

Coastal Access Report – Essex Jaywick to Harwich



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 Jaywick and Harwich was submitted to the Secretary of State on August 16th 2017. This began an eight week period during which formal 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 five representations, of which one was made by an organisation 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. This ‘full’ representation is reproduced in Section 3 in its entirety together with Natural England’s comments. Also included in Section 3 is a summary of the four representations made by other individuals or organisations, referred to as ‘other’ representations.

3. Representation and comment record

Full Representation

Representation number

MCA\Jaywick to Harwich\R\7\JWH0021

Organisation/ person making representation

Royal Society for the Protection of Birds (RSPB) / [REDACTED]

Report chapter

Whole report

Route section(s)

Not applicable

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

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

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 primarily 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, given that Hamford Water is afforded every level of designation possible (SSSI, SPA, Ramsar, SAC, NNR) and we would recommend such an approach is adopted.

We note that the Sensitive Sites Appraisal Report states the following in a number of sections (5.1.7, 5.2.7 etc):

“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 would like to understand how such proposals may be considered? We would like Natural England’s clarification on this please. Any consideration of removing these restrictions under Section 25A places even greater importance on mudflats and saltmarsh being excluded under Section 26 of the Act in the first instance.

Furthermore, the RSPB agrees that an “appraisal” of sensitive features should be undertaken if such a S25A alteration is put forward, 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.

Comment on Baseline conditions and environmental sensitivities

We welcome the effort that has gone into mapping the high tide roosts around Hamford Water (Map VII, page 22) and the detail provided around low water distribution based on the most recent counts conducted in 2014/5. These recognise the fact that Hamford Water is one of the top 20 most important sites in the country for non-breeding waterbirds.

However, what this report omits is the use of mudflats at other states of tide (rising/falling or “top-tide” feeding). 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). The above describes a set of circumstances for one particular part of one estuary – other sites on other estuaries will have their own nuance of regular use by waterbirds.

There will be areas within Hamford Water where “top-tide” feeding occurs on a daily basis. These spots have not been identified and therefore not been taken into consideration. We note that Panter/Lilley recognise a mean disturbance distance of 60m and that anecdotal observations from Natural England staff considered that disturbance may have occurred at 100m (page 25).

It is highly probable that at “top-tide” there will be stretches of mudflat which will be heavily used by certain species at particular times of year and are therefore particularly sensitive. Granadeiro (2006) highlights Black-tailed Godwit and Avocet (which we note are SPA feature species for Hamford Water) as examples of such “tide-following” feeders and states “...upper flats are of particular importance for the conservation of wader assemblages, but because they are usually closer to shore they tend to suffer the highest pressure from disturbance..”

Without these areas being mapped, 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.

We welcome that the report 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 in periods of good weather, we again stress the need to exclude saltmarsh and mudflats on nature conservation grounds.

The definition of “disturbance”

Page 25 of the report states “*Behavioural responses of birds to human presence in coastal areas are often very obvious: large bird flocks may be seen flying away from people ..*” which implies that disturbance is just when birds fly off. It is imperative that any decision-maker has a clear understanding of bird disturbance. What is being described here is the Flight Initiation Distance (FID). Unless the source is fast-moving or sudden, the FID invariably comes after the “Alert Distance” (AD) which is the distance between the disturbance source and the animal at the point where the animal changes its behaviour in response to the approaching disturbance source, i.e. a bird may become alert whilst feeding. The Alert Distance qualifies as disturbance.

New interpretation on the Coast Path

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.
- The images are relevant to the reader, i.e. show people walking dog(s) on the path, images of birds may not resonate with many visitors.
- 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 and Little Terns, 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.
- Precise positioning of signage on the ground is considered so that it appears in the walkers’ line of sight. Too often all effort invested in good signage is wasted by being poorly positioned.

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. 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] (Natural England)

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.*

Natural England is happy to share the report by Panter & Liley (2016) with RSPB.

In relation to many of the points raised it should be noted that no specific public engagement is proposed within the report as the ECP brings limited change to the existing situation, which has no exceptional level of inappropriate or damaging lawful visitor behaviour. The majority of the coastal margin seaward spreading room is unsafe to access and in general is currently not accessed. The beaches along this coastline are currently used by the public and where there is significant wildlife interest such as at Stone Point, these areas are warded and monitored. Any impacts on the wildlife designations will be part of normal ongoing monitoring of these sites, for example Common Standards Monitoring of SSSIs.*

*Natural England assesses the condition of SSSIs using Common Standards Monitoring (CSM)¹, developed by the Joint Nature Conservation Committee (JNCC) for the whole of the UK. CSM also contributes to monitoring protected sites that are part of the Natura 2000 series, which include Special Protection Areas (SPAs), designated under the EC Birds Directive, and Special Areas of Conservation (SACs), designated under the EC Habitats Directive.

1. Section 25A exclusion of saltmarsh and intertidal areas

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 carefully 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

2. Baseline conditions and environmental sensitivities

While researching the evidence in writing the ASFA we have had to work with the evidence we have, rather than looking for more comprehensive information that doesn't exist. The data we have is readily available is WeBS and these are high tide counts with some low tide count data (which have been referred to in Section 3.1 of the ASFA. Low tide counts are infrequent and would not provide information on the distribution of birds during passage. The UK is however arguably the best bird-monitored country anywhere as a result of the huge volunteer effort, including WeBS counts (e.g. *British Birds* Sept 2017 The risk of extinction for Birds in GB) makes this point in the paper on new bird threat categories).

