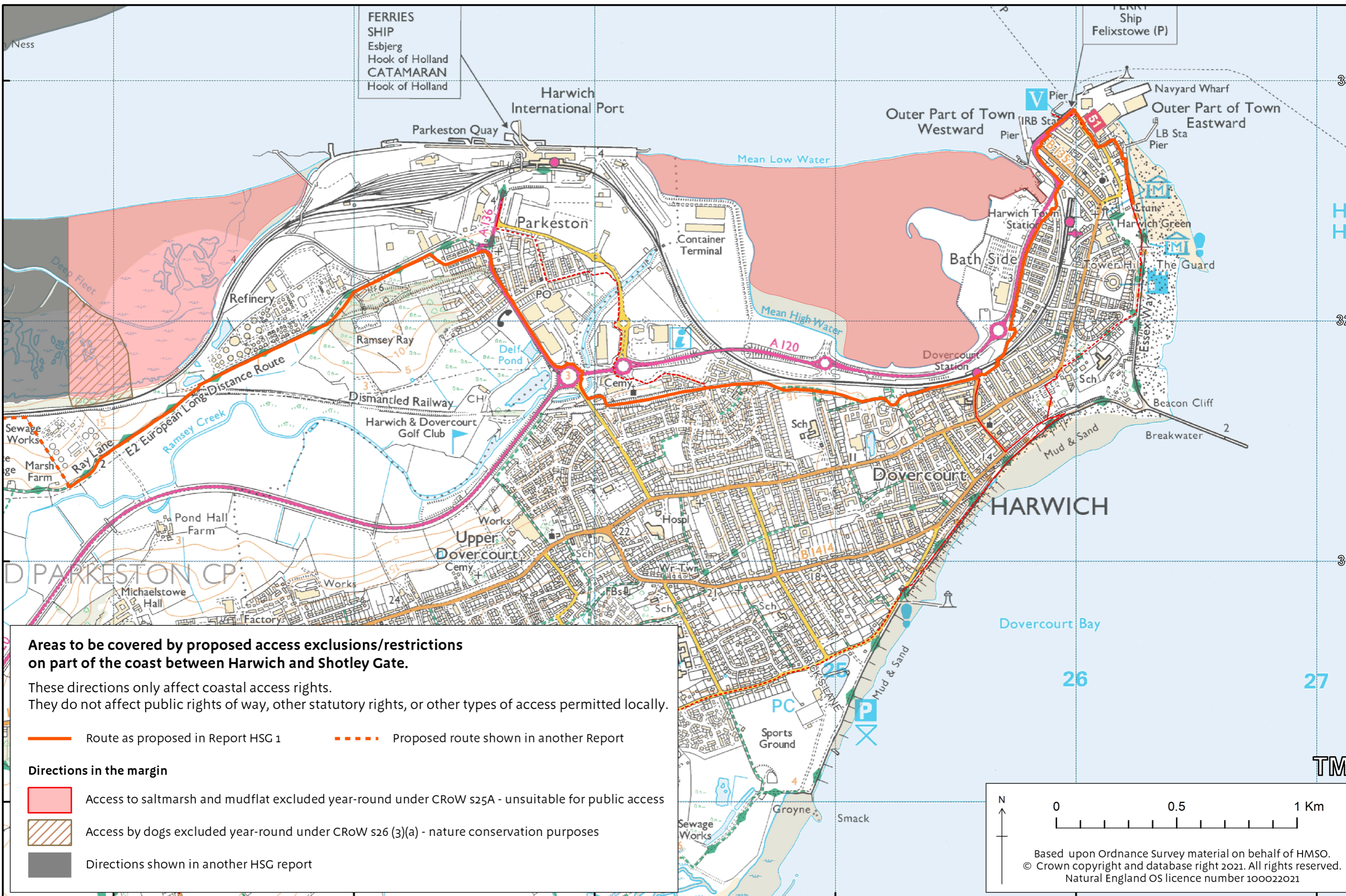
Report reference	Location/extent (see relevant map for more information)	Type of direction	Purpose of direction	Grounds and relevant section of CROW	Duration
All reports	Majority of Saltmarsh and flat on the Stour Estuary Part of the coastal margin seaward of the trail – see Overview maps F1 to F6	No public access	Unsuitable for public access	Saltmarsh and flat, section 25A	All year
HSG 1 and HSG 2	Copperas Wood (north of railway line only) Part of the coastal margin seaward of the trail – see Overview maps F1 and F2	No dogs	Sensitive wildlife	Nature conservation, section 26(3)(a)	All year
HSG 6	Nether Hall, Harkstead Trail sections HSG-6-S014 to HSG-6-S019, and coastal margin – see Overview map F6a	Keep dogs on leads	Disturbance to game	Land management, section 24	1 August to 31 January inclusive, each 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.

