



The Planning Inspectorate

Report to the Secretary of State for Environment, Food and Rural Affairs

by Barney Grimshaw BA DPA MRTPI(Rtd)

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Date 7 October 2021

Marine and Coastal Access Act 2009

Objections by [REDACTED], [REDACTED], [REDACTED],
[REDACTED]

regarding coastal access proposals by Natural England relating to
the English Coast Path, Salcott to Jaywick, Essex

Site visit made on 25 August 2021

Objections Ref: MCA/Salcott to Jaywick/O/1,2,4,5**Route section SCJ-1-S024**

- On 14 October 2020 Natural England (NE) submitted a Coastal Access Report to the Secretary of State for Environment, Food and Rural Affairs (the SoS) under section 51 of the National Parks and Access to the Countryside Act 1949 (the 1949 Act) for improved access along the Essex coast between Salcott and Jaywick, pursuant to the duty under section 296 of the Marine and Coastal Access Act 2009 (the 2009 Act).
- Objections, dated 5, 6 and 7 December 2020, have been made by [REDACTED]. The land to which the objections relate is the section SCJ-1-S024.
- The objection is made under paragraph 3(3)(a) of Schedule 1A to the 1949 Act on the ground that the proposals fail to strike a fair balance as a result of the position of part of the proposed route.

Summary of Recommendation: That the SoS makes a determination that the proposals do not fail to strike a fair balance as a result of matters within paragraph 3(3)(a) of Schedule 1A to the 1949 Act specified in the objection.

Preliminary Matters

1. I made a site visit on Wednesday 25 August 2021 accompanied by two of the objectors and representatives of Natural England (NE) and Essex County Council.
2. Besides objections, representations may be made regarding NE's report. However, in assessing whether the proposals strike a fair balance, only those representations which are relevant to the matters specified in admissible objections should be considered. I have noted and taken account of all representations in so far as they are relevant to the objections.

Background

3. In discharging its duty to secure a route accessible to the public on foot or by ferry around the whole of the English coast, the English Coastal Route (ECR), NE must aim to strike a fair balance between the interests of the public and those of people having an interest in land affected by the route.
4. Section SCJ-1-S024 of the trail is proposed in the report prepared by NE to run along the edge of an agricultural field.
5. The objectors in this case acquired the land crossed by the proposed route after the report had been published. They intend to change the use of the field from agriculture to become the curtilage of residential property.

Main Issue

6. The main issue in this case is whether the proposals in the report fail, in the respect specified in the objection, to strike a fair balance as a result of matters within paragraph 3(3)(a) of Schedule 1A to the 1949 Act.

Site visit made on 25 August 2021

File Ref: MCA/Salcott to Jaywick/O/3

The Case of the Objectors

7. The objections are primarily made on the grounds that a fair balance has not been struck as it will not be appropriate for the route to run through what they intend will become effectively a private garden. It is suggested that the route should run closer to the water's edge.
8. One objector also referred to the possibility of wishing to have dogs roaming free to protect property and the conflict this would represent with use of the ECR.
9. It is also suggested that the proposed exit of the route on to the B1025, Mersea Road and the road crossing would be a dangerous location for path users.

The Case of NE

10. The adoption of the proposed route would not prevent land crossed by the ECR being developed or redeveloped in the future. If the use of the land changes as envisaged by the objectors, then NE and the County Council will work with local landowners to develop a variation report to submit to the Secretary of State.
11. The locating of the route closer to the water's edge was not possible as a result of excepted land categories extending to the water's edge.
12. It is likely that the desire to have dogs roaming free on the land would only arise if the use of the land changes and it becomes the curtilage of residential property in which case an alternative route for the ECR would need to be found. Otherwise, the potential issue might have to be addressed by fencing to separate dogs and walkers and also to ensure that dogs do not disturb wintering birds in the Site of Special Scientific Interest that covers some of the land proposed to be crossed by the ECR.
13. As far as the exit on to the B1025, Mersea Road and the road crossing is concerned, Essex County Road Safety Engineers were asked to look at this and 5 other locations and make recommendations regarding road safety. At this point it was noted that there are no existing accesses directly opposite each other and that inter-visibility between northbound pedestrians and westbound traffic is limited by the hedgerow and the curvature of the carriageway. It was recommended that consideration be given to the deployment of advanced warning signs to indicate to drivers the presence of pedestrians in the road ahead. NE accepted the recommendation and propose that warning signs are installed and the hedgerow cut back between 1-2m width. It is also proposed to create an access point on the north side of the road immediately opposite that on the south side. None of the other possible crossing points investigated were regarded as better than that proposed in road safety terms.

