

Coastal Access Report – Essex Burnham-on-Crouch to Maldon



Representations with Natural England's comments

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1. Introduction

This document records the representations Natural England has received on this report from persons or bodies whose representations must be sent in full to the Secretary of State. It also sets out any Natural England comments on these representations.

2. Background

Natural England's report setting out its proposals for improved access to the coast between Burnham-on-Crouch to Maldon was submitted to the Secretary of State on Wednesday 19th July 2017. This began an eight-week period during which representations and objections about the report could be made. A representation about the report could be made during this period by any person on any grounds and could include arguments either in support of or against Natural England's proposals.

In total Natural England received 18 representations, of which 2 were made by organisations or individuals whose representations must be sent in full to the Secretary of State in accordance with paragraph 8(1)(a) of Schedule 1A to the National Parks and Access to the Countryside Act 1949. These 'full' representations are submitted in their entirety with Natural England's comments where relevant. A summary of the 16 representations made by other individuals or organisations, referred to as 'other' representations, has is also included below.

Before making a determination in respect of a coastal access report, the Secretary of State must consider both documents relating to 'full' and 'other' representations.

3. Representation and comment record

Full Representations

Representation number

MCA\Burnham on Crouch to Maldon\R\16\BCM0516

Organisation/ person making representation

[REDACTED], RSPB

Report chapter

ASFA - Access and Sensitive Features Appraisal document

Route section(s)

N/A – whole report

Representation in full *Record the representation here in full. Do not summarise.*

Original Representation: Comment on the Access and Sensitive Features Appraisal document

Please note that our comments are made without sight of the report by Panter & Liley (2016) cited in this document. We would welcome the opportunity to read it.

1. Section 25A exclusion of saltmarsh and intertidal

The RSPB welcomes and supports that all saltmarsh and intertidal will be excluded from spreading room. We note that this has been done on safety grounds and that the benefit for nature conservation interests (wintering/passage/breeding birds, plant communities and sensitive habitats) will be an indirect consequence. The RSPB considers that if the precautionary principle was adopted, these habitats should be excluded on nature conservation grounds as well and would recommend such an approach.

All the sections relating to “Access Proposals” in this document (sections 5.1.3, 5.2.3, 5.3.3, 5.4.3, 5.5.3, 5.6.3, 5.7.3, 5.8.3) state:

“If in the future there is a proposal to remove or relax the Section 25A exclusions, then an appraisal of the effects of those changes on sensitive features would be essential.”

We are cautious about such language and we would like to better understand how such proposals may come forward. We should be grateful for clarification on this point.

Furthermore, the RSPB agrees that an “appraisal” of sensitive features should be undertaken, but it must include rigorous baseline monitoring to inform a project-level Habitats Regulations Assessment (HRA). We would welcome the opportunity to inform any such process, notwithstanding our point above regarding exclusion on nature conservation grounds.

2. Current conservation status and use of site by features (page 19)

We welcome that this section refers to high tide roosts and low tide counts.

It should be recognised that the low tide counts are only conducted every 6 years and generally within the core winter period (November to February), so the information may not be current and would also miss any important spring or autumn assemblages using the intertidal areas.

Bar a passing reference (page 20, Low Tide Interest), what this section does not refer to is the use of mudflats at other states of tide (rising or falling). The dynamic of waterbird populations is subject to immense variation between seasons and tides. On the Stour Estuary at Mistley for example, certain species of wader will head to roost early on a rising tide (e.g. Curlew, Grey Plover with over 100m of exposed mud remaining), whilst others will feed up to the last exposed mud (Black-tailed Godwit, Redshank). Conversely, on a falling tide, early adopting species of exposed mud (feeding on the first 10m exposed) are typically Dunlin and Knot. (pers obs) Waterbirds are parochial and typically adopt the same stretch of mud or saltmarsh at the same time of year and same state of tide year on year. At times, roosts no more than 400m apart, for no obvious reason, can support entirely different populations of species and never be used en masse by seemingly common species. This level of detail for this stretch of Coast Path has not been documented.

Without this information, we remain concerned that there may be a likely significant effect (LSE) on the interest features of the Special Protection Areas (SPAs). Excluding saltmarsh and mudflats on nature conservation grounds will add an extra tier of protection on a precautionary basis to these sensitive features.

3. Sensitivities to changes in access (page 21)

We welcome that paragraph 1 recognises the importance of the sites for spring and autumn birds and not just winter. It is widely recognised that birds passing through on migration are generally more sensitive to disturbance than wintering populations, which are around for longer and tend to acclimatise to routine “disturbance”. Given that use of the footpath is likely to be greater in spring and autumn due to good weather, we again stress the need to exclude saltmarsh and mudflats on nature conservation grounds.

4. New interpretation on the Coast Path (section 6.1.2)

The RSPB has repeatedly raised concerns about how “spreading room” will be shown on OS maps as a pink wash, even in areas where saltmarsh and mudflats has been excluded. In isolation, the value of signage is limited and therefore it is imperative that any new signage on this route adopts the following :

- Provides positive direction to the reader
- Highlights that saltmarsh and mudflats are excluded from spreading room – they could be described as “wildlife only” zones.
- Other messages could explain how the reader’s positive behaviour of keeping to the footpath is helping wildlife
- Signage that is seasonal is put in position seasonally, i.e. for breeding Ringed Plovers, this is erected in March and taken down in late-September. This will help to reinforce the message intended for the reader.
- There must be budget in place to check, replace and upgrade signage in order that it remains relevant and attractive to footpath users.
- It is imperative that precise positioning of signage on the ground is consider so that it appears in the walkers line of sight. Too often all effort invested in good signage is wasted with by poor positioning.

5. Monitoring (section 6.3)

The RSPB would like to understand more about the level of monitoring that will be adopted and what Natural England mean by “established programmes including our common standards monitoring (CSM)”.

Our concern is greatest where new stretches of path are proposed close to important aggregations of birds. Along this route, this applies along the stretch between Stansgate to Steeple Creek (Map 4a - BCM-4-S007 and BCM-4-S010). We welcome that a stretch of this footpath will be directed along the folding below the seawall. There has to be monitoring in place to ensure that this route is abided by. If monitoring shows that it is not and that it is causing an adverse effect, then measures need to be adopted to resolve this, i.e. re-routing this stretch of footpath.

Specialist input: *Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.*

[REDACTED] – NE England Coast Path specialists

[REDACTED] – NE Responsible Officers for the Blackwater Estuary SSSI, SPA and Ramsar site.

[REDACTED] – NE specialist ornithologists.

Specialist Input has been received throughout the development of the published Report and supplemented the comments given below.

Natural England’s comments *Enter Natural England’s comments here with as much detail as possible.*

Natural England is happy to share the report by Panter & Liley (2016) with RSPB and will arrange to do so.

1. Intertidal mud and saltmarsh - request for both a Section 25A exclusion and a nature conservation exclusion.

Natural England welcomes RSPB’s support for the proposed exclusion of intertidal mudflats and saltmarsh under S25A of the Countryside and Rights of Way Act (2000) as considered unsuitable for public access.

With regard to RSPB’s statement that “if the precautionary principle was adopted, these habitats should be excluded on nature conservation grounds as well and would recommend such an approach” we believe this is not the case. If saltmarsh and flats are excluded on safety grounds, there is little case to add an extra layer of exclusion on top.

Where necessary, Natural England can use our powers to limit new coastal access rights. This entails us ‘making a direction’ to restrict particular activities or times when people can use an area, or exclude access altogether.

A direction has the legal effect of cancelling out coastal access rights and there are a number of grounds on which a direction can be made. In some cases, like the one cited by RSPB, there can be more than one reason why we might want to limit coastal access rights. In this situation, our practice is to make a direction according to the need that is most restrictive. Where we decide that an area of salt marsh or mud flat is substantially unsuitable to be used by the general public, we exclude access all year round. Thus in most cases, this need is the most restrictive and will be the grounds cited in the formal direction notice.

That's not to say the importance of the habitat for nature conservation is forgotten. Where on-site information is required, we will often take the opportunity to convey nature conservation messages alongside those highlighting dangers to the public.

Should an area from which access has been excluded at any point in the future become suitable for access – for example as a result of natural processes reshaping the intertidal habitat - we would remove this exclusion. Before doing so, we would consider whether in this new scenario, it is necessary to exclude or restrict coastal access rights over the area for any other reason, such as nature conservation. This would be most likely by completing a new Access and Sensitive Features Appraisal, utilising the available evidence at the time and where appropriate working with local interested parties such as the RSPB and Wildlife Trusts.

2. Current conservation status and use of site by features (page 19)

Natural England has to proceed on the basis of the best available information in all work that we deliver to protect and enhance the SSSI series. We agree that wader movements on an estuary through the tidal cycle can be complex and varied, but attempts to model this have only been attempted on a very few estuaries. The strength of WeBS counts (Wetland Bird Survey) and other monitoring schemes means the UK is recognised as being one of the best monitored countries in terms of bird populations and Natural England believe it is reasonable to maintain that we have good information to base our assessments on.

NE can only make use of bird data that we possess or are made aware of in coming to our conclusions regarding the planned Coast Path route. If RSPB are aware of their own or other individuals with detailed knowledge of bird movements in this area, we would be interested to see this. Natural England developed the proposals for the England Coast Path report through close working with RSPB. Natural England received no further evidence, extra data sources or alternative alignment recommendations prior to publication.

3. Sensitivities to changes in access (page 21)

Our response to RSPB's point "given that use of the footpath is likely to be greater in spring and autumn due to good weather, we again stress the need to exclude saltmarsh and mudflats on nature conservation grounds" – see point 1 above: 'Intertidal mud and saltmarsh - request for both a Section 25A exclusion and a nature conservation exclusion'

Throughout the report and associated Access and Sensitive Features Assessment supporting documentation Natural England highlight that a majority of the route within this Section of the coast is on public rights of way or existing walked routes. Increased use by the public is expected to be limited in both time and locations and this has been taken into account to inform our assessment of impacts from the public on the wildlife of the area.

4. New interpretation on the Coast Path (section 6.1.2)

RSPB start by raising concerns "about how 'spreading room' will be shown on OS maps as a pink wash, even in areas where saltmarsh and mudflats has been excluded". Natural England would like to note that the colour wash is denoting the coastal margin (not spreading room) and that the following specific wording agreed for the key of OS map includes specific references to both saltmarsh and mudflats:

"All land within the 'coastal margin' (where it already exists) is associated with the England Coast Path and is by default access land, but in some areas it contains land not subject to access rights - for example cropped land, buildings and their curtilage, gardens and land subject to local restrictions **including many areas of saltmarsh and flat that are not suitable for**

public access [*our emphasis*]. The coastal margin is often steep, unstable and not readily accessible. Please take careful note of conditions and local signage on the ground.”

Regarding signage, where the objective is to persuade visitors to behave in particular ways, Natural England believes this can be done effectively through carefully targeted information or interpretation which explains the need. This proven technique ranges from the use of signs at particular sites to information on other media for local or more general distribution.

Our use of signs for this purpose will be kept to a minimum and will focus on visitor arrival points. This will limit their aesthetic impact on the natural environment and maximise their impact and effectiveness. For the same reasons we will where practicable arrange for signs to be taken down at times when they are not needed.

5. Monitoring (section 6.3)

Prior to opening the new trail checks will be made that establishment works including any special mitigation measures required at this stage have been implemented. Once the Coast Path is open there will be regular ongoing monitoring of the condition of the trail, its associated spreading room access rights and infrastructure.

Monitoring of the protected site will continue through established programmes including Natural England’s Common Standards Monitoring protocols. Issues concerning achievement of conservation objectives for a site will usually be investigated through these arrangements. In the event that public access may be a contributing factor to any problems, coastal access provisions may need to be modified as part of the management response.

Common Standards Monitoring is the process by which the condition of all SSSIs are monitored at regular intervals, to assess the status of their notified features. This programme takes very considerable NE resources. We welcome and do take full account of information from organisations or individuals, and along this particular coastline particularly regarding avian usage of areas near the Coast Path and if there are positive or negative impacts regarding walkers departing from the agreed path.

Natural England will be tracking general trends in pattern and level of use of the Coast Path as part of our evaluation of the coastal access programme nationally and this information will supplement and provide context to local monitoring.

With regard to the new stretch of path (Map 4a - BCM-4-S007 and BCM-4-S010) Natural England is not proposing to put bespoke monitoring in place. Experience is that informal management techniques such as way marks and a mown surface are effective ways to steer visitors to use a particular route. We also note that the seawall in this location is not maintained to a high standard as elsewhere along this coast, making its surface uneven, potted and in some places collapsing making it unattractive for users to walk along.