We welcome the RSPB's comments on top tide feeding and the risk of disturbance, particularly to passage migrants. Whilst we accept that we have not specifically referred to areas where top tide feeding may be particularly important, we have referred to WeBS count data in the ASFA

(see Section 3.1), including highlighting the most sensitive areas which we believe will not be substantially different.

At Hamford Water we are not proposing any new access along the sea wall. It is all on current paths. Our proposal includes a more inland route between Beaumont Quay and Bramble Island, (off the sea wall) designed to protect sensitive features from disturbance as there is currently not public access here.

3. The definition of 'disturbance'.

We acknowledge the RSPB's comments regarding flight initiation distance and the alert distance. Our specialists in the field recognise the importance of distinguishing between the two, and part of our ongoing monitoring through established programmes (see below) will continue to reflect this.

4. New interpretation on the Coast Path

The RSPB raise 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 wash is denoting the coastal margin and that 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 usually be done effectively through carefully targeted information or interpretation which explains the need. This 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

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 by Natural England and the Access Authority.

Monitoring of the protected sites will continue through established programmes including our 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.

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.

Other Representations

Representation number:

MCA\Jaywick to Harwich\R\1\JWH0347

Organisation/ person making representation:

[REDACTED]

Route section(s):

JWH-5-S014 - JWH-5-S019

Summary of representation:

The representation is from longstanding residents at Moze Cross, Beaumont Road, Great Oakley. It expresses concerns over the proposed trail alignment citing the following factors:

- Security – Concern new access could compromise the security of their property particularly while they are away.
- Privacy – Concern over walkers in close proximity to their property.
- Property value – Concern the proposed trail alignment close to the house could impact on the value of their property.
- Insurance – Concern over increase in property and contents insurance costs due to close proximity of the proposed trail alignment to the property.
- Modified route proposal.

Natural England's comment:

Security

We have no evidence to suggest trail users pose a particular threat to [REDACTED] security. We therefore do not foresee [REDACTED] needing to take any extra steps to protect the security of their property once the trail is implemented than they already take.

Privacy

We considered privacy carefully while developing our proposals and worked closely with the occupants of Moze Cross Cottage to propose an alignment which will have the least impact upon them. We believe that our proposed trail alignment away from the main areas of the house and garden will have a much lower impact on [REDACTED] privacy than the option considered to align the trail along the rear boundary of the property, which would have given users views into the rear garden and rooms of the property. Trail users will have similar views of the property as those passing on the public highway adjacent to the proposed trail.

Property value

We have no evidence from elsewhere where the Coast Path has been in place for some time, that there has been any negative effect on property values. The property is already adjacent to a busy public highway.

Insurance

We have no evidence from elsewhere where the Coast Path has been in place for some time, that there has been any effect on insurance costs. We are not aware that the proximity of a publicly accessible trail is a requirement for declaration for insurance purposes. [REDACTED] home and garden are excepted land.

Modified route proposal

Our proposed alignment lies inland from the sea wall for two primary reasons. Bramble Island is an industrial site, and also nature conservation concerns regarding the area at and close to the sea wall between Beaumont Quay and Bramble Island. We considered the route modifications suggested and concluded that the proposed alignment strikes a fair balance and that the modified routes were unsuitable for the reasons detailed below.

Bramble Island (owned by EPC Groupe), is a working industrial site currently inaccessible as it is excepted land (buildings and curtilage as detailed in Figure 1 of the Scheme). The owners of this site raised issues in relation to public safety and operational needs of the business. These issues are to a large extent addressed by identifying the proposed route which is sensitive to the land use. In addition, significant areas of the coastal margin at and around Bramble Island are covered by the Explosive Regulations Act 2014 which contains a requirement for the prevention of public access for health and safety reasons.

Together with provisions in the legislation for particular categories of land to be automatically excepted from the coastal access rights, we feel that a trail alignment inland from Bramble Island struck a fair balance.

Supporting Documents: 4A: MCA\Jaywick to Harwich\R\1\JWH0347 – supporting documents and map of proposed modification of route.

Representation number:

MCA\Jaywick to Harwich\R\1\JWH0349

Organisation/ person making representation:

[REDACTED]

Route section(s):

JWH-5-S011

Summary of representation:

The representation is from a resident at [REDACTED]. It expresses concerns over the proposed trail alignment citing the following factors:

- Security – Concern new access could compromise the security of their property.
- Privacy – Concern over walkers in close proximity to their property encroaching on privacy.
- Property value – Concern the proposed trail alignment close to the house could impact on the value of their property.

- Insurance – Concern over increase in property and contents insurance costs due to close proximity of the proposed trail alignment to the property.
- Parking – Concern that the proposed trail will encourage anti-social parking in the area.
- Distance from coast – The Bartholomew's opinion is that the proposed trail will lie too far from the sea wall and that a better option is available.
- The Bartholomews feel that they bought the property because of its seclusion and would not have done so had a footpath been close to it. They also have five dogs which they fear will be disturbed by walkers.

Natural England's comment:

Security

We have no evidence to suggest trail users pose a particular threat to [REDACTED] security. We therefore do not foresee the [REDACTED] needing to take any extra steps to protect the security of their property once the trail is implemented than they already take. A fence runs along the whole property boundary providing reasonable levels of protection for the home and garden.

Privacy

There is extensive screening through vegetation along the perimeter of the property which we concluded was adequate in terms of preventing walkers from being able to view the house and garden. The level of the trail is also somewhat lower in elevation than the garden reducing further the possibility of the [REDACTED] privacy being compromised.

Property value

We have no evidence from elsewhere where the Coast Path has been in place for some time, that there has been any negative effect on property values.