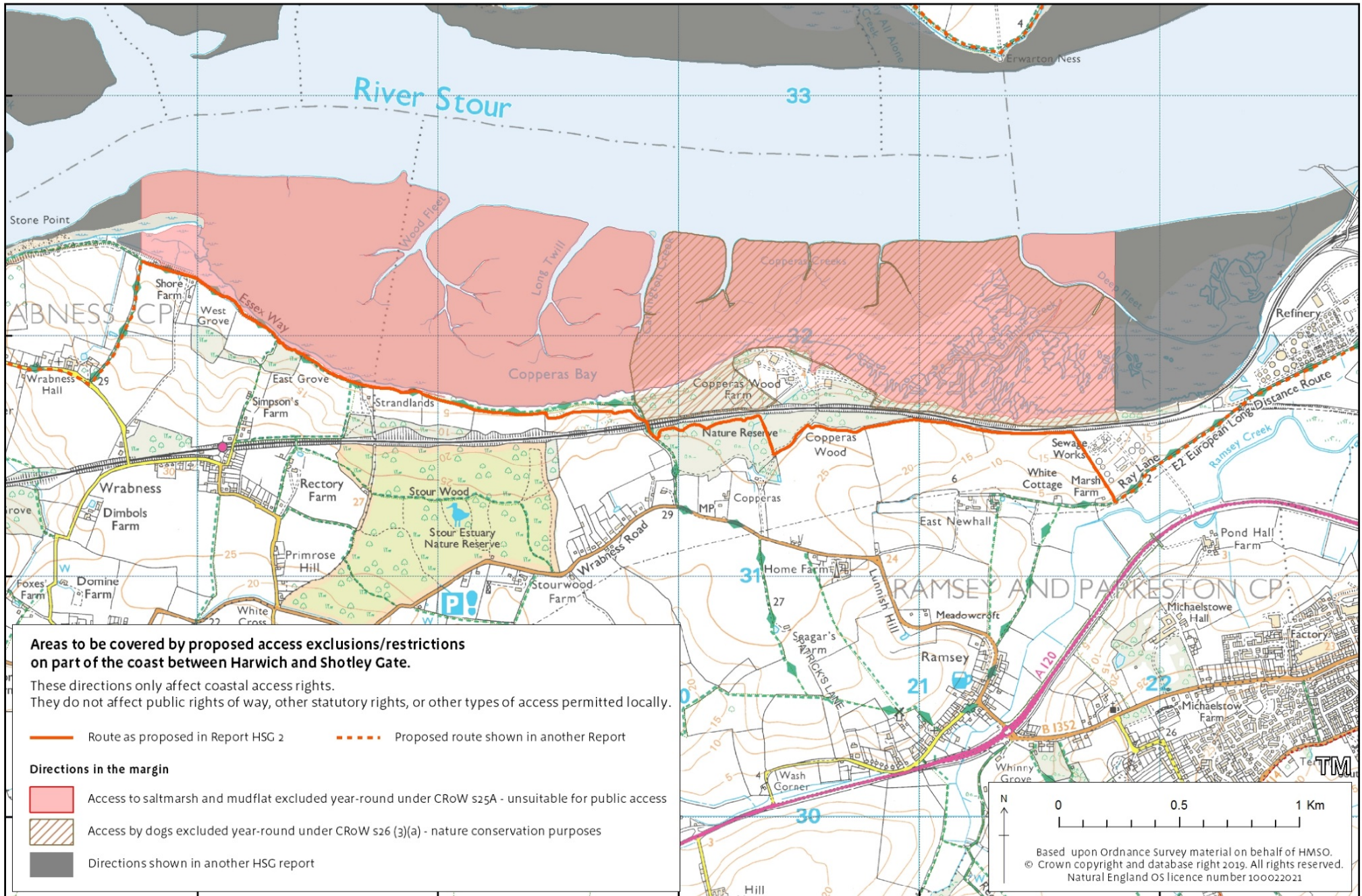
Any such use is not prohibited or limited by these arrangements.