Representation number

MCA\Burnham on Crouch to Maldon\R\17\BCM0004

Organisation/ person making representation

[REDACTED], CLA

Report chapter

Chapters 1-6 where estuary discretion used - plus points on Chapter 6, BCM-6-S008 – coastal margin – Northey Island

Route section(s)

Route sections where estuary discretion used - plus points on Chapter 6, BCM-6-S008 – coastal margin – Northey Island

Representation in full *Record the representation here in full. Do not summarise.*

Original Representation:

The report considers access along two estuaries: Blackwater and Crouch.

Inspection of the detailed maps for the route sections reveals that the entirety of the route is located either on existing public rights of way/highway, or on “other existing walked routes”.

The overview also indicates that access to the vast majority of the coastal margin will be excluded.

The Coastal Access Scheme states that Natural England will “take fully into account whether the cost of extending the trail...would be proportionate to the **extra** [our emphasis] public enjoyment of the coast that would result”.

The report overview contains no analysis of the total cost of extending the trail specifically up the estuary. Indeed, the report contains no analysis of the cost to those affected by extending the trail, although surely such analysis must have been done to be able to assert that the proposals represent a fair balance?

The report also contains no analysis of the **extra** benefit that the public will derive from extending coastal access up the estuary. The public already has existing access along this stretch of estuary. The extra benefit that will be derived from designating that existing access as a coastal trail has not been identified or quantified within the report. In addition, there has been no analysis of the balance between that extra benefit and the increased burden which will be borne by owners and occupiers along this section of estuary, and whether that will result in the necessary fair balance.

Without undertaking such analysis we find it hard to see how the report meets its statutory responsibilities.

In respect of Chapter 6, we are aware of specific concerns regarding the proposed restrictions for Northey Island which fail to take proper account of the land management interests.

The letting property on Northey Island offers a unique circumstance – the ability to stay in an isolated property and experience being completely ‘away from it all’. Existing access to the island is controlled by permit. This allows control over numbers, ensures that people are aware of their environmental responsibilities, and that they are fully aware of the safety issues arising with the crossing.

The new proposals will override the permit system, allowing unrestricted access at any time from May to September.

No assessment as to the safety of allowing unrestricted access across the causeway has been made in the report and, while we recognise that safety is not a statutory consideration within the margin, it would nevertheless seem wholly irresponsible to replace a proven system of access (using permits) with an unrestricted system, without a proper assessment of the impact on the safety of doing so.

We also find it hard to see how the proposed winter seasonal restriction on access to the Island will assist in providing a fair balance to those managing land and businesses there. We note that Northey House relies extensively on its isolation in attracting guests. Its website states “Those wishing just to get away from it all will appreciate its peaceful and private location”.

We cannot see how permitting unrestricted access to the Island over the summer can enable the island to also remain a peaceful and private location. The very act of allowing unrestricted access for that period (which also coincides with the peak holiday letting period) will affect the current business. We question whether this can be considered to be a fair balance. It is not clear why the present access arrangements could not have been continued under any new scheme.

We believe that the estuary criteria should be properly considered in the light of the extra benefit that might accrue to the public, when set against (having completed a full cost benefit analysis) the burden to owners and occupiers – so that the fair balance test can be properly assessed.

Specialist input: *Record the input received. It is not necessary to record the input in full. If no specialists were consulted or responded, leave the field blank.*

[REDACTED] (Natural England)

Legal advice and England Coast Path Scheme compliance in respect of Natural England’s comments (below)

Natural England’s comments *Enter Natural England’s comments here with as much detail as possible.*

The Representation covers two key themes. The use of the discretion afforded to Natural England to propose the England Coast Path continues along estuaries and the applicability of coastal margin spreading room to islands linked to the shore by a causeway. Separating these areas out, Natural England’s comments are recorded below:

1. Use of Estuarine Discretion

Natural England has detailed within the Part 5 of the Overview its decision to utilise its discretion to propose the England Coast Path continues along the two estuaries of the River Crouch on the southern side of this stretch report and the River Blackwater on the northern side.

Between these two estuarial waters is a length of open coast. In order to access this open coast, where Natural England was not required to exercise any discretion, it had to consider access along the adjacent linking estuaries using its estuary discretion. Both estuaries have no points where the public can cross the river on foot at the location where the open coast section meets the estuarine waters. In order to utilise such crossing points, in line with Chapter 10 of the scheme (and as detailed in the report Overview) a Trail alignment was proposed to consider the onward journey to join with adjacent stretches of the England Coast Path.

For both these estuaries the crossing point of the river/s is within another stretch. It should be noted that the Blackwater Estuary England Coast path section and therefore crossing points of the rivers that feed the estuary has been approved by the Secretary of State.

Section 297 of the Coastal Access Scheme 2013 requires Natural England and the Secretary of State in discharging their duty to provide a walking route around the open coast, to have regard to the desirability of ensuring that so far as reasonably practicable, interruptions are kept to a minimum. The Burnham on Crouch to Maldon section is a small part in this bigger concept and

the ability to provide a continuous Trail around the whole of the English coastline was a key consideration.

The Coastal Access Scheme does not place a duty on Natural England to produce a cost benefit analysis.

We can, however, indicate our estimate for delivering the trail. As published this is expected to be around £65,550 with an annual maintenance cost of £34,184. We believe that the draw of a National Trail will bring further money into the local economy and in our discussions with land owners, local authorities, local tourism initiatives and businesses they themselves highlighted the opportunities that the England Coast Path can bring to this area and the extra tourist trade.

We also highlight that in pre-publication discussions with every land owner along the route and with interested parties no significant adverse comment that was not resolved was made regarding the establishment of the National Trail along this coast. A fact supported by the absence of any objections or representations from these legal interests.

The CLA themselves note that the majority of the proposed route as explained in the report is following the line of public rights of way. Having these rights of way as part of the England Coast Path National Trail should therefore place no extra “increased burden which will be borne by the owners and occupiers along this section of estuary”. The England Coast Path brings these owners and occupiers reduced public liability, compared to that they currently have to maintain, reducing their burden. It also increases the profile of the Trail, bringing increased funding for active management and maintenance including replacement and enhanced access structures where necessary in the control of livestock.

2. Chapter 6 - concerns regarding the proposals for Northey Island

Section 7.16 of the Coastal Access Scheme explains that islands are included in the scope of coastal access arrangements where it is possible to walk to them from the mainland or from another accessible island. As a consequence of Northey Island’s tidal causeway and its position seaward of the trail, those areas which are not excepted land and which are not subject to a direction to either restrict or exclude access automatically qualify as spreading room.

The terrestrial land (mainly farmed pastureland) at Northey Island and its associated causeway are proposed for exclusion between October and April inclusive (7 months) under S26(3)(a) of the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent geese. Intertidal mudflats and saltmarsh around Northey Island are proposed for exclusion all year under S25A of the Countryside and Rights of Way Act (2000) as they are considered unsuitable for public access. The dwellings (holiday cottages) and curtilage are excepted land which, although part of the coastal margin, will not be subject to a right of access.

In summary, the proposal creates coastal access rights on Northey Island from May to September inclusive.

Impact on holiday house should the general public be allowed access.

In drawing up our proposals Natural England aims to strike a fair balance between the interests of the public in having access over coastal land and the interest of the owner or the occupier of land over which any coastal access rights will apply.

Certain categories of land are excepted from coastal access rights under Schedule 1 to CROW including:

- Land covered by buildings or the curtilage of such land;
- Land used as a garden.

The holiday house, its curtilage and its garden are therefore excepted from any new coastal access proposals - people will not have the right to enter the house or garden.

Natural England also notes that there is existing access on Northey Island.

The island is owned by the National Trust and promoted as a visitor destination. Adjacent to the public right of way on the mainland the owners have a large interpretation board promoting their circular permissive route which runs across the causeway and around the island. In addition, National Trust fingerpost signs positioned in the nearby popular Promenade Park in Maldon (est. 300,000 visits per year) direct the general public to the island. The ability to access the island is also promoted to an international audience through the internet. E.g.

<https://www.nationaltrust.org.uk/northey-island>; <https://www.nationaltrust.org.uk/northey-island/trails/northey-island-circular-walk>;

We envisage the vast majority of users will continue to follow the current promoted route around the island. This current suggested route around the island generally follows the seawalls. It takes a route along the single access track on the island, up to the open garden associated with the dwellings, then cuts around the rear of the property shrouded by a hedgerow, before returning to the open landscape of the farmed land and inaccessible saltmarsh and mudflat. With no attractors in the fields that make up the majority of the island and no easy access to these areas there is no expectation that the majority of the public will deviate from this well signed, well used circular route if the island is included in the coastal margin.

No evidence was presented to Natural England prior or post publication from the owners or tenants regarding adverse impacts. As part of the normal ongoing management of the England Coast Path and associated coastal margin, new directions can be made were new evidence brought forward and likewise directions and restrictions can be removed. Were evidence of a significant impact provided post commencement, Natural England would review this in discussion with the affected parties and consider any appropriate actions.

Safety of the tidal causeway

Most people already understand that the coast can be a dangerous environment, and are aware of many of the inherent risks. Section 4.2.1 of the Coastal Access Scheme explains a key principle is that visitors should take primary responsibility for their own safety when visiting the coast and for the safety of any children or other people in their care, and should be able to decide for themselves the level of personal risk they wish to take.

As set out in Section 4.2.5 of the Coastal Access Scheme Natural England considers the likely level of visitor's familiarity with and expectations of the risks when deciding what safety measures are necessary, if any. We will adopt a principle of minimal intervention, assuming that people will avoid dangers that are well known providing they are readily apparent.

The Northey Island causeway is a substantial, short and straight vehicular track, raised above surrounding mudflat giving clear views in both directions allowing users to gauge the state of the tide before crossing. We believe the risks associated with tides can be clearly seen, easily understood and are familiar to the vast majority of users.

As set out in Section 4.2.6 of the Coastal Access Scheme both Natural England and the access authority, Essex County Council, has the powers to erect signs warning of potential dangers and we are proposing such an appropriate notice warning of tidal issues and advising people to check the tide before crossing. We will develop this signage design in consultation with organisations responsible for safety at the coast.

Natural England notified the local HM Coastguard Team, RNLI, Essex Fire and Rescue and Maldon River Bailiff when we published our proposals. None of these raised any concerns. Natural England has worked through the proposals with the local access authority, Essex County Council, who support the inclusion of Northey Island causeway, with appropriate signage warning of tidal issues, for public access.

As set out in the Coastal Access Scheme, including Sections 4.2.8 and 6.6.20 local restrictions and exclusions may not be used to prevent danger from natural processes or hazards.

Prediction of future levels and patterns of public use following the introduction of coastal access rights - Use of Northey Island - with a predicted increase in visits to the proposed England Coast Path National Trail, and Northey Island as a potential attractor in the coastal margin, Natural England does agree that Northey Island could have a corresponding, albeit smaller, increase in access. It will not receive the profile it would have had if the England Coast Path had been proposed to follow the coast of the Island itself. Natural England is only proposing to introduce coastal access rights from May to September (inclusive) and only to the islands terrestrial land that is not excepted and to its causeway. (Therefore there will be months when access to the island will be excluded by means of a direction which will result in a marked reduction in the current availability).

Numbers able to access the Island will be naturally limited by its tidal nature and how the pattern of low tides fall within the day. With few visitor facilities on the island, and crucially without toilets, we would predict only a minority of visitors would plan to stay on the island during high tide. The farmed land that makes the majority of the island is not readily accessible to the public and there are no proposals or expectations that this will change. The public will therefore continue to be guided towards the current circular route around the island. Natural England appreciates the island offers a different experience of the local countryside to that perhaps offered by the local Promenade Park. This public amenity, with its play grounds, myriad of facilities and café's, car parking and large open spaces offers a significant draw to the local population and provides limited incentive for them to venture further afield. The majority of future users of Northey can be expected to be those that currently enjoy it.

We do not predict the removal of the nominal charge of £2 for non-members of the National Trust will be a significant factor in increasing public use. We understand from correspondence prior to publication that the current charge returns less than £300 to the National Trust in any year. There is no entrance barrier pay point or restriction and current requests to book in advance and to make payment can be readily abused.