Insurance

We have no evidence from elsewhere where the Coast Path has been in place for some time, that there has been any effect on insurance costs. We are not aware that the proximity of a publically accessible trail is a requirement for declaration for insurance purposes. The [REDACTED] home and garden are excepted land.

Parking

This is a relatively remote section of the stretch and there are no major visitor attractions in the area which are likely to encourage users to park nearby in order to gain access to this section. Neither Natural England nor the Access Authority will promote the area as a start/finish destination and there are more obvious start and finish points for walkers to choose from locally. As a consequence we do not anticipate the introduction of coastal access rights will result in parking problems.

Distance from the coast

The elevated nature of the proposed trail at this point means that walkers will have good views of the coast and backwaters. We therefore concluded that on balance, it best meets the alignment principals set out in the Scheme (Section 4.5.4) which states that; 'significant detours from the periphery of the coast may occasionally be necessary in order to take account of other uses of the land, or of wildlife sensitivities'. Part B of the Scheme explains some of these circumstances in more detail (part 4.5, proximity of the trail to the sea and part 4.6, views of the sea from the trail).

Two other routes were considered by Natural England whilst developing our proposals, but were rejected for the reasons given below as not striking a fair balance between the public and private interests and nature conservation interests in the area.

The first other route considered is along the sea wall. Much of the land adjacent to it, is functionally linked land to Hamford Water SPA (Special Protected Area) and is of high, year round nature conservation importance. Parts of the sea wall and folding are designated SAC (Special Area of Conservation) due to the presence of Fisher's estuarine moth which is a rare and vulnerable species with a localised population distribution in the UK, due to its very specific habitat requirements (and mowing regime inconsistent with that required to manage a trail). The moth is protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under Schedule 2 of the Conservation of Habitats and Species Regulations 2010. There is no historic or current public access to this area.

Anecdotal observations at Hamford Water from Natural England staff when assessing possible stretches of the coast path, particularly in areas with no current public right of way, did suggest that the distance of disturbance could be over 100m. At Hamford Water, the areas with the highest counts of wintering and passage waterbirds, include Garnham's Island which does not currently have any public access and numbers of birds in these locations are likely to be particularly sensitive to any changes in access.

A route onto the sea wall is also blocked by parcels excepted land at Cut Farm and at New Moze Hall (buildings and their curtilage). The Longmarsh reserve is actively managed by wildfowlers as a wildfowl refuge.

A second route was also considered but we felt that it too fails to strike a fair balance for the following reasons:

It passes through nine arable fields and the excepted land at Old Moze Hall (buildings and their curtilage). We are also unable to propose the trail through excepted land at Bramble Island (owned by EPC Groupe) which is a working industrial site. The owners of this site raised issues in relation to public safety and operational needs of the business. These issues are to a large extent addressed by identifying the proposed route which is sensitive to the land use. In addition, significant areas of the coastal margin at and around Bramble Island are covered by the Explosive Regulations Act 2014 which contains a requirement for the prevention of public access for health and safety reasons.

We are also aware of at least one game rearing pen to which this route would directly pass and due to the length of trail through arable land on well used farm tracks, we felt there could be the potential for increased interaction between walkers and farm vehicles.

The route is also low lying and once walkers leave Beaumont Quay, it is not possible to see the coast, and we felt that this does not therefore adequately meet our criteria in delivering a coast path (see Section 4 of The Scheme).

Proposed alignment and pets

The impact on pets is not normally a material consideration in coastal Access trail alignment but we feel that the levels of screening are sufficient and we are not anticipating large numbers of walkers using the trail at this relatively remote location.

Representation number:

MCA\Jaywick to Harwich\R\1\JWH0123

Organisation/ person making representation:

[REDACTED]

Route section(s):

JWH-5-001 - JWH-5-S019

Summary of representation:

The representation is from [REDACTED], a resident and farmer of Beaumont Road, Great Oakley. It expresses concerns over the proposed trail alignment citing the following factors:

- Privacy - Concern new access could compromise the security of local resident's property.
- Cost – Concern that the proposed alignment will be expensive.
- Roadside safety – Concern for the safety of walkers at Moze Cross where there is sharp a bend in the B1414.
- Nature conservation at pasture field (Day's Marsh) – [REDACTED] is concerned that the wildlife value of one pasture field will be compromised and can become waterlogged.
- Shooting rights- Concern about the trail passing through land used by the local shoot.
- Dogs and Crop / livestock damage – Concern about possible damage to crops and livestock predominantly by dogs not under control.
- Distance from the coast – The proposed trail would lie 1 mile from the sea wall.
- De-valuation of property values.

Natural England's comment:Privacy

We considered privacy carefully while developing our proposals and worked closely with the occupants of Moze Cross Cottage to propose an alignment which will have the least impact upon them. Our initial thinking was to align the trail alongside the garden boundary at the back of Moze Cross Cottage. However the owners were unhappy with this, as it would have meant trail users would have been able to see into their garden and property due to the level of the field edge on which the trail would lie, being higher in elevation to the property's garden. We agreed this to be the case and sought an alternative, which is onto the roadside verge at Moze Cross and past the front of their property. We felt this to be a less intrusive option for the property occupants as trail users would have no better views of their property than occupants of passing vehicles on the B1414.

We also considered privacy issues affecting the adjacent properties at Mozegate Cottage and Postbox Cottage and in both cases felt that screening provided by the existing hedges and vegetation, together with topography (the boundary of Mozegate Cottage is elevated above the trail), was sufficient to ensure that the extent to which the gardens and houses were overlooked by users of the trail was minimal. We are proposing a trail alignment outside of the boundary of both Postbox Cottage and Mozegate Cottage.