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 reports 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. We make no such proposals in our reports covering the Harwich to Shotley Gate stretch.



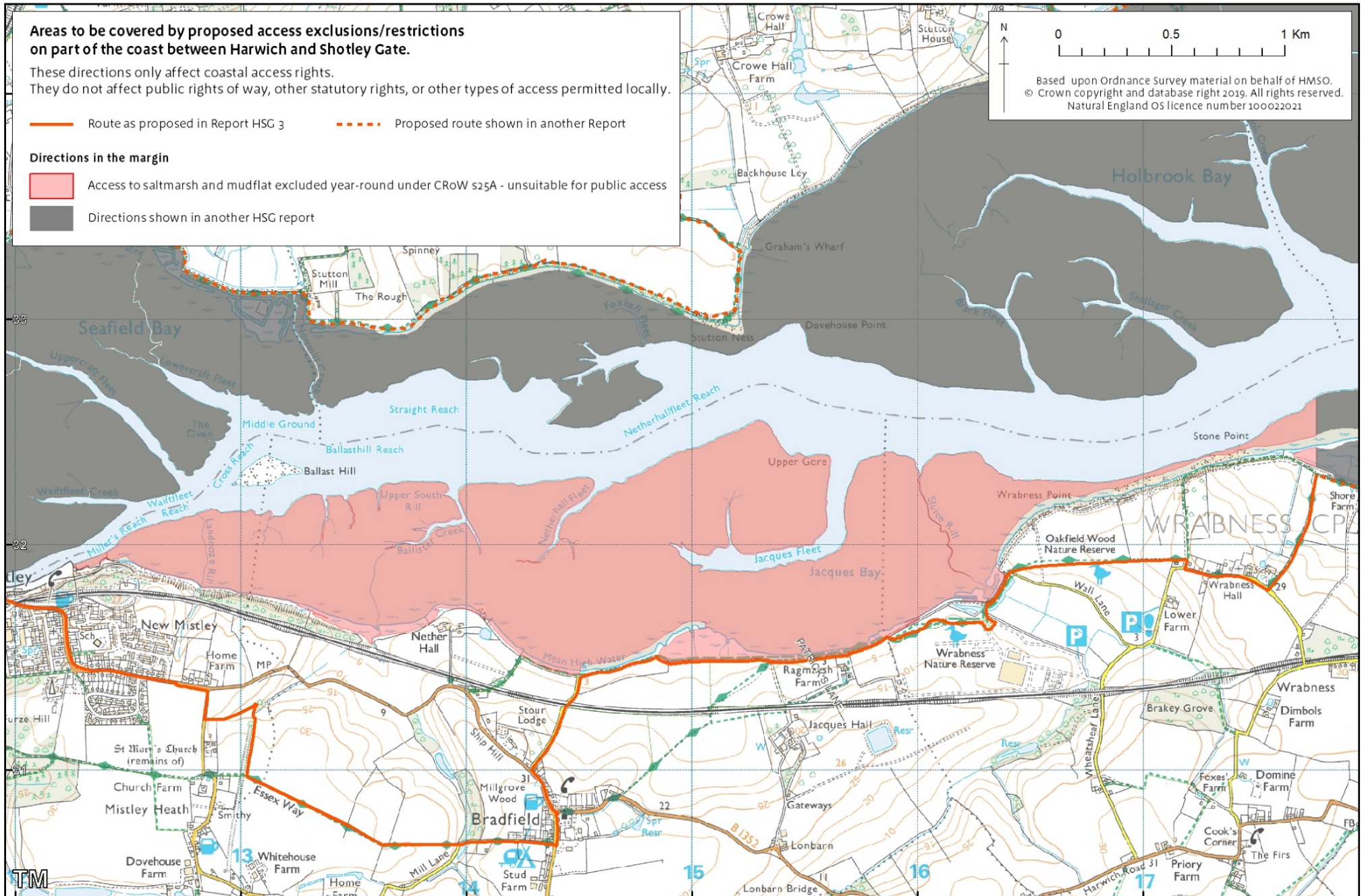
Map F1: Directions to exclude/restrict access - as proposed for area covered by Report HSG 1