Other Representations

Representation number:

MCA\Burnham on Crouch to Maldon\R\1\BCM0567

Organisation/ person making representation:

[REDACTED], '*visitor to Northey Island*'

Route section(s):

Chapter 6, BCM-6-S008 – coastal margin – Northey Island

Summary of representation:

The representation is from a longstanding visitor to Northey Island. It expresses strong concerns over the inclusion of Northey Island for public access citing the following factors:

- Safety of tidal causeway – suggesting rapid rising tides plus a strong dangerous current could endanger lives;
- Impact on holiday house should the general public be allowed to access to the house and curtilage.

Natural England's comment:

Inclusion of Northey island for public access

Section 7.16 of the Coastal Access Scheme explains islands are included in the scope of coastal access arrangements where it is possible to walk to them from the mainland or from another accessible island. As a consequence of Northey Island's tidal causeway and its position seaward of the trail means those areas of the island which are not excepted land and which are not subject to a direction to either restrict or exclude access automatically qualify as spreading room.

The terrestrial land (mainly farmed pastureland) at Northey Island and its associated causeway are proposed for exclusion between October and April inclusive (7 months) under S26(3)(a) of the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent goose. Intertidal mudflats and saltmarsh around Northey Island are proposed for exclusion all year under S25A of the Countryside and Rights of Way Act (2000) as they are considered unsuitable for public access. The dwellings (holiday cottages) and curtilage are excepted land which, although part of the coastal margin, will not be subject to a right of access.

In summary, the proposal creates coastal access rights on Northey Island from May to September inclusive.

Safety of the tidal causeway

Most people already understand that the coast can be a dangerous environment, and are aware of many of the inherent risks. Section 4.2.1 of the Coastal Access Scheme explains a key principle is that visitors should take primary responsibility for their own safety when visiting the coast and for the safety of any children or other people in their care, and should be able to decide for themselves the level of personal risk they wish to take.

As set out in Section 4.2.5 of the Coastal Access Scheme Natural England considers the likely level of visitor's familiarity with and expectations of the risks when deciding what safety measures are necessary, if any. We will adopt a principle of minimal intervention, assuming that people will avoid dangers that are well known providing they are readily apparent. The Northey Island causeway is a substantial, short and straight vehicular track, raised above surrounding mudflat giving clear views in both directions allowing users to gauge the state of the tide before crossing. We believe the risks associated with tides can be clearly seen, easily understood and are familiar to the vast majority of users.

As set out in Section 4.2.6 of the Coastal Access Scheme both Natural England and the access authority, Essex County Council, has the powers to erect signs warning of potential dangers and we are proposing such an appropriate notice warning of tidal issues and advising people to check the tide before crossing. We will develop this signage design in consultation with organisations responsible for safety at the coast.

Natural England notified the local HM Coastguard Team, RNLI, Essex Fire and Rescue and Maldon River Bailiff when we published our proposals. None of these raised any concerns.

Natural England has worked through the proposals with the local access authority, Essex County Council, who support the inclusion of Northey Island causeway, with appropriate signage warning of tidal issues, for public access.

As set out in the Coastal Access Scheme, including Sections 4.2.8 and 6.6.20 local restrictions and exclusions may not be used to prevent danger from natural processes or hazards.

Impact on holiday house should the general public be allowed access.

In drawing up our proposals Natural England aims to strike a fair balance between the interests of the public in having access over coastal land and the interest of the owner or the occupier of land over which any coastal access rights will apply.

Certain categories of land are excepted from coastal access rights under Schedule 1 to CROW including:

- Land covered by buildings or the curtilage of such land;
- Land used as a garden.

The holiday house, its curtilage and its garden are therefore excepted from any new coastal access proposals - people will not have the right to enter the house or garden.

Natural England notes that there is existing access on Northey Island.

The island is owned by the National Trust and promoted as a visitor destination. Adjacent to the public right of way on the mainland the National Trust has a large interpretation board promoting their circular permissive route which runs across the causeway and around the island. In addition, National Trust fingerpost signs positioned in the nearby popular Promenade Park in Maldon (est. 300,000 visits per year) direct the general public to the island. We envisage the vast majority of users will continue to follow the current promoted route around the island. <https://www.nationaltrust.org.uk/northey-island>. This current suggested route around the island generally follows the seawalls. It takes a route along the single access track on the island, up to the open garden associated with the dwellings, then cuts around the rear of the property shrouded by a hedgerow, before returning to the open landscape of the farmed land and inaccessible saltmarsh and mudflat. There is no evidence to suggest that the public will deviate from this well signed circular route if the island is included in the coastal margin.

This individual has also submitted a letter of support, including substantively the same information, to objection **MCA\Burnham on Crouch to Maldon\O\2\BCM0373** (made by the tenant whose family lets out the holiday house).

Supporting Documents: 4A: MCA\Burnham on Crouch to Maldon\R\1\BCM0567– Letter with supporting arguments

Representation number:

MCA\Burnham on Crouch to Maldon\R\2\BCM0565

Organisation/ person making representation:

[REDACTED], *'resident of Maldon'*

Route section(s):

Chapter 2, Maps 2c-2k, BCM-2-S003 to BCM-2-S025

Summary of representation:

The representation is from a local resident concerned there are no parking areas and no footpaths to provide access onto the proposed England Coast Path covered in maps 2c to 2k of Chapter 2 or to allow round trips of a 'reasonable length' on this section of the Dengie peninsula.

Natural England's comment:

The Marine and Coastal Access Act (MCAA) 2009 places a legal duty on Natural England to secure a long distance walking trail around the English coastline, together with public access rights to a wider area of land along the way for people to enjoy. There is no statutory duty placed on Natural England to provide new access routes to join the proposed England Coast Path, nor as set out in Section 4.2.6 a requirement to consider additional visitor facilities such as car parks. The Dengie peninsula that is covered by the maps within Chapter 2 is remote and generally unpopulated. There are occasional public rights of way that radiate out from the hinterland to the coast.

Representation number:

MCA\Burnham on Crouch to Maldon\R\3\BCM0557

Organisation/ person making representation:

[REDACTED] – *'visitor to Northey Island and running a family holiday business'*

Route section(s):

Chapter 6, BCM-6-S008 – coastal margin – Northey Island

Summary of representation:

The representation is from a member of the family that donated Northey Island to the National Trust, and which let a house and garden to run as a holiday business. It believes that the proposals will result in their usual visitors no longer wanting to come, and the resulting loss of income putting the business into liquidation and so requests a year-round access exclusion.

Natural England's comment:

In drawing up our proposals Natural England aims to strike a fair balance between the interests of the public in having access over coastal land and the interest of the owner or the occupier of land over which any coastal access rights will apply.

As set out in Section 5.3 of the Coastal Access Scheme, Natural England aims to prevent coastal businesses suffering significant loss of income from the introduction of coastal access rights. Section 8.18 considers the needs of holiday accommodation businesses and sets out our general approach in relation to gardens associated with holiday properties.

Certain categories of land are excepted from coastal access rights under Schedule 1 to CROW including:

- Land covered by buildings or the curtilage of such land;
- Land used as a garden.

The land leased and run as a holiday property for exclusive use i.e. the holiday house, its curtilage and its garden are therefore 'excepted' from any new coastal access rights and Natural England believes this addresses most concerns.

However, as Natural England is proposing coastal access rights to land in close proximity to the holiday house/leased land we have also considered:

Inclusion of Northey Island for public access

Section 7.16 of the Coastal Access Scheme explains islands are included in the scope of coastal access arrangements where it is possible to walk to them from the mainland or from another accessible island. As a consequence of Northey Island's tidal causeway and its position seaward of the trail means those areas of the island which are not excepted land and which are not subject to a direction to either restrict or exclude access automatically qualify as spreading room.

The terrestrial land (mainly farmed pastureland) at Northey Island and its associated causeway are proposed for a coastal access exclusion between October and April inclusive (7 months) under S26(3)(a) of the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent goose. Intertidal mudflats and saltmarsh around Northey Island are proposed for exclusion all year under S25A of the Countryside and Rights of Way Act (2000) as they are considered unsuitable for public access. The dwellings (holiday cottages) and curtilage are excepted land which, although part of the coastal margin, will not be subject to a right of access.

In summary, the proposal creates coastal access rights on Northey Island from May to September inclusive.

Existing public access arrangements

Natural England notes that there is existing access on Northey Island.

The island is owned by the National Trust and promoted as a visitor destination. Adjacent to the public right of way on the mainland the National Trust has a large interpretation board promoting their circular permissive route which runs across the causeway and around the island. In addition, National Trust fingerpost signs positioned in the nearby popular Promenade Park in Maldon (est. 300,000 visits per year) direct the general public to the island. We envisage the vast majority of users will continue to follow the current promoted route around the island. <https://www.nationaltrust.org.uk/northey-island> .This current suggested route around the island generally follows the seawalls. It takes a route along the single access track on the island, up to the open garden associated with the dwellings, then cuts around the rear of the property shrouded by a hedgerow, before returning to the open landscape of the farmed land and inaccessible saltmarsh and mudflat. There is no evidence to suggest that the public will deviate from this well signed circular route if the island is confirmed as spreading room.

Prediction of future levels and patterns of public use following the introduction of coastal access rights

Although it is proposed to align the England Coast Path along an existing Public Footpath signed as the route to Northey Island from the nearby popular Promenade Park in Maldon (est. 300,000 visits per year), Natural England does envisage an increase in use due to raised awareness and profile by becoming a National Trail by attracting more walkers from further afield in spring, summer and autumn. Establishment works described in the proposals will improve the walking surface for a section of path existing Promenade Park, meaning local people are more likely to use this route in winter.

With a predicted increase in visits to the proposed Trail, and Northey Island as a potential attractor in the coastal margin, Natural England does predict Northey Island could have a corresponding, albeit smaller, increase in access. It will not receive the profile it would have had should the Trail have been proposed to follow the coast of the Island. Natural England is

proposing to restrict coastal access rights in the winter months to protect the internationally important population of dark-bellied brent geese. This means access to the islands non-excepted lands will only be available to the public during May to September (inclusive).

Numbers able to access the Island will be naturally limited by its tidal nature and how the pattern of low tides fall within the day. With few visitor facilities on the island, and crucially without toilets, we would predict only a minority of visitors would plan to stay on the island during high tide.

We do not predict the removal of the nominal charge of £2 for non-members of the National Trust will be a significant factor in increasing public use.

This individual has submitted a letter of support, including substantively the same information, to objection **MCA\Burnham on Crouch to Maldon\O\2\BCM0373** made by another family member.

Representation number:

MCA\Burnham on Crouch to Maldon\R\4\BCM0568

Organisation/ person making representation:

[REDACTED] – *‘visitor to Northey Island’*

Route section(s):

Chapter 6, BCM-6-S008 – coastal margin – Northey Island

Summary of representation:

The representation is from a gentleman who rents the holiday house for two weeks and a number of weekends a year. It expresses concerns over the inclusion of Northey Island as spreading room citing the following factors:

- Impact on holiday house business – loss of unique peace, isolation and privacy would make him reconsider staying there so resulting in loss of revenue for the owners
- Safety of tidal causeway – uncontrolled visitor access without knowledge could be dangerous;
- Safety of mud and saltmarsh - uncontrolled visitor access without knowledge could be dangerous;
- Impact on wildlife – believing the island’s wildlife will be adversely affected by increased visitor numbers, irrespective of any seasonal closure.

Natural England’s comment:

Inclusion of Northey Island for public access.

Section 7.16 of the Coastal Access Scheme explains islands are included in the scope of coastal access arrangements where it is possible to walk to them from the mainland or from another accessible island. As a consequence of Northey Island’s tidal causeway and its position seaward of the trail means those areas of the island which are not excepted land and which are not subject to a direction to either restrict or exclude access automatically qualify as spreading room.

The terrestrial land (mainly farmed pastureland) at Northey Island and its associated causeway are proposed for exclusion between October and April inclusive (7 months) under S26(3)(a) of

the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent goose. Intertidal mudflats and saltmarsh around Northey Island are proposed for exclusion all year under S25A of the Countryside and Rights of Way Act (2000) as they are considered unsuitable for public access. The dwellings (holiday cottages) and curtilage are excepted land which, although part of the coastal margin, will not be subject to a right of access.

In summary, the proposal creates coastal access rights on Northey Island from May to September inclusive.

Impact on holiday house should the general public be allowed access.

In drawing up our proposals Natural England aims to strike a fair balance between the interests of the public in having access over coastal land and the interest of the owner or the occupier of land over which any coastal access rights will apply.

Certain categories of land are excepted from coastal access rights under Schedule 1 to CROW including:

- Land covered by buildings or the curtilage of such land;
- Land used as a garden.

The holiday house, its curtilage and its garden are therefore excepted from any new coastal access proposals - people will not have the right to enter the house or garden.