Cost

We estimate the cost for implementation of this section of trail to be £8728 which is broadly consistent with the rest of the stretch (finger post x1, kissing gate x2 (replacing existing stiles), waymark posts x 15, footbridge x2). This is comparable to the likely cost of establishing the trail

on other alignment options explored at this location. We did not consider cost to be a significant deciding factor in our final choice of alignment. The overall estimated cost for establishment of this stretch is £52147, so as a proportion of the total, the cost of establishing this section is not excessive.

Roadside safety

A full roadside safety assessment was carried out by Essex County Council on October 18th 2016 at Moze Cross which concluded that the risk to pedestrians at this point was 'low' and that visibility to southbound vehicles (the direction from which it is thought traffic posed the most likely risk to walkers), is good.

Nature conservation on pasture field (Day's Marsh)

Our proposed alignment of the trail here (section JWH-5-S005) is along an existing section of trail which is being managed by the local authority as a public footpath. The site is not designated and we are not aware of any specific nature conservation interest at this location. Our responsible officer is also of the view that this land is not functionally linked to the SPA (Hamford Water) bird assemblage and the objector has not provided evidence to suggest otherwise. In consultation with the RSPB on this section of the England Coast Path, they did not raise any concerns in relation to Day's Marsh. Due to the fact that there is a trail which is already being managed as a public footpath at this location, we do not anticipate any negative impact upon this location upon introduction of Coastal Access rights.

Shooting rights

We do not believe our proposals will have any impact on shoots in the area, which we understand are held on land closer to the sea wall, well away from the proposed trail alignment. We are not aware of any rearing pens near to the proposed trail alignment. We have not had any concerns or objections raised by neighbouring shoot managers. We are not aware of any shooting taking place on [REDACTED] land and he has not previously raised it with us as a concern during site visits.

Dogs and crop / livestock damage

At the time of making our site visits it was noted that the enclosure (Day's Marsh) crossed by route section JWH-5-S005 was used as a pony paddock. No other livestock were observed. All other agricultural land parcels between JWH-5-S001 and JWH-5-S019 are down to arable with no livestock production.

Alignment on section JWH-5-S005 follows an existing trail managed by the access authority as a public right of way and as such dogs are considered a 'natural accompaniment' – the situation therefore remains unchanged by Natural England's proposals. The Dogs (Protection of Livestock) Act 1953 makes it an offence for a dog to be at large in an enclosure containing livestock. There is no requirement for dogs to be kept on a lead when on a public right of way, though owners should ensure that dogs are under close control. Again the current situation is unchanged by Natural England's proposals, except with regard to the new areas of seaward spreading room created along S005, where the legislation requires dogs to be under "effective control" (section 2.4.5 of The scheme), which includes being on a short lead in the vicinity of livestock.

We have agreed with local landowners that a field edge grass strip of up to 4m width will be provided for the trail. We anticipate walkers will use this rather than walk on ploughed/ cropped land. The landowners of these areas have not objected or raised any concerns in terms of the potential for crop damage to be caused by walkers.

Distance from the coast

Our proposed alignment lies inland from the sea wall for two primary reasons. Bramble Island an industrial site, and also nature conservation concerns regarding the area at and close to the

sea wall between Beaumont Quay and Bramble Island. We considered the route modifications suggested by [REDACTED] and concluded that the proposed alignment strikes a fair balance and that the modified routes were unsuitable for the reasons detailed below.

Bramble Island (owned by EPC Groupe), is a working industrial site currently inaccessible as it is excepted land (buildings and curtilage as detailed in Figure 1 of the Scheme). The owners of this site raised issues in relation to public safety and operational needs of the business. These issues are to a large extent addressed by identifying the proposed route which is sensitive to the land use. In addition, significant areas of the coastal margin at and around Bramble Island are covered by the Explosive Regulations Act 2014 which contains a requirement for the prevention of public access for health and safety reasons. Together with provisions in the legislation for particular categories of land to be automatically excepted from the coastal access rights, we feel that a trail alignment inland from Bramble Island struck a fair balance.

Section 4.5.4 of The Scheme states that; 'Significant detours from the periphery of the coast may occasionally be necessary in order to take account of other uses of the land, or of wildlife sensitivities'. Part B of the Scheme explains some of these circumstances in more detail (part 4.5, proximity of the trail to the sea, part 4.6, views of the sea from the trail and part 4.9, protection of sensitive features). As [REDACTED] acknowledges, the elevated nature of the proposed trail at this point means that walkers will have good views of the coast and backwaters and section 4.6.1 of The Scheme states that; 'The trail should normally offer views of the sea, because they are a key part of many people's enjoyment of the coast'. As a consequence, we feel that this alignment fully meets our criteria.

With regard to the sensitive features, much of the land close to the sea wall either a part of Hamford Water SPA, or is functionally linked to it. There are also significant areas designated as SAC and SSSI. Section 4.9.2 of The Scheme states that: The key principle in our approach will be to find the best outcome that secures these opportunities for engagement so far as practicable while ensuring appropriate protection of key sensitive features. This principle is in keeping with our statutory purpose to conserve, enhance and manage the natural environment for the benefit of present and future generations. Here we seek to strike a fair balance between the statutory obligations in respect of sites and features, and our duty to deliver coastal access.

Due a combination of the industrial activities at Bramble Island and the importance of the nature conservation features we feel that the proposed route strikes a fair balance between the interests concerned.

Property values

We have no evidence from elsewhere where the Coast Path has been in place for some time, that there has been any negative effect on property values. The property is already adjacent to a busy public highway.

Supporting Documents: 4B: MCA\Jaywick to Harwich\R\1\JWH0123– supporting docs and map of proposed modifications of route.