Map F2: Directions to exclude/restrict access - as proposed for area covered by Report HSG 2



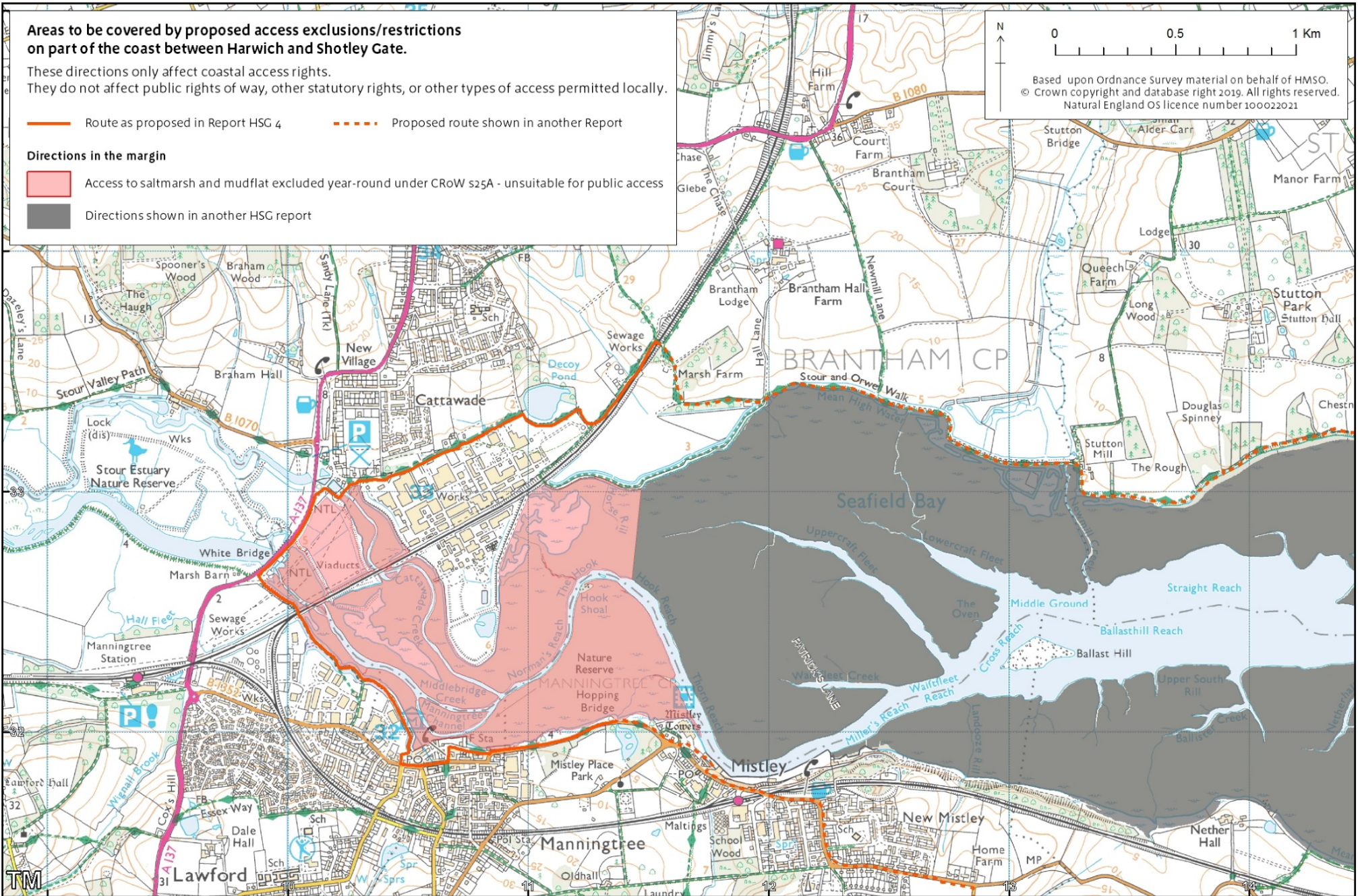
Map F2: Directions to exclude/restrict access - as proposed for area covered by Report HSG 2

Map F3: Directions to exclude/restrict access - as proposed for area covered by Report HSG 3