Natural England notes that there is existing access on Northey Island.

The island is owned by the National Trust and promoted as a visitor destination. Adjacent to the public right of way on the mainland the National Trust has a large interpretation board promoting their circular permissive route which runs across the causeway and around the island. In addition, National Trust fingerpost signs positioned in the nearby popular Promenade Park in Maldon (est. 300,000 visits per year) direct the general public to the island. We envisage the vast majority of users will continue to follow the current promoted route around the island.

<https://www.nationaltrust.org.uk/northey-island>. This current suggested route around the island generally follows the seawalls. It takes a route along the single access track on the island, up to the open garden associated with the dwellings, then cuts around the rear of the property shrouded by a hedgerow, before returning to the open landscape of the farmed land and inaccessible saltmarsh and mudflat. There is no evidence to suggest that the public will deviate from this well signed circular route if the island is included in the coastal margin.

Safety of the tidal causeway

Most people already understand that the coast can be a dangerous environment, and are aware of many of the inherent risks. Section 4.2.1 of the Coastal Access Scheme explains a key principle is that visitors should take primary responsibility for their own safety when visiting the coast and for the safety of any children or other people in their care, and should be able to decide for themselves the level of personal risk they wish to take.

As set out in Section 4.2.5 of the Coastal Access Scheme Natural England considers the likely level of visitor's familiarity with and expectations of the risks when deciding what safety measures are necessary, if any. We will adopt a principle of minimal intervention, assuming that people will avoid dangers that are well known providing they are readily apparent.

The Northey Island causeway is a substantial, short and straight vehicular track, raised above surrounding mudflat giving clear views in both directions allowing users to gauge the state of the tide before crossing. We believe the risks associated with tides can be clearly seen, easily understood and are familiar to the vast majority of users.

As set out in Section 4.2.6 of the Coastal Access Scheme both Natural England and the access authority, Essex County Council, has the powers to erect signs warning of potential dangers and we are proposing such an appropriate notice warning of tidal issues and advising people to check the tide before crossing. We will develop this signage design in consultation with organisations responsible for safety at the coast.

Natural England notified the local HM Coastguard Team, RNLI, Essex Fire and Rescue and Maldon River Bailiff when we published our proposals. None of these raised any concerns. Natural England has worked through the proposals with the local access authority, Essex County Council, who support the inclusion of Northey Island causeway, with appropriate signage warning of tidal issues, for public access.

As set out in the Coastal Access Scheme, including Sections 4.2.8 and 6.6.20 local restrictions and exclusions may not be used to prevent danger from natural processes or hazards.

Safety of mud and saltmarsh

Intertidal mudflats and saltmarsh around Northey Island are proposed for exclusion all year under S25A of the Countryside and Rights of Way Act (2000) as they are considered unsuitable for public access

Impact on wildlife.

Where our proposals for the England Coast Path and associated Coastal Margin are relevant to a Natura 2000 site, our published 'Access to Sensitive Features Appraisal' (ASFA) fulfils our duty under the Habitats Regulations 2010 to assess their potential implications in order to ensure no likely significant effect on the site.

With regard to Northey Island we set out: environmental sensitivities of site features; current access provisions and use of the site for recreation; our access proposals; a predicted change in use and the resulting possible adverse impacts to the sensitive features. As a result of this the terrestrial land at Northey Island and its causeway are proposed for exclusion between October and April inclusive (7 months), proposed under S26(3)(a) of the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent goose.

We concluded that that this seasonal restriction, plus the proposed all year direction on public access to the intertidal mudflats and saltmarsh around Northey Island (under S25A of the Countryside and Rights of Way Act (2000) as considered unsuitable for public access), and with a number of information boards, delivers all necessary mitigation.

With regard to wildlife not specifically referenced in the Natura 2000 and SSSI citations, it is appreciated that access will have no or very little detrimental impact for the majority of species (plants, insects, many birds). Such wildlife is abundant on many accessible areas throughout the country.

This individual has submitted a letter of support, including substantively the same information, to objection **MCA\Burnham on Crouch to Maldon\O\2\BCM0373** made by the tenant whose family lets out the holiday house.

Representation number:

MCA\Burnham on Crouch to Maldon\R\5\BCM0570

Organisation/ person making representation:

[REDACTED] – ‘regular visitor to Northey Island’

Route section(s):

Chapter 6, BCM-6-S008 – coastal margin – Northey Island

Summary of representation:

The representation is from a longstanding visitor to Northey Island. It expresses concerns over the inclusion of Northey Island as spreading room from April to October citing the following factors:

- Impact on the character of Northey Island– destroying the unique privacy, solitude and peace of the island;
- Impact on holiday house business – reduced income as current letting charges (av. £900 a week) would no longer be acceptable under proposals;
- Concerns increased footfall would affect integrity of sea walls;
- Concerns any additional access furniture e.g. gates and stiles could impede access along sea walls to carry out repairs;
- Safety of tidal causeway – and ask who will finance rescuing people;
- Impact on wildlife –particularly waders roosting at high tide;

The representation points out the path will need to be kept free of obstructions and litter, and that there is already access onto Northey Island on appointment with the National Trust.

Natural England’s comment:

Inclusion of Northey Island for public access

Section 7.16 of the Coastal Access Scheme explains islands are included in the scope of coastal access arrangements where it is possible to walk to them from the mainland or from another accessible island. As a consequence of Northey Island’s tidal causeway and its position seaward of the trail means those areas of the island which are not excepted land and which are not subject to a direction to either restrict or exclude access automatically qualify as spreading room.

The terrestrial land (mainly farmed pastureland) at Northey Island and its associated causeway are proposed for exclusion between October and April inclusive (7 months) under S26(3)(a) of the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent goose. Intertidal mudflats and saltmarsh around Northey Island are proposed for exclusion all year under S25A of the Countryside and Rights of Way Act (2000) as they are considered unsuitable for public access. The dwellings (holiday cottages) and curtilage are excepted land which, although part of the coastal margin, will not be subject to a right of access.

In summary, the proposal creates coastal access rights on Northey Island from May to September inclusive.

Impact on holiday house business

In drawing up our proposals Natural England aims to strike a fair balance between the interests of the public in having access over coastal land and the interest of the owner or the occupier of land over which any coastal access rights will apply.

Certain categories of land are excepted from coastal access rights under Schedule 1 to CROW including:

- Land covered by buildings or the curtilage of such land;
- Land used as a garden.

The holiday house, its curtilage and its garden are therefore excepted from any new coastal access proposals - people will not have the right to enter the house or garden.

Natural England notes that there is existing public access on Northey Island.

The island is owned by the National Trust and promoted as a visitor destination. Adjacent to the public right of way on the mainland the National Trust has a large interpretation board promoting their circular permissive route which runs across the causeway and around the island. In addition, National Trust fingerpost signs positioned in the nearby popular Promenade Park in Maldon (est. 300,000 visits per year) direct the general public to the island. We envisage the vast majority of users will continue to follow the current promoted route around the island. <https://www.nationaltrust.org.uk/northey-island>. This current suggested route around the island generally follows the seawalls. It takes a route along the single access track on the island, up to the open garden associated with the dwellings, then cuts around the rear of the property shrouded by a hedgerow, before returning to the open landscape of the farmed land and inaccessible saltmarsh and mudflat. There is no evidence to suggest that the public will deviate from this well signed circular route if the island is included in the coastal margin.

Concerns increased footfall would affect integrity of sea walls;

There is currently a public right of way along the vast majority of the clay sea walls between Burnham-on-Crouch and Maldon, and a permissive right of way along the sea wall on Northey Island. All the Agencies concerned (Environment Agency, Essex County Council and Natural England) currently work together to recognise the various factors and constraints relating to the same area of land (sea wall flood defence, sea wall footpath, sea wall SSSI / SPA etc.). The sea wall integrity and suitability for use as a public footpath (walking route only) has been confirmed by the EA and through the evidence of use of the sea wall currently as a walking route which significantly pre-dates proposals for the England Coast Path (ECP). Essex County Council, as Access Authority, has not identified any problems with the continuing use of the sea wall for this purpose.

Concerns any additional access furniture e.g. gates and stiles could impede access along sea walls to carry out repairs;

We have discussed the existing and proposed structures along the proposed route with Essex County Council, as the vast majority occupy a public right of way. The Council has identified that some of these structures are unconsented and therefore, in its view, represent an unlawful obstruction. Therefore the proposals under the England Coast Path may see fewer obstructions than at present. As the majority of the route is public right of way the land owners will always be allowed to erect gates to control livestock. Permission to do so and guidance on the design of such structures is outside the remit of England Coast Path alignment.

Safety of tidal causeway

Most people already understand that the coast can be a dangerous environment, and are aware of many of the inherent risks. Section 4.2.1 of the Coastal Access Scheme explains a key principle is that visitors should take primary responsibility for their own safety when visiting the coast and for the safety of any children or other people in their care, and should be able to decide for themselves the level of personal risk they wish to take.

As set out in Section 4.2.5 of the Coastal Access Scheme Natural England considers the likely level of visitor's familiarity with and expectations of the risks when deciding what safety measures are necessary, if any. We will adopt a principle of minimal intervention, assuming that people will avoid dangers that are well known providing they are readily apparent.

The Northey Island causeway is a substantial, short and straight vehicular track, raised above surrounding mudflat giving clear views in both directions allowing users to gauge the state of the

tide before crossing. We believe the risks associated with tides can be clearly seen, easily understood and are familiar to the vast majority of users.

As set out in Section 4.2.6 of the Coastal Access Scheme both Natural England and the access authority, Essex County Council, has the powers to erect signs warning of potential dangers and we are proposing such an appropriate notice warning of tidal issues and advising people to check the tide before crossing. We will develop this signage design in consultation with organisations responsible for safety at the coast.

Natural England notified the local HM Coastguard Team, RNLI, Essex Fire and Rescue and Maldon River Bailiff when we published our proposals. None of these raised any concerns. Natural England has worked through the proposals with the local access authority, Essex County Council, who support the inclusion of Northey Island causeway, with appropriate signage warning of tidal issues, for public access.

As set out in the Coastal Access Scheme, including Sections 4.2.8 and 6.6.20 local restrictions and exclusions may not be used to prevent danger from natural processes or hazards.

Any rescues would initially be assessed for action and if necessary undertaken by the emergency services and funded accordingly.

Impact on wildlife

Where our proposals for the England Coast Path and associated Coastal Margin are relevant to a Natura 2000 site, our published 'Access to Sensitive Features Appraisal' (ASFA) fulfils our duty under the Habitats Regulations 2010 to assess their potential implications in order to ensure no likely significant effect on the site.

With regard to Northey Island we set out: environmental sensitivities of site features; current access provisions and use of the site for recreation; our access proposals; a predicted change in use and the resulting possible adverse impacts to the sensitive features. As a result of this the terrestrial land at Northey Island and its causeway are proposed for exclusion between October and April inclusive (7 months), proposed under S26(3)(a) of the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent goose.

We concluded that that this seasonal restriction, plus the proposed all year direction on public access to the intertidal mudflats and saltmarsh around Northey Island (under S25A of the Countryside and Rights of Way Act (2000) as considered unsuitable for public access), and with a number of information boards, delivers all necessary mitigation.

With regard to wildlife not specifically referenced in the Natura 2000 and SSSI citations, it is appreciated that access will have no or very little detrimental impact for the majority of species (plants, insects, many birds). Such wildlife is abundant on many accessible areas throughout the country.

The representation points out the path will need to be kept free of obstructions and litter. The maintenance to the footpath will be carried out by the local Access Authority (Essex County Council, Highways).

Representation number:

MCA\Burnham on Crouch to Maldon\R\6\BCM0577

Organisation/ person making representation:

[REDACTED] – *'regular visitor to Northey Island'*

Route section(s):

Chapter 6, BCM-6-S008 – coastal margin – Northey Island

Summary of representation:

The representation is from a regular visitor to Northey Island who expresses concerns over unlimited public access to Northey Island citing the following factors:

- Damage to the special wild habitat of Northey Island
- Impact on holiday house business – states the business relies on the 'peaceful property and special habitat' - proposals would make letting impossible / unlikely so removing funding which helps fund the maintenance of the Island

Natural England's comment:

Inclusion of Northey island for public access

Section 7.16 of the Coastal Access Scheme explains islands are included in the scope of coastal access arrangements where it is possible to walk to them from the mainland or from another accessible island. As a consequence of Northey Island's tidal causeway and its position seaward of the trail means those areas of the island which are not excepted land and which are not subject to a direction to either restrict or exclude access automatically qualify as spreading room.