Representation number:

MCA\Jaywick to Harwich\R\6\JWH0360

Organisation/ person making representation:

Route section(s):

JWH-5-0001 - JWH-5-S019

Summary of representation:

The representation is from Beaumont Parish Council. Beaumont Parish Council is supportive of the England Coast Path scheme but expresses concerns over the proposed trail alignment citing the following factors:

- Alignment through arable fields.
- Privacy - Concern over walkers in close proximity to '4' properties encroaching on privacy.
- Roadside safety - Concern for the safety of walkers at Moze Cross where there is sharp a bend in the B1414.
- Cost - Concern that the proposed alignment will be expensive and would include '4 footbridges'.
- Nature conservation - Concern that the wildlife value of one pasture field (Days Marsh) will be compromised and can become waterlogged.
- Distance from the coast - The proposed trail would lie 1 mile from the sea wall.
- Shooting rights - Concern about the trail passing through land used by the local shoot.
- Walker/ farm vehicle conflict - Farm traffic and walkers in the same area.
- Dogs and Crop / livestock damage - Concern about possible damage to crops and livestock predominantly by dogs not under control.
- Sea wall route – The Parish Council believe that walkers will 'still use the sea wall as they have always done'.

Natural England's comment:

Alignment through arable fields

The legislation allows for an access strip to be proposed across arable land. We have agreed with local landowners that a field edge grass strip of up to 4m width will be provided for the trail. We anticipate walkers will use this rather than walk on ploughed/ cropped land. The landowners of these areas have not objected or raised any concerns in terms of the potential for crop damage to be caused by walkers.

Privacy

We considered privacy carefully while developing our proposals and worked closely with the occupants of Moze Cross Cottage to propose an alignment which will have the least impact upon them (see above). Our initial thinking was to align the trail alongside the garden boundary at the back of the property. However they were unhappy with this, as it would have meant trail users would have been able to see into their garden and property due to the level of the field edge on which the trail would lie, being higher in elevation to the garden. We agreed this to be the case and sought an alternative, which is onto the roadside verge at Moze Cross and past the front of their property. We felt this to be a less intrusive option for the occupants as trail users would have no better views of their property than people in passing vehicles on the B1414.

We also considered privacy issues affecting the adjacent properties at Mozegate Cottage and Postbox Cottage and in both cases felt that screening provided by the existing hedges and vegetation, together with topography (the boundary of Mozegate Cottage is elevated above the trail), was sufficient to ensure that the extent to which the gardens and houses were overlooked

by users of the trail was minimal. We are proposing a trail alignment outside of the boundary of both Postbox Cottage and Mozegate Cottage.

Roadside safety

A full roadside safety assessment was carried out by Essex County Council on October 18th 2016 at Moze Cross which concluded that the risk to pedestrians at this point was 'low' and that visibility to southbound vehicles (the direction from which it is thought traffic posed the most likely risk to walkers), is good.

Cost

We estimate the cost for implementation of this section of trail to be £8728 which is broadly consistent with the rest of the stretch (finger post x1, kissing gate x2 (replacing existing stiles), waymark posts x 15, footbridge x2). This is comparable to the likely cost of establishing the trail on other alignment options explored at this location. We did not consider cost to be a significant deciding factor in our final choice of alignment. The overall estimated cost for establishment of this stretch is £52147, so as a proportion of the total, the cost of establishing this section is not excessive.

Nature conservation

Our proposed alignment of the trail here (section JWH-5-S005) is along an existing section of trail which is being managed by the local authority as a public footpath so we anticipate little change in patterns of use. The site is not designated and we are not aware of any specific nature conservation interest at this location. Our nature conservation specialist is also of the view that this land is not 'functionally linked' to the SPA (Hamford Water) and the objector has not provided evidence to suggest otherwise. Due to the fact that there is already a trail which is being managed by the local authority as a public right of way at this location, we do not anticipate any negative impact upon this location upon introduction of Coastal Access rights. With regard to waterlogging at this location, observations on site during winter are that the field can become wet at times following rain, but not to the extent to make it impassable. It is not unreasonable to expect walkers to anticipate that a route may be wet at such times and be prepared for that eventuality. Upon introduction of Coastal Access rights, land seaward of the trail at this location would form part of the coastal margin, and walkers would have the right to use this area in order to follow a dryer route if necessary.

Distance from the coast

Our proposed alignment lies inland from the sea wall for two primary reasons. Bramble Island an industrial site, and also nature conservation concerns regarding the area at and close to the sea wall between Beaumont Quay and Bramble Island.

Bramble Island (owned by EPC Groupe), is a working industrial site currently inaccessible as it is excepted land (buildings and curtilage). The owners of this site raised issues in relation to public safety and operational needs of the business. These issues are to a large extent addressed by identifying the proposed route which is sensitive to the land use. In addition, significant areas of the coastal margin at and around Bramble Island are covered by the Explosive Regulations Act 2014 which contains a requirement for the prevention of public access for health and safety reasons.

Together with provisions in the legislation for particular categories of land to be automatically excepted from the coastal access rights, we feel that a trail alignment inland from Bramble Island struck a fair balance.

Section 4.5.4 of The Scheme states that; 'Significant detours from the periphery of the coast may occasionally be necessary in order to take account of other uses of the land, or of wildlife sensitivities'. Part B of the Scheme explains some of these circumstances in more detail (part 4.5, proximity of the trail to the sea, part 4.6, views of the sea from the trail and part 4.9, protection of sensitive features). The elevated nature of the proposed trail at this point means that walkers will have good views of the coast and backwaters and section 4.6.1 of The Scheme

states that; 'The trail should normally offer views of the sea, because they are a key part of many people's enjoyment of the coast'. As a consequence, we feel that this alignment fully meets our criteria.