Appraisal

14. The proposed route of the ECR in this location would descend from the embankment close to the water's edge and run inland along the edge of a field. The continuation of the route on the embankment was prevented as a result of excepted land categories extending to the water's edge.
15. Although objectors have in mind the development of the land for residential purposes, no firm plans currently exist and no permission has yet been sought or received for the development. However, if the land does in fact become the

curtilage of a residential property it will be excepted land for the purpose of siting the ECR and an alternative alignment will then need to be found.

16. The proposed crossing of the B1025 road is potentially dangerous but is an inevitable consequence of the need to route the ECR away from the water's edge in this area. The location proposed is the best available in the required vicinity and the signage and other measures proposed should mitigate the potential danger.

Conclusion and Recommendation

17. Having regard to these and all other matters raised, I conclude that the proposals do not fail to strike a fair balance as a result of the matters within paragraph 3(3)(a) of Schedule 1A to the 1949 Act. I therefore recommend that the SoS makes a determination to this effect.

Barney Grimshaw

APPOINTED PERSON



Report to the Secretary of State for Environment, Food and Rural Affairs

by Barney Grimshaw BA DPA MRTPI(Rtd)

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Date 7 October 2021

Marine and Coastal Access Act 2009

Objection by [REDACTED]

regarding coastal access proposals by Natural England relating to
the English Coast Path, Salcott to Jaywick, Essex

Objections Ref: MCA/Salcott to Jaywick/O/3

Route section SCJ-1-S027RD and S028

- On 14 October 2020 Natural England (NE) submitted a Coastal Access Report to the Secretary of State for Environment, Food and Rural Affairs (the SoS) under section 51 of the National Parks and Access to the Countryside Act 1949 (the 1949 Act) for improved access along the Essex coast between Salcott and Jaywick, pursuant to the duty under section 296 of the Marine and Coastal Access Act 2009 (the 2009 Act).
- Objections, dated 6 and 7 December 2020, has been made by [REDACTED]. The land to which the objection relates is the sections SCJ-1-S027RD and S028.
- The objection fails to state the grounds on which it is made in paragraph 4 of the form. However, from information given elsewhere it is clear that the objection is made on the grounds set out in paragraph 3(3)(a) of Schedule 1A to the 1949 Act on the ground that the proposals fail to strike a fair balance as a result of the position of part of the proposed route and paragraph 3(3)(b) the inclusion of proposals (in relation to an area subject to significant coastal erosion, encroachment by the sea or significant physical change due to other geomorphological processes) providing for the route to be determined in accordance with provision made in the proposals (rather than as shown on a map), or the nature of any such proposals.

Summary of Recommendation: That the SoS makes a determination that the proposals do not fail to strike a fair balance as a result of matters within paragraph 3(3)(a) and (b) of Schedule 1A to the 1949 Act specified in the objection.

Preliminary Matters

18. I made a site visit on Wednesday 25 August 2021 accompanied by the objector and representatives of Natural England (NE) and Essex County Council.
19. Besides objections, representations may be made regarding NE's report. However, in assessing whether the proposals strike a fair balance, only those representations which are relevant to the matters specified in admissible objections should be considered. I have noted and taken account of all representations in so far as they are relevant to the objections.

Background

20. In discharging its duty to secure a route accessible to the public on foot or by ferry around the whole of the English coast, the English Coastal Route (ECR), NE must aim to strike a fair balance between the interests of the public and those of people having an interest in land affected by the route.
21. Section SCJ-1-S027RD of the trail is proposed in the report prepared by NE to run across the B1025 Colchester Road and section SCJ-1-S028 runs alongside the road within a field for a short distance before turning eastwards along the field edge.
22. The objector in this case is concerned that the proposed crossing of the road would be dangerous. She also suggests that the area may be subject to inundation in the future and the route will not be viable in the long term.

Site visit made on 25 August 2021

File Ref: MCA/Salcott to Jaywick/O/6

Main Issue

23. The main issue in this case is whether the proposals in the report fail, in the respect specified in the objection, to strike a fair balance as a result of matters within paragraph 3(3)(a) and (b) of Schedule 1A to the 1949 Act.

The Case of the Objector

24. The objector states that the road is very busy, subject only to a 60mph speed limit and that traffic travels at high speed. She states that there have been multiple accidents in the past and that pedestrians crossing will be at serious risk, particularly those with small children and/or dogs and the elderly and less able. She suggests that the route should be re-aligned so as to cross the road, The Strood, further to the south where there is an existing footpath and clearer visibility.
25. The objector also states that the whole area is low lying and may be subject to inundation as a result of global warming. There is no coastal defence plan and the ECR will not be viable.