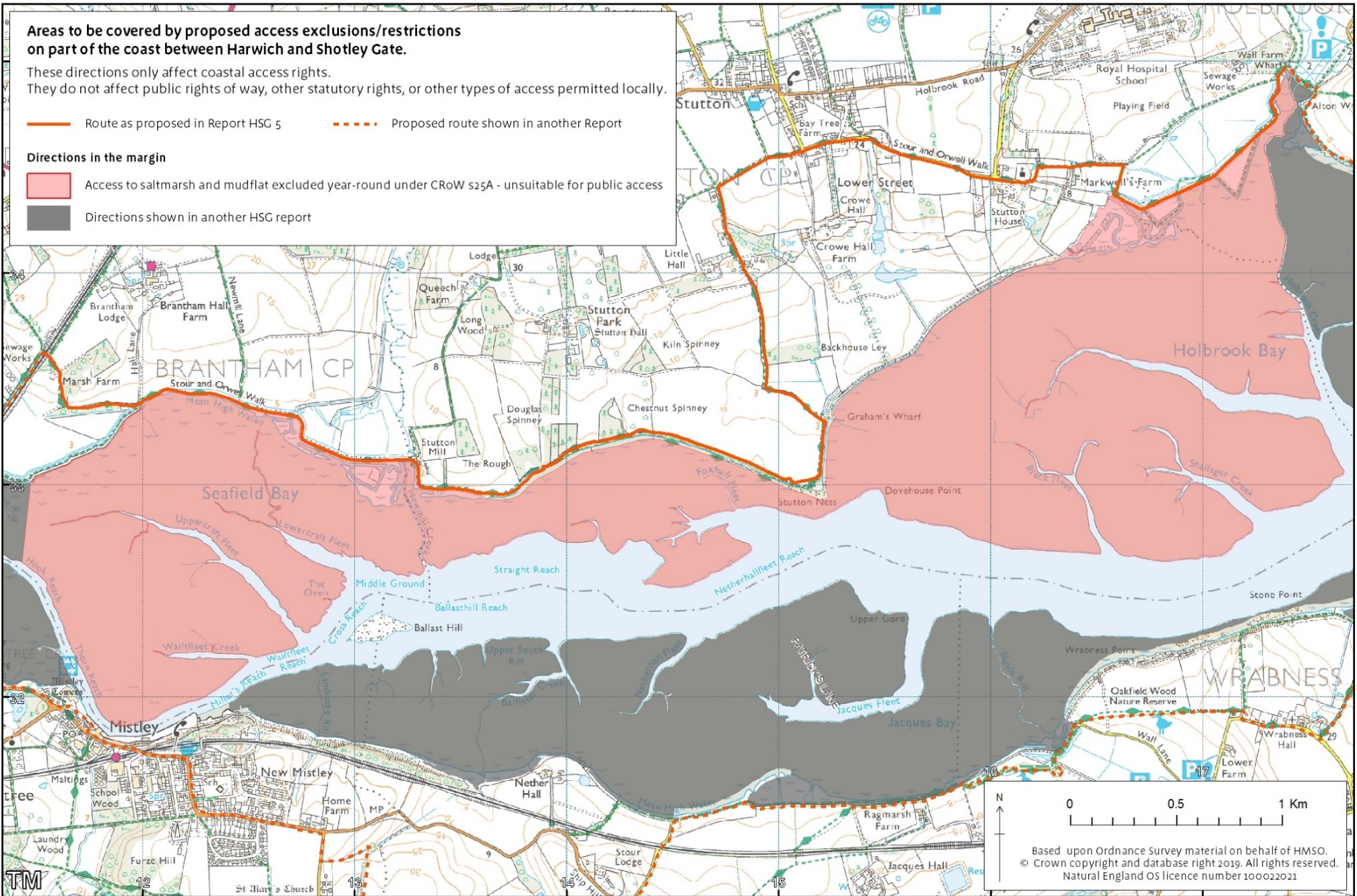
Map F3: Directions to exclude/restrict access - as proposed for area covered by Report HSG 3

Map F4: Directions to exclude/restrict access - as proposed for area covered by Report HSG 4