With regard to the sensitive features, much of the land close to the sea wall either a part of Hamford Water SPA, or is functionally linked to it. There are also significant areas designated as SAC and SSSI. Section 4.9.2 of The Scheme states that: The key principle in our approach will be to find the best outcome that secures these opportunities for engagement so far as practicable while ensuring appropriate protection of key sensitive features. This principle is in keeping with our statutory purpose to conserve, enhance and manage the natural environment for the benefit of present and future generations. Here we seek to strike a fair balance between the statutory obligations in respect of sites and features, and our duty to deliver coastal access. Due a combination of the industrial activities at Bramble Island and the importance of the nature conservation features we feel that the proposed route strikes a fair balance between the interests concerned.

Shooting rights

We do not believe our proposals will have any impact on shoots in the area, which we understand are held on land closer to the sea wall, well away from the proposed trail alignment. We are not aware of any rearing pens near to the proposed trail alignment. We have not had any concerns or objections raised by neighbouring shoot managers.

Walker/ farm vehicle conflict

Our proposal is to align the trail on grass field margins away from the main cropped areas. This we believe will not lead to any conflict issues as any risk by vehicles mowing grass strips would be obvious to walkers and operators will undertake full H&S risk assessment before working on the trail. The landowners of these areas have not objected or raised any concerns in terms of walker/ farm vehicle conflict.

We considered an alignment along farm tracks but decided this could pose a greater risk of walker/ farm vehicle interaction. We also chose not to opt for that route because we concluded that overall it did not strike the best balance in terms of the criteria described in chapter 4 of the Coastal Access Scheme. Although the proposed route lies further from the coast than this option, we concluded that because the proposed route is at a higher elevation, it provides better views of the coast whereas the other option considered did not.

Dogs and Crop / livestock damage

At the time of making our site visits it was noted that the enclosure (Day's Marsh) crossed by route section JWH-5-S005 was used as a pony paddock. No other livestock were observed. All other agricultural land parcels between JWH-5-S001 and JWH-5-S019 are down to arable with no livestock production.

Alignment on section JWH-5-S005 follows the existing public right of way and as such dogs are considered a 'natural accompaniment' – the situation therefore remains unchanged by Natural England's proposals. The Dogs (Protection of Livestock) Act 1953 makes it an offence for a dog to be at large in an enclosure containing livestock. There is no requirement for dogs to be kept on a lead when on a public right of way, though owners should ensure that dogs are under close control. Again the current situation is unchanged by Natural England's proposals, except with regard to the new areas of seaward spreading room created along S005, where the legislation requires dogs to be under "effective control" (section 2.4.5 of The scheme), which includes being on a short lead in the vicinity of livestock.

Sea wall route

Section 4.5.4 of The Scheme states that; 'Significant detours from the periphery of the coast may occasionally be necessary in order to take account of other uses of the land, or of wildlife sensitivities'. Part B of the Scheme explains some of these circumstances in more detail (part

4.5, proximity of the trail to the sea, part 4.6, views of the sea from the trail and part 4.9, protection of sensitive features). The elevated nature of the proposed trail in this area means that walkers will have good views of the coast and backwaters and section 4.6.1 of The Scheme states that; 'The trail should normally offer views of the sea, because they are a key part of many people's enjoyment of the coast'. As a consequence, we feel that this alignment fully meets our criteria.

Much of the land adjacent to the sea wall, is important to the bird assemblage at Hamford Water SPA (Special Protected Area) and is of high, year-round nature conservation importance. Parts of the sea wall and folding are designated SAC (Special Area of Conservation) due to the presence of Fisher's estuarine moth which is a rare and vulnerable species with a localised population distribution in the UK, due to its very specific habitat requirements (and mowing regime inconsistent with that required to manage a trail). The moth is protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under Schedule 2 of the Conservation of Habitats and Species Regulations 2010. There is no historic or current public access to this area.

With regard to birds, anecdotal observations at Hamford Water from Natural England staff when assessing possible stretches of the coast path, particularly in areas with no current public right of way, did suggest that the distance of disturbance could be over 100m. At Hamford Water, the areas with the highest counts of wintering and passage waterbirds, include Garnham's Island which does not currently have any public access and numbers of birds in these locations are likely to be particularly sensitive to any changes in access.

A route onto the sea wall is also blocked by parcels excepted land at Cut Farm and at New Moze Hall (buildings and their curtilage). The Longmarsh reserve is actively managed by wildfowlers as a wildfowl refuge.

Our decision to avoid aligning the trail along the sea wall is therefore we believe in keeping with our statutory purpose to conserve, enhance and manage the natural environment for the benefit of present and future generations. Here we have sought to strike a fair balance between the statutory obligations in respect of sites and features, and our duty to deliver coastal access.

Supporting Documents: 4C: MCA\Jaywick to Harwich\R\6\JWH0360 - Beaumont Parish Council supporting docs and map of proposed modifications of route.

4. Supporting Documents

4A: MCA\Jaywick to Harwich\R\1\JWH0347 – supporting documents and map of proposed modification of route.

LETTER REDACTED DUE TO PERSONAL INFORMATION THROUGHOUT.