The case of NE

26. NE has stated that a path alignment that more closely followed the water's edge was investigated but was prevented as a result of the presence of excepted land including dwellings and gardens. Also, the absence of road verges along Mersea Road prevented a return alongside the road.
27. As far as the crossing of to the B1025, Colchester Road is concerned, Essex County Road Safety Engineers were asked to look at this and several other locations and make recommendations regarding road safety. At this point it was noted that there are no existing accesses directly opposite each other and that inter-visibility between southbound traffic and westbound pedestrians is limited by the proximity of vegetation in the east verge and the curvature of the carriageway. It was recommended that hedge/vegetation should be cut back to provide suitable inter-visibility and that consideration be given to the deployment of advanced warning signs to indicate to drivers the presence of pedestrians in the road ahead. NE accepted the recommendation and propose that warning signs are installed and the hedgerow cut back between 1-2m width. It is also proposed that accesses will be created directly opposite each other. None of the other possible crossing points investigated were regarded as better than that proposed in road safety terms.
28. With regard to the possibility of future inundation, no imminent change is envisaged in this area but should the coastline change the ECR could adapt through roll-back.

Appraisal

29. The proposed route of the ECR in this location would run parallel to the western side of the B1025 road within a field then cross the road and run parallel to the eastern side of the road within another field.
30. It is accepted that it would be preferable for the route to run closer to the water's edge which would have resulted in it being possible to cross the road, The

Strood, further to the south. However, the presence of excepted land right up to the water's edge has made this impossible.

31. The proposed crossing of the B1025 road is potentially dangerous but is an inevitable consequence of the need to route the ECR away from the water's edge in this area. The location proposed is the best available in the required vicinity and the signage and other measures proposed should mitigate the potential danger.
32. There is no evidence of any imminent risk that the land proposed to be crossed by the ECR in this area will be inundated and, accordingly, it is appropriate to propose to locate it as close as is practicable to the water's edge, as NE has sought to do. Should the coastline recede in the future the ECR can be adapted by means of the roll back provisions.

Conclusion and Recommendation

33. Having regard to these and all other matters raised, I conclude that the proposals do not fail to strike a fair balance as a result of the matters within paragraph 3(3)(a) and (b) of Schedule 1A to the 1949 Act. I therefore recommend that the SoS makes a determination to this effect.

Barney Grimshaw

APPOINTED PERSON



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Date 7 October 2021

Marine and Coastal Access Act 2009

Objection by [REDACTED]

regarding coastal access proposals by Natural England relating to
the English Coast Path, Salcott to Jaywick, Essex

Objections Ref: MCA/Salcott to Jaywick/O/6

Route sections SCJ-3-S052 to SCJ-3-S053

- On 14 October 2020 Natural England (NE) submitted a Coastal Access Report to the Secretary of State for Environment, Food and Rural Affairs (the SoS) under section 51 of the National Parks and Access to the Countryside Act 1949 (the 1949 Act) for improved access along the Essex coast between Salcott and Jaywick, pursuant to the duty under section 296 of the Marine and Coastal Access Act 2009 (the 2009 Act).
- An objection, dated 18 November 2020, has been made by [REDACTED]. The land to which the objection relates is the sections SCJ-3-S052 and SCJ-3-S053 and spreading room seaward of these sections.
- The objection is made under paragraph 3(3)(d) of Schedule 1A to the 1949 Act on the ground that the proposals fail to strike a fair balance as a result of the inclusion of, or failure to include, proposals that certain boundaries of certain areas should coincide with a specific physical feature, or the nature of any such proposal and paragraph 3(3)(e), the failure to include, proposals as to the directions to be made under Chapter 2 of Part 1 of the Countryside and Rights of Way Act 2000 for the exclusion or restriction of a right of access in relation to land to which the report relates, or the terms of any such proposal.

Summary of Recommendation: That the SoS makes a determination that the proposals do not fail to strike a fair balance as a result of matters within paragraph 3(3)(d) and 3(3)(e) of Schedule 1A to the 1949 Act specified in the objection.

Preliminary Matters

34. I made a site visit on Wednesday 25 August 2021 accompanied by the objector and representatives of Natural England (NE) and Essex County Council.
35. Besides objections, representations may be made regarding NE's report. However, in assessing whether the proposals strike a fair balance, only those representations which are relevant to the matters specified in admissible objections should be considered. I have noted and taken account of all representations in so far as they are relevant to the objections.

Background

36. In discharging its duty to secure a route accessible to the public on foot or by ferry around the whole of the English coast, the English Coastal Route (ECR), NE must aim to strike a fair balance between the interests of the public and those of people having an interest in land affected by the route.
37. Sections SCJ-3-S052 and S053 of the trail are proposed in the report prepared by NE to run along an existing well used permissive footpath and cycle path. A public footpath runs along the water's edge in this area but appears subject to being inundated and the alternative route further inland is now predominantly used by the public. This means that an area of land between the proposed route and the water's edge would become 'spreading room' when the ECR is opened.