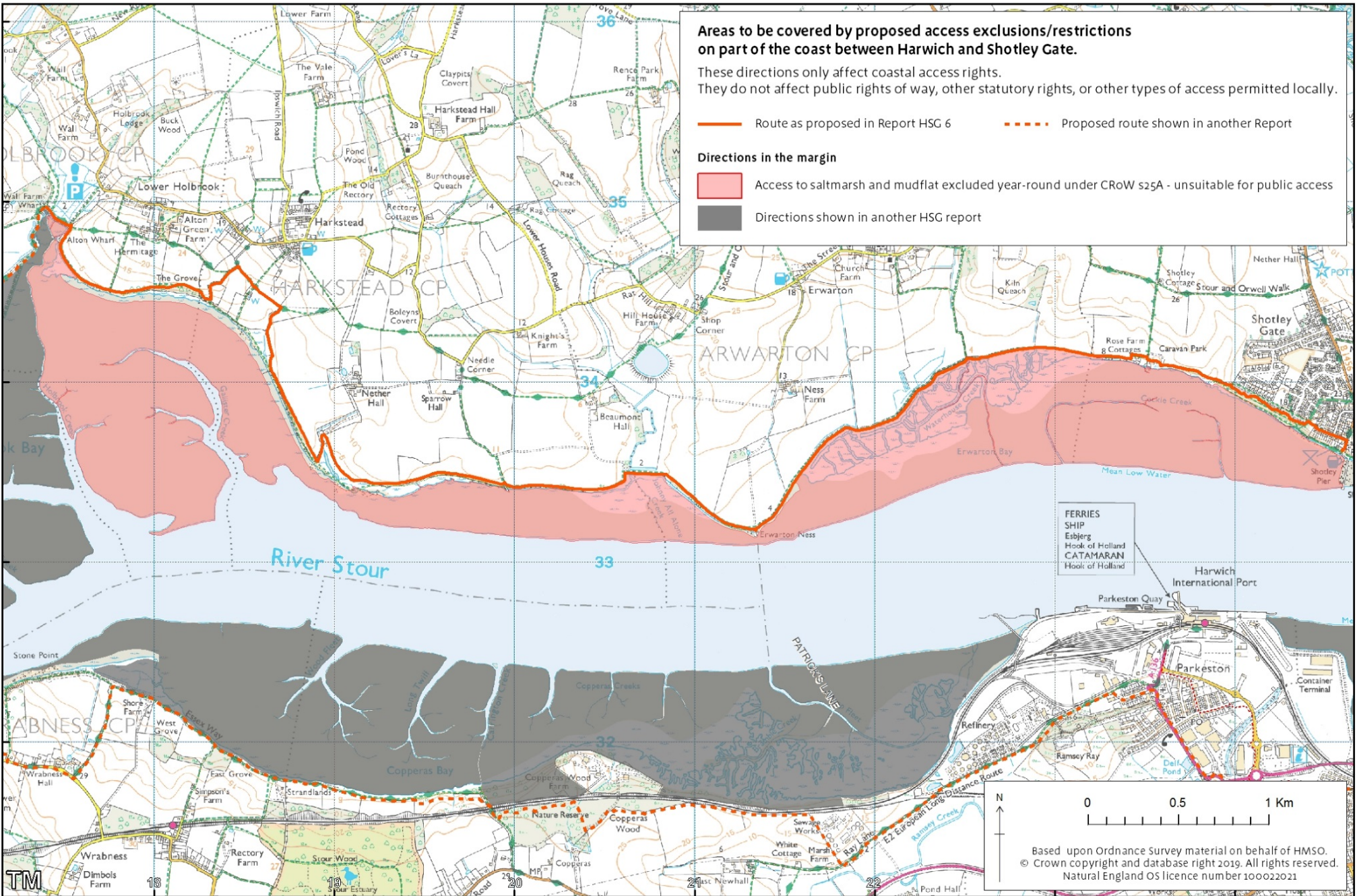
Map F4: Directions to exclude/restrict access - as proposed for area covered by Report HSG 4

Map F5: Directions to exclude/restrict access - as proposed for area covered by Report HSG 5



Map F5: Directions to exclude/restrict access - as proposed for area covered by Report HSG 5



Map F6: Directions to exclude/restrict access - as proposed for area covered by Report HSG 6