England Coast Path Alignment Proposal Great Oakley



Date
February 2017

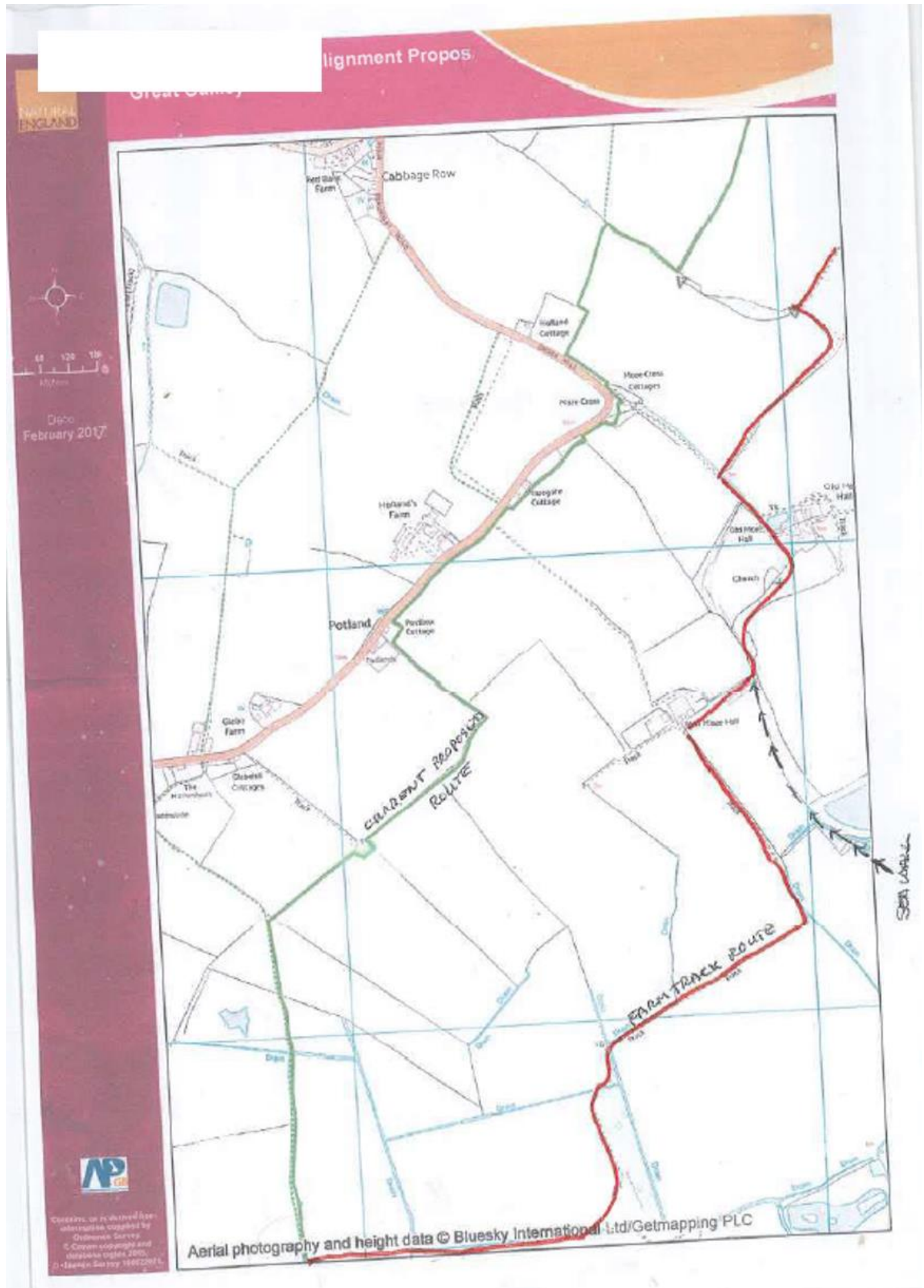


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4B: MCA\Jaywick to Harwich\R\1\JWH0123- supporting docs and map of proposed modifications of route.



Coastal Footpath

Route 1. Natural Englands choice.

Pros - A good view of Hamford Water.

Cons -

1. It creates a new path through 8 arable fields
2. It runs closely behind 4 houses, the owners knew nothing about this proposal. There will be a lack of privacy - it will devalue their properties and disturb their dogs (10)
3. It comes out on a very dangerous corner at Moze Cross
4. It will be very expensive - 2 kissing gates, 4 foot bridges with handrails, fill in and pipe a ditch at Moze Cross and cut a path through a copse.
5. It will cross a wildlife sanctuary at Days marsh which has many nesting wildfowl, and is water-logged in winter.
6. Its distance from the coast is about 1 mile.
7. People will walk the seawall as they have always done in living memory
8. passes through pheasant and wildfowl shoots
9. there will be farm traffic
10. damage to crops and livestock by dogs not under control.

Route 2. On existing Farm tracks

Pros -

1. it follows very good farm tracks
2. very direct and level walking
3. low cost - only one bridge and handrail to erect
4. only a short length of new path is needed (100yds) which will be on the meadow land.
5. no houses near the path

Cons -

1. pheasant shoot
2. farm traffic
3. uncontrolled dogs

Route 3. Sea Wall

Pros -

1. Most obvious route
2. views of wildlife
3. easiest walking
4. the route people will expect
5. cost - nil
6. a way of avoiding Exchem is available

Cons -

1. It passes a wildlife reserve
2. it could pass Exchem works
3. Dogs MUST be kept under control - on leads

*A Representation of
the Parish of Beaumont cum Moze
to Natural England regarding the proposed
coastal path*