The terrestrial land (mainly farmed pastureland) at Northey Island and its associated causeway are proposed for exclusion between October and April inclusive (7 months) under S26(3)(a) of the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent goose. Intertidal mudflats and saltmarsh around Northey Island are proposed for exclusion all year under S25A of the Countryside and Rights of Way Act (2000) as they are considered unsuitable for public access. The dwellings (holiday cottages) and curtilage are excepted land which, although part of the coastal margin, will not be subject to a right of access.

In summary, the proposal creates coastal access rights on Northey Island from May to September inclusive.

Impact on holiday house should the general public be allowed access.

In drawing up our proposals Natural England aims to strike a fair balance between the interests of the public in having access over coastal land and the interest of the owner or the occupier of land over which any coastal access rights will apply.

Certain categories of land are excepted from coastal access rights under Schedule 1 to CROW including:

- Land covered by buildings or the curtilage of such land;
- Land used as a garden.

The holiday house, its curtilage and its garden are therefore excepted from any new coastal access proposals - people will not have the right to enter the house or garden.

Natural England notes that there is existing access on Northey Island.

The island is owned by the National Trust and promoted as a visitor destination. Adjacent to the public right of way on the mainland the National Trust has a large interpretation board promoting their circular permissive route which runs across the causeway and around the island. In addition, National Trust fingerpost signs positioned in the nearby popular Promenade Park in Maldon (est. 300,000 visits per year) direct the general public to the island. We envisage the

vast majority of users will continue to follow the current promoted route around the island. <https://www.nationaltrust.org.uk/northey-island>. This current suggested route around the island generally follows the seawalls. It takes a route along the single access track on the island, up to the open garden associated with the dwellings, then cuts around the rear of the property shrouded by a hedgerow, before returning to the open landscape of the farmed land and inaccessible saltmarsh and mudflat. There is no evidence to suggest that the public will deviate from this well signed circular route if the island is included in the coastal margin.

Impact on wildlife.

Where our proposals for the England Coast Path and associated Coastal Margin are relevant to a Natura 2000 site, our published 'Access to Sensitive Features Appraisal' (ASFA) fulfils our duty under the Habitats Regulations 2010 to assess their potential implications in order to ensure no likely significant effect on the site.

With regard to Northey Island we set out: environmental sensitivities of site features; current access provisions and use of the site for recreation; our access proposals; a predicted change in use and the resulting possible adverse impacts to the sensitive features. As a result of this the terrestrial land at Northey Island and its causeway are proposed for exclusion between October and April inclusive (7 months), proposed under S26(3)(a) of the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent goose.

We concluded that that this seasonal restriction, plus the proposed all year direction on public access to the intertidal mudflats and saltmarsh around Northey Island (under S25A of the Countryside and Rights of Way Act (2000) as considered unsuitable for public access), and with a number of information boards, delivers all necessary mitigation.

With regard to wildlife not specifically referenced in the Natura 2000 and SSSI citations, it is appreciated that access will have no or very little detrimental impact for the majority of species (plants, insects, many birds). Such wildlife is abundant on many accessible areas throughout the country

Representation number:

MCA\Burnham on Crouch to Maldon\R\7\BCM0578

Organisation/ person making representation:

[REDACTED] – regular visitor to Northey Island

Route section(s):

Chapter 6, BCM-6-S008 – coastal margin – Northey Island

Summary of representation:

The representation is from a regular visitor to Northey Island who thinks the England Coast Path is a great idea but raises concerns about Northey Island. It explains one of its main attractions is its solitude and isolation once the tide covers the causeway.

A number of concerns are raised:

- Impact on holiday house business – reduced income as current letting charges would no longer be acceptable under proposals as unique character lost if the general public are allowed to access the island and surrounding area.
- Impact of increased footfall on the islands saltmarshes which are important for wildlife and for preventing coastal erosion;

- Impact of increased footfall on the islands sea wall and causeway which the main walkway around the Island – erosion and maintenance costs;

Natural England’s comment:

Inclusion of Northey island for public access

Section 7.16 of the Coastal Access Scheme explains islands are included in the scope of coastal access arrangements where it is possible to walk to them from the mainland or from another accessible island. As a consequence of Northey Island’s tidal causeway and its position seaward of the trail means those areas of the island which are not excepted land and which are not subject to a direction to either restrict or exclude access automatically qualify as spreading room.

The terrestrial land (mainly farmed pastureland) at Northey Island and its associated causeway are proposed for exclusion between October and April inclusive (7 months) under S26(3)(a) of the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent goose. Intertidal mudflats and saltmarsh around Northey Island are proposed for exclusion all year under S25A of the Countryside and Rights of Way Act (2000) as they are considered unsuitable for public access. The dwellings (holiday cottages) and curtilage are excepted land which, although part of the coastal margin, will not be subject to a right of access.

In summary, the proposal creates coastal access rights on Northey Island from May to September inclusive.

Impact on holiday house should the general public be allowed access.

In drawing up our proposals Natural England aims to strike a fair balance between the interests of the public in having access over coastal land and the interest of the owner or the occupier of land over which any coastal access rights will apply.

Certain categories of land are excepted from coastal access rights under Schedule 1 to CROW including:

- Land covered by buildings or the curtilage of such land;
- Land used as a garden.

The holiday house, its curtilage and its garden are therefore excepted from any new coastal access proposals - people will not have the right to enter the house or garden.

Natural England notes that there is existing public access on Northey Island.

The island is owned by the National Trust and promoted as a visitor destination. Adjacent to the public right of way on the mainland the National Trust has a large interpretation board promoting their circular permissive route which runs across the causeway and around the island. In addition, National Trust fingerpost signs positioned in the nearby popular Promenade Park in Maldon (est. 300,000 visits per year) direct the general public to the island. We envisage the vast majority of users will continue to follow the current promoted route around the island.

<https://www.nationaltrust.org.uk/northey-island>. This current suggested route around the island generally follows the seawalls. It takes a route along the single access track on the island, up to the open garden associated with the dwellings, then cuts around the rear of the property shrouded by a hedgerow, before returning to the open landscape of the farmed land and inaccessible saltmarsh and mudflat. There is no evidence to suggest that the public will deviate from this well signed circular route if the island is included in the coastal margin.

Impact on wildlife.

Where our proposals for the England Coast Path and associated Coastal Margin are relevant to a Natura 2000 site, our published 'Access to Sensitive Features Appraisal' (ASFA) fulfils our duty under the Habitats Regulations 2010 to assess their potential implications in order to ensure no likely significant effect on the site.

With regard to Northey Island we set out: environmental sensitivities of site features; current access provisions and use of the site for recreation; our access proposals; a predicted change in use and the resulting possible adverse impacts to the sensitive features. As a result of this the terrestrial land at Northey Island and its causeway are proposed for exclusion between October and April inclusive (7 months), proposed under S26(3)(a) of the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent goose.

We concluded that that this seasonal restriction, plus the proposed all year direction on public access to the intertidal mudflats and saltmarsh around Northey Island (under S25A of the Countryside and Rights of Way Act (2000) as considered unsuitable for public access), and with a number of information boards, delivers all necessary mitigation.

With regard to wildlife not specifically referenced in the Natura 2000 and SSSI citations, it is appreciated that access will have no or very little detrimental impact for the majority of species (plants, insects, many birds).

Safety of mud and saltmarsh

Intertidal mudflats and saltmarsh around Northey Island are proposed for exclusion all year under S25A of the Countryside and Rights of Way Act (2000) as they are considered unsuitable for public access

Concerns increased footfall would affect integrity of sea walls

There is currently a public right of way along the vast majority of the clay sea walls between Burnham-on-Crouch and Maldon, and a permissive right of way along the sea wall on Northey Island. All the Agencies concerned (Environment Agency, Essex County Council and Natural England) currently work together to recognise the various factors and constraints relating to the same area of land (sea wall flood defence, sea wall footpath, sea wall SSSI / SPA etc.).

The sea wall integrity and suitability for use as a public footpath (walking route only) has been confirmed by the EA and through the evidence of use of the sea wall currently as a walking route which significantly pre-dates proposals for the England Coast Path (ECP). Essex County Council, as Access Authority, has not identified any problems with the continuing use of the sea wall for this purpose.

It is understood that the National Trust are delivering wide reaching plans to reshape Northey Island, by abandoning maintenance of or deliberately breaching the current seawalls to return a large part of the island to intertidal habitat. The seawalls are in any case a dynamic part of this island.

Representation number:

MCA\Burnham on Crouch to Maldon\R\8\BCM0579

Organisation/ person making representation:

[REDACTED] BCM0579

Route section(s):

Summary of representation:

The representation supports the nature conservation restriction on Northey Island from October to April and suggests the island should have access restrictions year round citing the following factors:

- Impact on the character of Northey Island– visitors appreciate the quiet and solitude of an intertidal island;
- Impact on holiday house business – potentially a significant loss of income as the island would be a much less attractive destination because of extended access rights;
- Impact on sensitive saltmarshes – danger people could stray into these areas;
- 2 fields are farmed which suggests they should be kept free of picnics and other recreational activity.

Natural England's comment:

Inclusion of Northey island for public access

Section 7.16 of the Coastal Access Scheme explains islands are included in the scope of coastal access arrangements where it is possible to walk to them from the mainland or from another accessible island. As a consequence of Northey Island's tidal causeway and its position seaward of the trail means those areas of the island which are not excepted land and which are not subject to a direction to either restrict or exclude access automatically qualify as spreading room.

The terrestrial land (mainly farmed pastureland) at Northey Island and its associated causeway are proposed for exclusion between October and April inclusive (7 months) under S26(3)(a) of the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent goose. Intertidal mudflats and saltmarsh around Northey Island are proposed for exclusion all year under S25A of the Countryside and Rights of Way Act (2000) as they are considered unsuitable for public access. The dwellings (holiday cottages) and curtilage are excepted land which, although part of the coastal margin, will not be subject to a right of access.

In summary, the proposal creates coastal access rights on Northey Island from May to September inclusive.

Impact on holiday house should the general public be allowed access.

In drawing up our proposals Natural England aims to strike a fair balance between the interests of the public in having access over coastal land and the interest of the owner or the occupier of land over which any coastal access rights will apply.

Certain categories of land are excepted from coastal access rights under Schedule 1 to CROW including:

- Land covered by buildings or the curtilage of such land;
- Land used as a garden.

The holiday house, its curtilage and its garden are therefore excepted from any new coastal access proposals - people will not have the right to enter the house or garden.

Natural England notes that there is existing public access on Northey Island.

The island is owned by the National Trust and promoted as a visitor destination. Adjacent to the public right of way on the mainland the National Trust has a large interpretation board promoting their circular permissive route which runs across the causeway and around the island. In addition, National Trust fingerpost signs positioned in the nearby popular Promenade Park in Maldon (est. 300,000 visits per year) direct the general public to the island. We envisage the

vast majority of users will continue to follow the current promoted route around the island. <https://www.nationaltrust.org.uk/northey-island>. This current suggested route around the island generally follows the seawalls. It takes a route along the single access track on the island, up to the open garden associated with the dwellings, then cuts around the rear of the property shrouded by a hedgerow, before returning to the open landscape of the farmed land and inaccessible saltmarsh and mudflat. There is no evidence to suggest that the public will deviate from this well signed circular route if the island is included in the coastal margin.

Safety of mud and saltmarsh

Intertidal mudflats and saltmarsh around Northey Island are proposed for exclusion all year under S25A of the Countryside and Rights of Way Act (2000) as they are considered unsuitable for public access

Farmed fields

There is no duty to facilitate public access into the farmed fields that are within the spreading room and at the time of publishing the Report there was no provision on site to encourage public access to these areas. Natural England do not believe this situation will change because of the England Coast Path proposals and suggest the vast majority of users will continue to walk around the outside of the island, following the route of the existing signed concessionary path.

The coastal access rights provide for the public to partake in recreational activities such as picnicking. Land management activities can continue to take place. Delivery of the two interests is best achieved through informal management. The farmed land on Northey Island is pasture. Picnickers will determine for themselves if they wish to picnic amongst stock. There should be no direct conflict between farming the land as pasture and those wishing to undertake such recreational activities.