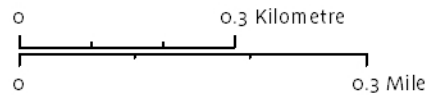
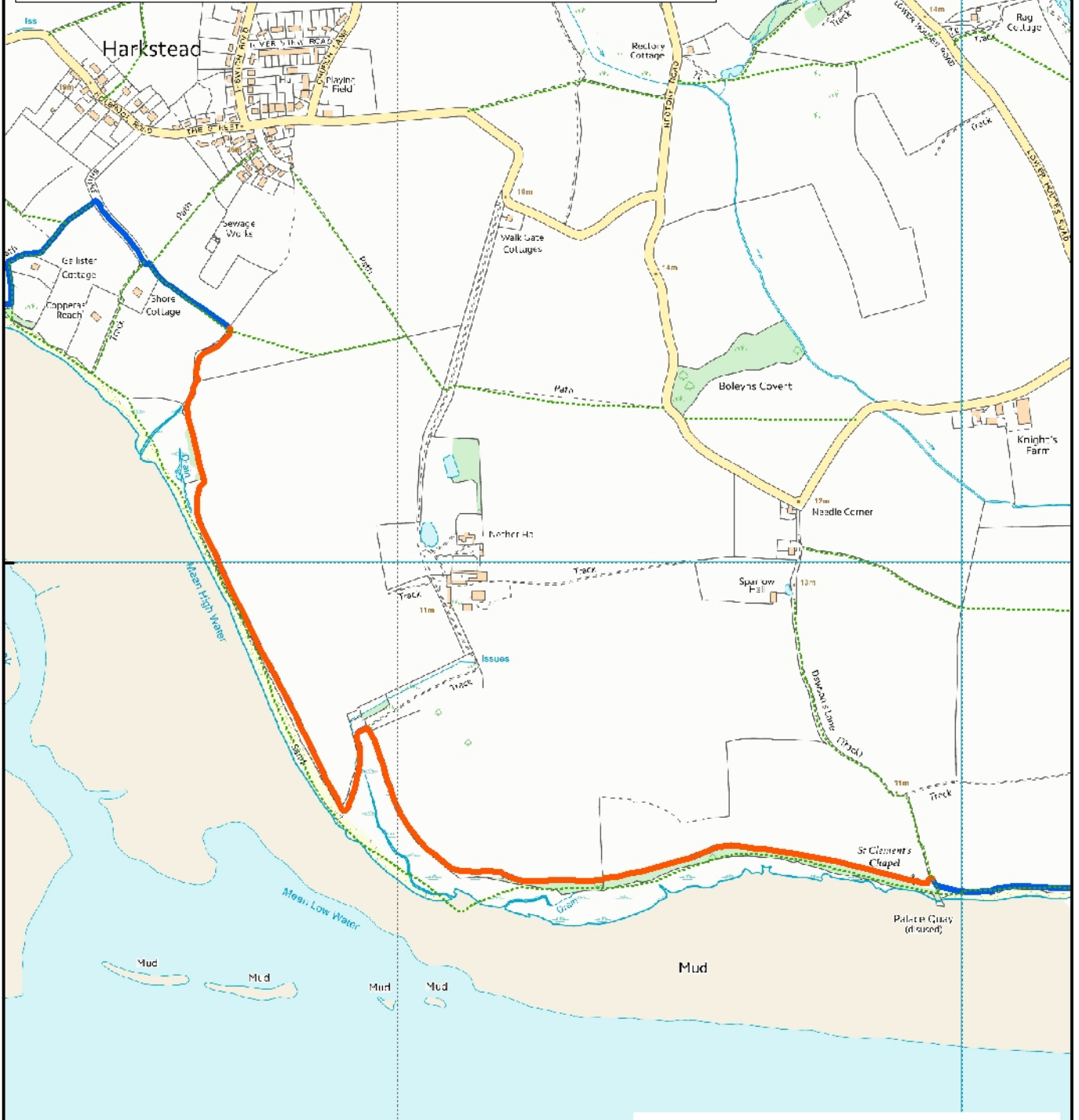


Map F6: Directions to exclude/restrict access - as proposed for area covered by Report HSG 6

Map F6a: Route Restriction

Proposed direction to prevent disturbance of game by dogs (CROW section 24)

-  Route as proposed in Report HSG 6
-  Proposed route with restriction: Dogs on leads 1 Aug to 31 Jan



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Natural England

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Coastal Access Scheme

NE446 - Coastal Access: Natural England's Approved Scheme

Natural England

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

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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:

Fun on seawall, Manningtree.

By Kim Thirlby, Natural England

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