Presented by

Concerning JWH-5-5 001RD to JWH-5-19FP



The proposed Coastal Footpath around the Coastline of Great Britain is a fantastic idea, one that will enable generations to come to utilize, enjoy and ultimately protect the coastal areas of this great nation. Great Britain has long been a nation of the sea, we have long ties with the Vikings, and fishing ports and shipyards aplenty. Its citizens choose to live and work by the coast, they embrace it now in much the same way as Britons have done for millennia and as a result the historical development around the coastline does not, and will not easily facilitate a clear margin for this relatively new concept to bed in. We realise that those living in coastal areas must embrace the new path, and as such must make allowances for its installation, but the Parish of Beaumont cum Moze feels that we are not only being expected to make allowances for the path through our Parish, but that we are having it forced upon us without due consultation with landowners and homeowners in the area. People who have long ties to the area and those that have decided to call this region home. Their homes are their sanctuary, their safe place, and therefore they have a right to defend them. They are justifiably angry that despite being offered intelligent and well thought out alternatives to the proposed route of the path, Natural England have railroaded over parishioners wishes to implement a plan that they believe to be narrow minded and easily avoidable.

The proposed route by Natural England has one solitary pro. It provides a good view over Hamford Water. Fantastic. But the Parish Council of Beaumont can list ten cons to this proposal. Ten valid and overwhelmingly logical reasons not to adopt this plan. Reasons to seek an alternative.

1. It carves a new path through eight arable and currently farmed fields.
2. It hugs the boundaries of four houses. The homeowners knew absolutely nothing of this proposal. Their privacy will be severely impeded and their (ten) dogs disturbed. What was rural seclusion will now be a walker's paradise.
3. It intersects with a very dangerous corner at Moze Cross. Beaumont Parish already has several dangerous and notorious corners, particularly the one at Oaks Corner where accidents are occurring far too often. Having a bad corner with a pedestrian element is lunacy, and could be avoided.
4. This plan will be expensive. The cost of implementing the path across eight arable fields. The installation of two kissing gates, four foot bridges complete with handrails and the cost of cutting the path through a copse of trees.
5. The proposed path will cross a wildfowl sanctuary at Days Marsh. This will disturb the many nesting wildfowl and is almost always water logged in winter.
6. The distance from the coast is about 1 mile. The alternatives offered enable walkers to get much closer to the coast, which is surely the primary object of the Coastal Footpath?
7. People will still walk the seawall as they have always done, regardless of a path installed elsewhere.
8. The proposal means that the path will pass directly through already well-established pheasant and wildfowl shoots. There are people who rely on these shoots as part of their income.
9. Cutting across arable land means that there will be instances of farm traffic and pedestrian interaction.
10. There could also be damage incurred to livestock and crops by dogs not under strict control. Farmers in the area already have enough to deal with regarding the footpaths already in place. The financial ramifications in these instances are not to be ignored or underestimated.

It should be said at this point that the Parish of Beaumont cum Moze is not, in any means against the Coastal Footpath. We are simply stating that the proposed route of the path is not in the best interests of the citizens of the Parish, and that we would implore Natural England to take stock of our concerns and to reevaluate the route. We have identified two alternative routes that we as a Parish feel could offer a better balance of pros and cons to the one preferred by Natural England. Let's now explore these routes;

Proposed Route #2- Utilising the existing farm tracks.

Pros-

1. It will utilize existing tracks
2. A more direct route and easy, level walking.
3. Implementation costs will be low, only one bridge and handrail to erect.
4. Only a small section of new path needs to be installed (100yards) which will be on meadow land and not on arable land.
5. This route does not impose on the privacy of nearby homes.

Cons-

1. There is a pheasant shoot that will be impacted.
2. This route will have Farm based traffic
3. There remains an issue of dogs off leads which could impact the nearby pheasant shoot.

Proposed Route #3- Sea Wall.

Pros-

1. Remains the most obvious route. Is the closest option for proximity to the coast which is the primary object of the Path.
2. Will provide better views of the local wildlife. Our area is rich in wildlife and surely walkers will want to see this.
3. This route offers the easiest walking of the three routes. This means a wider range of people can enjoy what our Parish, and in particular, what our coast has to offer.
4. This is the route that people will be expecting. Beaumont is a coastal parish with a long history of maritime interaction and therefore people will be expecting the path to hug the coast.
5. This route will be incredibly cost effective, providing virtually no cost to install.
6. A way of avoiding the Exchem Works at Bramble Island is available.

Cons-

1. It passes a wildlife reserve. Surely though, many parts of the Coastal Footpath will be near to, or even integrated with wildlife reserves?
2. It will come near to the Exchem Works at Bramble Island.
3. Dogs MUST be kept under control and on leads.

From the perspective of the Villages of Beaumont, either of the alternative routes are preferable to the one currently being offered by Natural England. Either provides more pros without the con of having homeowner's privacy impeded. A man's home is his castle, and we should all be mindful of how these people must be feeling knowing that Natural England plans to facilitate a way that the general public can come into such extreme proximity to their homes and their lives. Rural people like their privacy, else they wouldn't be rural people.

Both alternatives also provide a Coastal Path that is, well, more Coastal Path. The path proposed by Natural England through Beaumont isn't particularly coastal at all.

People walking the Coastal Path want to be amongst the action. They want to be near the coast, not traipsing across some farmers field, up behind a heap of country homes a mile from the actual coastline. Surely the alternative routes are startlingly better routes based on this?

The Coastal Path is coming. That in itself is a good thing. The fact that Natural England has donned blinkers and ear defenders in this case isn't. We want to share our beautiful area with others, but not at the detriment of those already living and working here. We are imploring that Natural England reevaluates the viability of its proposed path and takes into serious consideration the alternatives. Surely, if we all work together the Path will be an incredible asset to our Parish, our County and our nation, rather than a point of discontent and anger amongst our villagers?