Supporting Documents: 4B: MCA\Burnham on Crouch to Maldon\R\8\BCM0579 – Link to Northey Island website

Representation number:

MCA\Burnham on Crouch to Maldon\R\10\BCM0580

Organisation/ person making representation:

[REDACTED] – *'regular visitor to Northey Island'*

Route section(s):

Chapter 6, BCM-6-S008 – coastal margin – Northey Island

Summary of representation:

The representation is from a longstanding visitor to Northey Island and expresses strong concerns over unrestricted public access to Northey Island between April and October citing the following factors:

- Impact on the character of Northey Island– destroying the privacy, solitude and peace of the island;
- Impact on holiday house business – reduced income as current letting charges would no longer be acceptable (av. £900 per week);
- Concerns increased footfall affect integrity of sea walls;
- Concerns any addition of access furniture e.g. gates and stiles could impede access along sea walls to carry out repairs;
- Safety of tidal causeway including questioning the financing of rescuing people;

- Impact on wildlife –particularly waders roosting at high tide;

Natural England's comment:

Inclusion of Northey island for public access

Section 7.16 of the Coastal Access Scheme explains islands are included in the scope of coastal access arrangements where it is possible to walk to them from the mainland or from another accessible island. As a consequence of Northey Island's tidal causeway and its position seaward of the trail means those areas of the island which are not excepted land and which are not subject to a direction to either restrict or exclude access automatically qualify as spreading room.

The terrestrial land (mainly farmed pastureland) at Northey Island and its associated causeway are proposed for exclusion between October and April inclusive (7 months) under S26(3)(a) of the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent goose. Intertidal mudflats and saltmarsh around Northey Island are proposed for exclusion all year under S25A of the Countryside and Rights of Way Act (2000) as they are considered unsuitable for public access. The dwellings (holiday cottages) and curtilage are excepted land which, although part of the coastal margin, will not be subject to a right of access.

In summary, the proposal creates coastal access rights on Northey Island from May to September inclusive.

Impact on holiday house should the general public be allowed access.

In drawing up our proposals Natural England aims to strike a fair balance between the interests of the public in having access over coastal land and the interest of the owner or the occupier of land over which any coastal access rights will apply.

Certain categories of land are excepted from coastal access rights under Schedule 1 to CROW including:

- Land covered by buildings or the curtilage of such land;
- Land used as a garden.

The holiday house, its curtilage and its garden are therefore excepted from any new coastal access proposals - people will not have the right to enter the house or garden.

Natural England notes that there is existing access on Northey Island.

The island is owned by the National Trust and promoted as a visitor destination. Adjacent to the public right of way on the mainland the National Trust has a large interpretation board promoting their circular permissive route which runs across the causeway and around the island. In addition, National Trust fingerpost signs positioned in the nearby popular Promenade Park in Maldon (est. 300,000 visits per year) direct the general public to the island. We envisage the vast majority of users will continue to follow the current promoted route around the island. <https://www.nationaltrust.org.uk/northey-island>. This current suggested route around the island generally follows the seawalls. It takes a route along the single access track on the island, up to the open garden associated with the dwellings, then cuts around the rear of the property shrouded by a hedgerow, before returning to the open landscape of the farmed land and inaccessible saltmarsh and mudflat. There is no evidence to suggest that the public will deviate from this well signed circular route if the island is included in the coastal margin.

Concerns increased footfall would affect integrity of sea walls

There is currently a public right of way along the vast majority of the clay sea walls between Burnham-on-Crouch and Maldon, and a permissive right of way along the sea wall on Northey Island. All the Agencies concerned (Environment Agency, Essex County Council and Natural England) currently work together to recognise the various factors and constraints relating to the same area of land (sea wall flood defence, sea wall footpath, sea wall SSSI / SPA etc.).

The sea wall integrity and suitability for use as a public footpath (walking route only) has been confirmed by the EA and through the evidence of use of the sea wall as a walking route which significantly pre-dates proposals for the England Coast Path (ECP). Essex County Council, as Access Authority, has not identified any problems with the continuing use of the sea wall for this purpose.

Concerns any additional access furniture e.g. gates and stiles could impede access along sea walls to carry out repairs:

We have discussed the existing and proposed structures along the proposed route with Essex County Council, as the vast majority occupy a public right of way. The Council has identified that some of these structures are unconsented and therefore, in its view, represent an unlawful obstruction. Therefore the proposals under the England Coast Path may see fewer obstructions than at present. As the majority of the route is public right of way the land owners will always be allowed to erect gates to control livestock. Permission to do so and guidance on the design of such structures is outwith the remit of England Coast Path alignment.

Safety of the tidal causeway

Most people already understand that the coast can be a dangerous environment, and are aware of many of the inherent risks. Section 4.2.1 of the Coastal Access Scheme explains a key principle is that visitors should take primary responsibility for their own safety when visiting the coast and for the safety of any children or other people in their care, and should be able to decide for themselves the level of personal risk they wish to take.

As set out in Section 4.2.5 of the Coastal Access Scheme Natural England considers the likely level of visitor's familiarity with and expectations of the risks when deciding what safety measures are necessary, if any. We will adopt a principle of minimal intervention, assuming that people will avoid dangers that are well known providing they are readily apparent.

The Northey Island causeway is a substantial, short and straight vehicular track, raised above surrounding mudflat giving clear views in both directions allowing users to gauge the state of the tide before crossing. We believe the risks associated with tides can be clearly seen, easily understood and are familiar to the vast majority of users.

As set out in Section 4.2.6 of the Coastal Access Scheme both Natural England and the access authority, Essex County Council, has the powers to erect signs warning of potential dangers and we are proposing such an appropriate notice warning of tidal issues and advising people to check the tide before crossing. We will develop this signage design in consultation with organisations responsible for safety at the coast.

Natural England notified the local HM Coastguard Team, RNLI, Essex Fire and Rescue and Maldon River Bailiff when we published our proposals. None of these raised any concerns. Natural England has worked through the proposals with the local access authority, Essex County Council, who support the inclusion of Northey Island causeway, with appropriate signage warning of tidal issues, for public access.

As set out in the Coastal Access Scheme, including Sections 4.2.8 and 6.6.20 local restrictions and exclusions may not be used to prevent danger from natural processes or hazards.

Impact on wildlife.

Where our proposals for the England Coast Path and associated Coastal Margin are relevant to a Natura 2000 site, our published 'Access to Sensitive Features Appraisal' (ASFA) fulfils our duty under the Habitats Regulations 2010 to assess their potential implications in order to ensure no likely significant effect on the site.

With regard to Northey Island we set out: environmental sensitivities of site features; current access provisions and use of the site for recreation; our access proposals; a predicted change in use and the resulting possible adverse impacts to the sensitive features. As a result of this the terrestrial land at Northey Island and its causeway are proposed for exclusion between October and April inclusive (7 months), proposed under S26(3)(a) of the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent goose.

We concluded that that this seasonal restriction, plus the proposed all year direction on public access to the intertidal mudflats and saltmarsh around Northey Island (under S25A of the Countryside and Rights of Way Act (2000) as considered unsuitable for public access), and with a number of information boards, delivers all necessary mitigation.

With regard to wildlife not specifically referenced in the Natura 2000 and SSSI citations, it is appreciated that access can have no or very little detrimental impact for the majority of species (plants, insects, many birds).

Representation number:

MCA\Burnham on Crouch to Maldon\R\11\BCM0373

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 6, BCM-6-S008 – coastal margin – Northey Island

Summary of representation:

This representation is from the Northey Island tenant / holiday letting business. The details of, and reasons for, the representation refer to a letter from a land agent giving their opinion on the impact of proposals on his family's holiday letting business.

It states Northey House is one of just two properties on Northey Island, is available to rent as a holiday home year round, and the majority of bookings occur in the summer months. The property is advertised on a number of holiday cottage websites all of which highlight the house's remote island location offering peace and solitude surrounded by abundant wildlife. Reviews of the property speak of the 'wonderful isolation' and a 'unique and magical place'.

It states letters received from people who have previously holidayed at the house and are concerned about proposals have been reviewed – and summarise these saying many state they only made a booking because of the peace and tranquillity the property offers, others give additional reasons for booking (including the safety and security the island affords their family) and most conclude that they would not or would seriously reconsider making future bookings if public access during the summer months were allowed.

A financial summary for the holiday letting business is included and the representation notes a modest income averaging £13,850 per annum from outside lettings since 2011/12. It states it is

difficult to predict to what extent bookings could be reduced if public access to the island were allowed but expectation is that this would be at least 25% which if correct and based on expenditure in 2015/16, would mean the business would run at a loss and thus become unviable.

The representation makes reference to Natural England's proposals for Osea Island (which is home to several holiday lets) and note a long term access exclusion across the whole island is proposed to protect the commercial activities (England Coast Path: Maldon to Salcott) and suggests Natural England has accepted that to allow public access would detrimentally affect the owners' income and considers the same principles should apply at Northey Island.

The representation concludes that in their opinion `proposals to allow public access to Northey Island do not strike a fair balance between the interests of the public in having rights of access over coastal land and the interests of the holiday letting business.

Natural England's comment:

This representation is from the Northey Island tenant / family holiday letting business and contains information wholly included as part of an objection made by the same individual: **MCA\Burnham on Crouch to Maldon\ O\ 2 \ BCM0373**

In the period since publishing our proposals Natural England has received a number of letters dated post publication. They were originally addressed to Mr Lane's family from people who maintain they have previously holidayed on Northey Island and are concerned about the England Coast Path proposals. Where these have been subsequently presented as representations we have been able to comment on their concerns – see representations no. 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 15 and 17.

Our proposals aim to prevent coastal businesses suffering significant loss of income from the introduction of coastal access rights. If, on the evidence available at the time, we are persuaded that significant loss of income is likely, we will include specific proposals to prevent it. Our conclusion, based on analysis of the evidence made available to us before publication together with our best prediction of future levels and patterns of public use, was that no action was required in order to prevent loss of income.

The financial summary provided as part of this representation was received after the proposals were published. Therefore, they did not form part of the evidence considered when producing our proposals.

Each location on the coast is considered individually based on a wide range of alignment criteria contained in the coastal access scheme. As such, we do not feel that comparison to Osea Island has any bearing on the conclusions reached here.

Inclusion of Northey island for public access

Section 7.16 of the Coastal Access Scheme explains islands are included in the scope of coastal access arrangements where it is possible to walk to them from the mainland or from another accessible island. As a consequence of Northey Island's tidal causeway and its position seaward of the trail means those areas of the island which are not excepted land and which are not subject to a direction to either restrict or exclude access automatically qualify as spreading room.

The terrestrial land (mainly farmed pastureland) at Northey Island and its associated causeway are proposed for exclusion between October and April inclusive (7 months) under S26(3)(a) of the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent goose. Intertidal mudflats and saltmarsh around Northey Island are proposed for exclusion all year under S25A of the Countryside and Rights of Way Act (2000) as they are considered unsuitable for public access. The dwellings (holiday cottages) and curtilage are excepted land which, although part of the coastal margin, will not be subject to a right of access.

In summary, the proposal creates coastal access rights on Northey Island from May to September inclusive.

Impact on holiday house should the general public be allowed access.

In drawing up our proposals Natural England aims to strike a fair balance between the interests of the public in having access over coastal land and the interest of the owner or the occupier of land over which any coastal access rights will apply.

Certain categories of land are excepted from coastal access rights under Schedule 1 to CROW including:

- Land covered by buildings or the curtilage of such land;
- Land used as a garden.

The holiday house, its curtilage and its garden are therefore excepted from any new coastal access proposals - people will not have the right to enter the house or garden.

Natural England notes that there is existing access on Northey Island.

The island is owned by the National Trust and promoted as a visitor destination. Adjacent to the public right of way on the mainland the National Trust has a large interpretation board promoting their circular permissive route which runs across the causeway and around the island. In addition, National Trust fingerpost signs positioned in the nearby popular Promenade Park in Maldon (est. 300,000 visits per year) direct the general public to the island. We envisage the vast majority of users will continue to follow the current promoted route around the island. <https://www.nationaltrust.org.uk/northey-island>. This current suggested route around the island generally follows the seawalls. It takes a route along the single access track on the island, up to the open garden associated with the dwellings, then cuts around the rear of the property shrouded by a hedgerow, before returning to the open landscape of the farmed land and inaccessible saltmarsh and mudflat. There is no evidence to suggest that the public will deviate from this well signed circular route if the island is included in the coastal margin.

We note Whirledge & Nott state their opinion that *“Natural England’s proposals to allow public access to Northey Island will have a harmful impact on the desirability of Northey House as holiday accommodation”*. It is unclear from this statement whether or not Whirledge & Nott are aware there is existing, established all-year public access onto Northey Island as a visitor destination actively marketed by the National Trust.

Supporting Documents: 4C: MCA\Burnham on Crouch to Maldon\R\11\BCM0373 – Letter to Natural England

Representation number:

MCA\Burnham on Crouch to Maldon\R\13\BCM0582

Organisation/ person making representation:

[REDACTED] – “*visitor to Northey island*”

Route section(s):

Chapter 6, BCM-6-S008 – coastal margin – Northey Island

Summary of representation:

The representation is from a longstanding visitor to Northey Island who holidays there during the spring and summer, and who expresses concerns over public access to Northey Island from April to October stating the main concerns are economic, citing:

- Impact on holiday house business – Quoting that they pay the National Trust for their stay.

There is also mention of:

- Impact on the character of Northey Island– increased numbers of people stopping the island being a haven of peace and quiet;

Natural England’s comment:

Inclusion of Northey island for public access

Section 7.16 of the Coastal Access Scheme explains islands are included in the scope of coastal access arrangements where it is possible to walk to them from the mainland or from another accessible island. As a consequence of Northey Island’s tidal causeway and its position seaward of the trail means those areas of the island which are not excepted land and which are not subject to a direction to either restrict or exclude access automatically qualify as spreading room.

The terrestrial land (mainly farmed pastureland) at Northey Island and its associated causeway are proposed for exclusion between October and April inclusive (7 months) under S26(3)(a) of the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent goose. Intertidal mudflats and saltmarsh around Northey Island are proposed for exclusion all year under S25A of the Countryside and Rights of Way Act (2000) as they are considered unsuitable for public access. The dwellings (holiday cottages) and curtilage are excepted land which, although part of the coastal margin, will not be subject to a right of access. In summary, the proposal creates coastal access rights on Northey Island from May to September inclusive.

Impact on holiday house should the general public be allowed access.

In drawing up our proposals Natural England aims to strike a fair balance between the interests of the public in having access over coastal land and the interest of the owner or the occupier of land over which any coastal access rights will apply.

Certain categories of land are excepted from coastal access rights under Schedule 1 to CROW including:

- Land covered by buildings or the curtilage of such land;
- Land used as a garden.

The holiday house, its curtilage and its garden are therefore excepted from any new coastal access proposals - people will not have the right to enter the house or garden.

Natural England notes that there is existing public access on Northey Island.

The island is owned by the National Trust and promoted as a visitor destination. Adjacent to the public right of way on the mainland the National Trust has a large interpretation board promoting their circular permissive route which runs across the causeway and around the island. In addition, National Trust fingerpost signs positioned in the nearby popular Promenade Park in Maldon (est. 300,000 visits per year) direct the general public to the island. We envisage the

vast majority of users will continue to follow the current promoted route around the island. <https://www.nationaltrust.org.uk/northey-island>. This current suggested route around the island generally follows the seawalls. It takes a route along the single access track on the island, up to the open garden associated with the dwellings, then cuts around the rear of the property shrouded by a hedgerow, before returning to the open landscape of the farmed land and inaccessible saltmarsh and mudflat. There is no evidence to suggest that the public will deviate from this well signed circular route if the island is included in the coastal margin.

Financial impact (on National Trust)

The holiday house business is not run by the National Trust. The land and garden is leased from the National Trust and run as a family holiday home and holiday lettings business.

Representation number:

MCA\Burnham on Crouch to Maldon\R\14\BCM0574

Organisation/ person making representation:

[REDACTED] (they note themselves as '*other – interested party*' but don't tick no.4

Route section(s):

Chapter 6, BCM-6-S008 – coastal margin – Northey Island

Summary of representation:

The representation is from a couple who are longstanding annual visitors to Northey Island. They are confused by wording in the Overview regarding information signs 'indicating a direction excluding people at specific times to prevent disturbance to overwintering birds at Northey Island', stating this assumes that people will be given access outside these times despite no inclusion of Northey Island on the planned routes. It states presence of such signs would act as an open invitation to people to undertake the crossing of the causeway outside those times.

It states Northey Island is an important site for breeding birds which would be at risk of disturbance during the summer months but that no mention is made of this in the report. Included in support of the representation is a letter they wrote to the National Trust in which they say are alarmed by proposals to include Northey Island in the laudable coastal path project. Their concerns are:

- Safety of tidal causeway
- Safety of deep estuarine mud
- Bird disturbance
- The representation points out it is already possible for the public to visit Northey as only a phone call to the resident caretakers is necessary, but highlights the incident of someone getting stranded despite having permission.

Natural England's comment:

The individual is correct in their assumption that Natural England is proposing the inclusion of Northey Island and its causeway for public access from May to September inclusive.

Inclusion of Northey island for public access

Section 7.16 of the Coastal Access Scheme explains islands are included in the scope of coastal access arrangements where it is possible to walk to them from the mainland or from another accessible island. As a consequence of Northey Island's tidal causeway and its position

seaward of the trail means those areas of the island which are not excepted land and which are not subject to a direction to either restrict or exclude access automatically qualify as spreading room.

The terrestrial land (mainly farmed pastureland) at Northey Island and its associated causeway are proposed for exclusion between October and April inclusive (7 months) under S26(3)(a) of the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent goose. Intertidal mudflats and saltmarsh around Northey Island are proposed for exclusion all year under S25A of the Countryside and Rights of Way Act (2000) as they are considered unsuitable for public access. The dwellings (holiday cottages) and curtilage are excepted land which, although part of the coastal margin, will not be subject to a right of access.

In summary, the proposal creates coastal access rights on Northey Island from May to September inclusive.

Safety of the tidal causeway

Most people already understand that the coast can be a dangerous environment, and are aware of many of the inherent risks. Section 4.2.1 of the Coastal Access Scheme explains a key principle is that visitors should take primary responsibility for their own safety when visiting the coast and for the safety of any children or other people in their care, and should be able to decide for themselves the level of personal risk they wish to take.

As set out in Section 4.2.5 of the Coastal Access Scheme Natural England considers the likely level of visitor's familiarity with and expectations of the risks when deciding what safety measures are necessary, if any. We will adopt a principle of minimal intervention, assuming that people will avoid dangers that are well known providing they are readily apparent.

The Northey Island causeway is a substantial, short and straight vehicular track, raised above surrounding mudflat giving clear views in both directions allowing users to gauge the state of the tide before crossing. We believe the risks associated with tides can be clearly seen, easily understood and are familiar to the vast majority of users.

As set out in Section 4.2.6 of the Coastal Access Scheme both Natural England and the access authority, Essex County Council, has the powers to erect signs warning of potential dangers and we are proposing such an appropriate notice warning of tidal issues and advising people to check the tide before crossing. We will develop this signage design in consultation with organisations responsible for safety at the coast.

Natural England notified the local HM Coastguard Team, RNLI, Essex Fire and Rescue and Maldon River Bailiff when we published our proposals. None of these raised any concerns. Natural England has worked through the proposals with the local access authority, Essex County Council, who support the inclusion of Northey Island causeway, with appropriate signage warning of tidal issues, for public access.

As set out in the Coastal Access Scheme, including Sections 4.2.8 and 6.6.20 local restrictions and exclusions may not be used to prevent danger from natural processes or hazards.

Safety of mud and saltmarsh

Intertidal mudflats and saltmarsh around Northey Island are proposed for exclusion all year under S25A of the Countryside and Rights of Way Act (2000) as they are considered unsuitable for public access

Impact on wildlife.

Where our proposals for the England Coast Path and associated Coastal Margin are relevant to a Natura 2000 site, our published 'Access to Sensitive Features Appraisal' (ASFA) fulfils our

duty under the Habitats Regulations 2010 to assess their potential implications in order to ensure no likely significant effect on the site.

With regard to Northey Island we set out: environmental sensitivities of site features; current access provisions and use of the site for recreation; our access proposals; a predicted change in use and the resulting possible adverse impacts to the sensitive features. As a result of this the terrestrial land at Northey Island and its causeway are proposed for exclusion between October and April inclusive (7 months), proposed under S26(3)(a) of the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent goose.

We concluded that that this seasonal restriction, plus the proposed all year direction on public access to the intertidal mudflats and saltmarsh around Northey Island (under S25A of the Countryside and Rights of Way Act (2000) as considered unsuitable for public access), and with a number of information boards, delivers all necessary mitigation.

With regard to wildlife not specifically referenced in the Natura 2000 and SSSI citations, it is appreciated that access will have no or very little detrimental impact for the majority of species (plants, insects, many birds).

This individual has submitted a letter of support, including substantively the same information, to objection **MCA\Burnham on Crouch to Maldon\O\2\BCM0373** made by the tenant whose family lets out the holiday house.

Supporting Documents: 4D: MCA\Burnham on Crouch to Maldon\R\14\BCM0574 – Letters to Natural England

Representation number:

MCA\Burnham on Crouch to Maldon\R\15\BCM0583

Organisation/ person making representation:

[REDACTED] Head of Strategic Planning, EDF Energy - *landowner*

Route section(s):

Chapter 2, Maps 2j and 2k

Summary of representation:

The representation is from EDF Energy who own land at Bradwell-on-Sea which comprises the majority of the area in the government's National Policy Statement that is nominated for Nuclear Power Generation.

The representation understands that where the coastal path is routed in the vicinity of the Nominated Site, section BCM-2-S023 to S025 would follow the alignment of the existing footpath and asks Natural England to confirm:

- The Coastal Path on the Nominated Site would stay in its current form;
- Any new waymarking would only demarcate the Coastal Path;
- All reasonable provisions are made to ensure no one strays beyond the Coastal Path on either the landward or seaward side;
- Natural England/ Maldon District Council would be responsible for ongoing maintenance and upkeep of this section of Coastal path.
- that the designation of 'coastal margin' within the Nominated Site is reviewed and where possible, restricted through an extension to the restriction under S24 of the Countryside Rights of Way Act 2000.

Natural England's comment:

Natural England welcomes the support from EDF Energy for its coastal access.

In response to the 4 questions EDF raise regarding the stretch BCM-2-S023 to S025:

The Coastal Path on the Nominated Site would stay in its current form

Through site visits and consultation with Essex County Council Highways, no changes are proposed for the walking surface of these sections as part of the establishment works. As stated in section 3.5.2 of the Coastal Access Scheme, once the coastal access rights are in place and operating on a stretch, there may be an ongoing need for basic maintenance of the trail and in some cases additional access management for specific purposes.

Any new waymarking would only demarcate the Coastal Path

New waymarking would only demarcate the Coastal Path. An information board is proposed adjacent to the trail west of Sales Point. This board will highlight the wildlife value of the immediate surrounding land and show any access restrictions.

All reasonable provisions are made to ensure no one strays beyond the Coastal Path on either the landward or seaward side

With regards to a clear landward boundary, Natural England has used its discretionary power under section 55D(2) of the National Parks and Access to the Countryside Act 1949 to reduce the area of default landward margin to coincide with the landward edge of the crest of the sea wall, specifically for clarity of users;

With regard to the land on the seaward side of the trail, we are proposing coastal access rights for the beach west of Sales Point. There is a high level of established informal access on this area, predominantly local people, dog walkers, picnickers and fishermen.

Intertidal mudflats and saltmarsh around these sections are proposed for exclusion all year under S25A of the Countryside and Rights of Way Act (2000) as considered unsuitable for public access. This unsuitability will be highlighted on OS maps depicting the coastal margin.

Responsibility for ongoing maintenance of this section of coastal path

Once established, the ongoing England Coast Path maintenance will fall to Essex County Council,

Designation of 'coastal margin' within the Nominated Site is reviewed and where possible, restricted through an extension to the restriction under S24 of the Countryside Rights of Way Act 2000.

We do not believe a direction to restrict access further within the nominated site is necessary or appropriate in this area. We are not aware of any regular operational activities on this land which currently has a high level of established informal access, predominantly local people, dog walkers, picnickers and fishermen.

Supporting Documents: 4E: MCA\Burnham on Crouch to Maldon\R\15\BCM0583 – Letter and map from EDF Energy to Natural England

Representation number:

MCA\Burnham on Crouch to Maldon\R\18\BCM0039

Organisation/ person making representation:

[REDACTED] Mayland Parish Council

Route section(s):

Chapter 5 BCM-5-S019 to BCM-5-S021

Chapter 4 BCM-4-S003 to BCM-4-S007

Summary of representation:

The representation is from the local parish council and concerns two areas:

Footpath surface in Maylandsea Chapter 5 BCM-5-S019 to BCM-5-S021

Chapter 5 - they note the Overview states the trail will be maintained to the same high quality standards as other National Trails. They highlight an area of footpath once surfaced with concrete slabs but which have been removed due to subsistence and the path levelled with shingle – and ask if the intention is to restore the path to its original finish.

Proximity to the coast at Stansgate Chapter 4 BCM-4-S003 to BCM-4-S007

Chapter 4 – they note “this should be a coastal path, yet the route diverts inland, away from the sea wall”

Natural England’s comment:

Footpath surface in Maylandsea

Natural England is not proposing to restore the section of path in question back to its concrete finish as part of the England Coast Path establishment works.

The proposed alignment of the trail through Maylandsea makes use of existing surface paths on an existing public footpath. Natural England with the advice and guidance from the local access authority, Essex County Council, Highways believes the existing path meets the criteria of the Coastal Access Scheme and is deemed safe and practicable for the public to use (Section 4.7.1 of the scheme). In Chapter 5 (5.1.12) of the report we concluded that there are no additional measures that we consider necessary to improve the safety or convenience of the trail on this length of coast.

Proximity to the coast at Stansgate: Chapter 4 BCM-4-S003 to BCM-4-S007

As set out in Section 4.2.2 of the Coastal Access Report, after site visits and expert advice, a number of options were considered for route sections BCM-4-S003 to BCM-4-S008.

We considered aligning the trail along the foreshore but opted for the proposed route because: it is available at all states of the tide; it is safer; the walking surface is more pleasant to walk along and accessible to a wider range of people; loss of sight of the sea is brief; and, it maintains a coastal feel.

NE considered another option of aligning the Trail along the seawall around the headland, but we believe there are excepted land categories (dwellings, gardens and curtilage) that prevented this route being taken.

Over all we considered the proposed route struck the best balance in terms of criteria detailed in Chapter 4 of the Coastal Access Scheme as we have returned to the coast as soon as possible after deviating round excepted land.

Representation number:

Organisation/ person making representation:

[REDACTED] - "*visitor to Northey island*"

Route section(s):

Chapter 6, BCM-6-S008 – coastal margin – Northey Island

Summary of representation:

The representation is from a family saying they stayed on Northey Island, Christmas 2015. They say they support the National Trust and Alice Everard (holiday let family) in their efforts to preserve what is so special about Northey Island which includes the peace, quiet, safety for children to explore and the 'wilderness'. They say it is rare to find such a place so close to 'the Metropolis' that offers such freedom.

The representation concludes by agreeing in principle to coastal access but hoping Northey Island stands out as an exception.

Natural England's comment:

Natural England welcomes the support in principle for Coastal Access.

Inclusion of Northey island for public access

Section 7.16 of the Coastal Access Scheme explains islands are included in the scope of coastal access arrangements where it is possible to walk to them from the mainland or from another accessible island. As a consequence of Northey Island's tidal causeway and its position seaward of the trail means those areas of the island which are not excepted land and which are not subject to a direction to either restrict or exclude access automatically qualify as spreading room.

The terrestrial land (mainly farmed pastureland) at Northey Island and its associated causeway are proposed for exclusion between October and April inclusive (7 months) under S26(3)(a) of the Countryside and Rights of Way Act (2000) to prevent impact through disturbance to dark-bellied brent goose. Intertidal mudflats and saltmarsh around Northey Island are proposed for exclusion all year under S25A of the Countryside and Rights of Way Act (2000) as they are considered unsuitable for public access. The dwellings (holiday cottages) and curtilage are excepted land which, although part of the coastal margin, will not be subject to a right of access.

In summary, the proposal creates coastal access rights on Northey Island from May to September inclusive.

This individual has submitted a letter of support on behalf of her family, including substantively the same information, to objection **MCA\Burnham on Crouch to Maldon\O\2\BCM0373** made by the tenant whose family lets out the holiday house.

Representation number:

Organisation/ person making representation:

[REDACTED]

Route section(s):

Chapter 5, BCM-5-S017 and BCM-5-S018

Summary of representation:

The representation is from residents of a coastal property in Maylandsea. It expresses strong concern over the condition of a section of sea wall path they walk frequently.

[REDACTED] describe the path in front of the Harlow Bay Sailing club as being in a 'bad and dangerous condition'. They go on to explain that the section is 'extremely' uncomfortable to walk on due to the steep gradient across the path. The slope they say is a health and safety issue being 'dangerous for the body'.

They point out that all the sections either side have been replaced and they do not understand why this has not been done here. They ask Natural England to confirm that the section of path 'will be replaced with shingle to match the existing stretches' and that this will 'lie completely horizontally'.

Natural England's comment:

The proposed alignment of the trail through Maylandsea makes use of existing surface paths. Natural England with the advice and guidance from Essex Highways (the local access authority) believes the existing path meets the criteria of the Coastal Access Scheme and is deemed safe and practicable for the public to use (Section 4.7.1 of the scheme).

Once established and opened on-going maintenance of the England Coast Path National Trail will be undertaken by Essex County Council as Highways Authority. The surface condition of the trail will remain under review and further remedial or maintenance works can be undertaken should there be any decline from the state noted during survey of the route undertaken to support publication.

Supporting Documents: 4F: MCA\Burnham on Crouch to Maldon\R\20\BCM0262 – Letter to Natural England

4. Attached Documents

4A: MCA\Burnham on Crouch to Maldon\R\1\BCM0567- Letter with supporting arguments

Attachment 1

Answer to question 6:

As a regular visitor to Northey Island over the past 57 years, I am shocked that this area could be included in the coastal path for the public to access. It would be very dangerous in my opinion, as the tide covers the causeway for $4\frac{1}{2}$ hours twice a day. The water comes up very quickly and there is a strong and dangerous current.

Lives could be lost and Natural England would then have blood on their hands.

On another point, there is a holiday house on the island which is going to be run by the National Trust and this would be a ruined business for them should the general public be allowed to come and sit in the garden or roam around the house. It would not be secure any more.

4B: MCA\Burnham on Crouch to Maldon\R\8\BCM0579 – Link to Northey Island website

Please refer to the Northey Island website, where the tranquillity and remoteness of the island is clearly used in order to promote the holiday let business. <http://www.northeyisland.co.uk>

4C: MCA\Burnham on Crouch to Maldon\R\11\BCM0373 – Letter to Natural England

REDACTED DUE TO PERSONAL INFORMATION THROUGHOUT

7th September, 2017

Dear Sirs

Re: Coastal Access Report

Chapter 6 - Maylandsea to Promenade Park, Maldon - Maps 6a-6f

Having read the report from Natural England regarding the proposed Coastal Access between Maylandsea and Promenade Park, Maldon we would like to make a few comments with specific reference to Northey Island and Causeway in the Blackwater estuary. (Route section BCM-6-S008, Map 6f)

On all the maps presented by Natural England, Northey Island appears to be excluded from the proposed coastal path but we are confused as to a comment made in the overview on page 25. *"Chapter 6- seasonal information signs indicating a direction excluding people at specific times to prevent disturbance to overwintering birds at Northey Island."* This appears to want to exclude people from Northey Island between October and April in order to prevent disturbance to overwintering Brent Geese at roost. This presupposes that people will, by default, be given access outside these times. This despite the fact that there is no inclusion of Northey Island on the planned routes. The presence of such signs would act as an open invitation to people to undertake the crossing of the causeway outside those times. The island is also an important site for breeding birds which would be at risk of disturbance during the summer months but no mention is made of this in the report.

We would also draw your attention to the enclosed letter, which we sent to Henry Bexley of the National Trust in July of this year. In this letter we objected to the inclusion of Northey Island in the Coastal Path Scheme on grounds of both safety and disturbance to breeding and wintering birds.

We remain convinced that Northey Island should be completely excluded from the Coastal Access Scheme.

Yours sincerely

16th July, 2017

Dear

Re: Northey Island and the Proposed Coastal Path

As annual visitors to Northey Island over a great many years we were alarmed to discover that Natural England is planning to include Northey Island in the laudable coastal path project. Our concerns are based on two particular issues as set out below.

Safety: It cannot be overestimated how dangerous the tides in the upper reaches of the Blackwater can be. Weather conditions can have a significant effect on the speed of the rising tide particularly at springs. As you know the island is reached by a causeway which is covered for approximately four hours out of every twelve. As the water reaches the causeway at slightly different times on each side, when the road floods the water literally pours across on to the other side. In a few minutes the road transforms from being just passable to deep fast flowing water. Over the years many people trying to cross at the last minute have been stranded. Only recently the headmaster of a local school with his family, including young children, were cut off on the island for the duration of the high tide. That a responsible local person armed with a tide table can be so easily caught out illustrates very well how dangerous the crossing can be. With Northey open to the public with access at will, it can only be a matter of time before a serious accident occurs.

Another danger which should be given serious consideration is the frequent areas of very deep estuarine mud. Should a visitor stray from the designated path there is a considerable risk of becoming stuck and with a rising tide the consequences could be catastrophic.

It is already perfectly possible for the public to visit Northey as only a phone call to the resident caretakers is necessary. Safe times for crossing the causeway can then be given and they caretakers are of course aware that visitors are on the island and can make sure they are safe.

Birds: Northey is home to a wonderful array of wild birds. In winter it is home to a large flock of Brent geese which roost in the fields at high tide and there is usually a rare short-eared owl or two on the sea wall. Walkers will undoubtedly disturb these birds much to their detriment. Such disturbance will be even greater in the spring and early summer months as the seawall, which would form part of the coastal path, is the nesting place of many birds some of which are now in decline nationally. The skylark and yellow wagtail are just two such examples whose breeding success could be threatened by walkers, particularly those with dogs if off the lead.

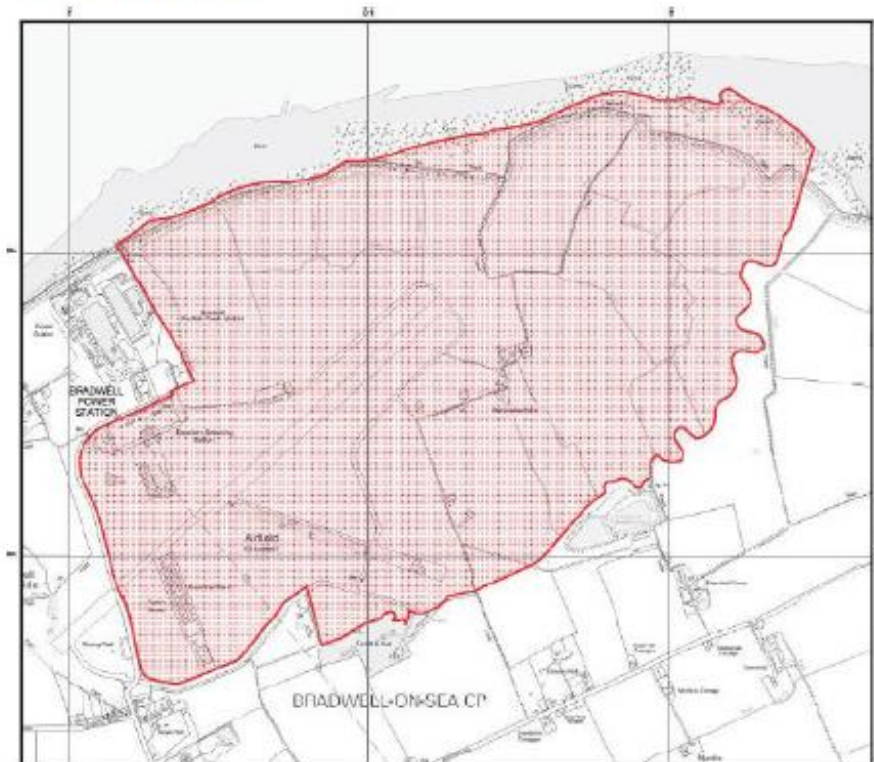
We firmly believe that Northey Island should not be included in the Coastal Path and hope that the reasons given here will have some influence on the decision making process.

Yours sincerely

[LETTER REDACTED DUE TO PRIVATE INFORMATION]



Plan showing extent of land at Bradwell nominated for development of Nuclear Power Generation



9th September, 2017

Dear Sirs,

COASTAL ACCESS REPORT BURNHAM ON CROUCH TO MALDON

Please confirm that the stretch of sea wall which fronts the Harlow Bay Sailing Club will be replaced with shingle to match the other existing stretches and will lie completely horizontally.

At present this stretch is extremely uncomfortable to walk on due to its severe sloping which in my opinion is a health and safety matter as one is walking at an angle which is dangerous for the body.

It is very strange that all other stretches of the sea wall have been replaced to a suitable standard but this particular part has been avoided.

The courtesy of your kind reply in early course please.

Yours faithfully,