Site visit made on 25 August 2021

File Ref: MCA/Salcott to Jaywick/O/8

38. The objection in this case is made on the grounds that a fair balance has not been struck as the land between the proposed route and the water's edge has not been shown as being unsuitable for public access.

Main Issue

39. The main issue in this case is whether the proposals in the report fail, in the respect specified in the objection, to strike a fair balance as a result of matters within paragraph 3(3)(d) and (e) of Schedule 1A to the 1949 Act.

The Case for the Objector

40. The objector states that the area between the ECR and the river is unsuitable for the public to access as it is frequently flooded and is of particular conservation interest.
41. Access to this land might expose members of the public to some danger and the objector is concerned that as landowner he might have some liability in this connection.

The Case for NE

42. The area between the path and the water's edge is not saltmarsh or flat habitat and accordingly NE has no power to exclude access from it on the grounds of public safety.
43. The habitats of the area are not regarded as being of sufficient conservation importance to justify the restriction of public access. In addition, as the public footpath along the water's edge has not been extinguished, the public still has a right to use this route across the area.
44. However, it is a key principle of the Coastal Access Scheme that visitors should take primary responsibility for their own safety and no additional liability would be incurred for landowners as a result of establishment of the ECR.

Appraisal

45. The proposed route of the ECR in this location would follow a well used and clearly marked path.
46. There is an area of land between the path and the water's edge which is crossed by the definitive route of a public footpath which has not been extinguished despite being subject to flooding. However, the area does not appear in any way inviting in terms of public access as a result of dense growth of woody species and apparent wet areas. There is no evidence of public access to the area at present and it seems unlikely that this will change when the ECR is opened.
47. The objector was concerned that as landowner he might incur some liability for members of the public attempting to access the area. However, as NE have made clear this is not the case.

Conclusion and Recommendation

48. Having regard to these and all other matters raised, I conclude that the proposals do not fail to strike a fair balance as a result of the matters within paragraphs 3(3)(d) and (e) of Schedule 1A to the 1949 Act. I therefore recommend that the SoS makes a determination to this effect.

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APPOINTED PERSON



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an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Date 7 October 2021

Marine and Coastal Access Act 2009

Objection by [REDACTED]

regarding coastal access proposals by Natural England relating to
the English Coast Path, Salcott to Jaywick, Essex

Objections Ref: MCA/Salcott to Jaywick/O/8**Route section SCJ-4-S039-S042**

- On 14 October 2020 Natural England (NE) submitted a Coastal Access Report to the Secretary of State for Environment, Food and Rural Affairs (the SoS) under section 51 of the National Parks and Access to the Countryside Act 1949 (the 1949 Act) for improved access along the Essex coast between Salcott and Jaywick, pursuant to the duty under section 296 of the Marine and Coastal Access Act 2009 (the 2009 Act).
- An objection, dated 4 December 2020, has been made by [REDACTED]. The land to which the objection relates is the sections SCJ-4-S039 to S042.
- The objection is made under paragraph 3(3)(a) of Schedule 1A to the 1949 Act on the ground that the proposals fail to strike a fair balance as a result of the position of part of the proposed route.

Summary of Recommendation: That the SoS makes a determination that the proposals do not fail to strike a fair balance as a result of matters within paragraph 3(3)(a) of Schedule 1A to the 1949 Act specified in the objection.

Preliminary Matters

49. I made a site visit on Wednesday 25 August 2021 accompanied by one of the objectors and representatives of Natural England (NE) and Essex County Council.
50. Besides objections, representations may be made regarding NE's report. However, in assessing whether the proposals strike a fair balance, only those representations which are relevant to the matters specified in admissible objections should be considered. I have noted and taken account of all representations in so far as they are relevant to the objections.

Background

51. In discharging its duty to secure a route accessible to the public on foot or by ferry around the whole of the English coast, the English Coastal Route (ECR), NE must aim to strike a fair balance between the interests of the public and those of people having an interest in land affected by the route.
52. Sections SCJ-4-S039 -S042 of the trail are proposed in the report prepared by NE to run along the eastern edge of a grazed field and then ascend to the top of the sea wall on the southern side of Alresford Creek and follow this westwards.
53. The objection is made on the grounds set out in paragraph 3(3)(a) of Schedule 1A of the 1949 Act. that the proposals fail to strike a fair balance as a result of the position of part of the proposed route.

Main Issue

54. The main issue in this case is whether the proposals in the report fail, in the respect specified in the objection, to strike a fair balance as a result of matters within paragraphs 3(3)(a) of Schedule 1A to the 1949 Act.

Site visit made on 26 August 2021

File Ref: MCA/Salcott to Jaywick/O/9

The Case for the Objectors

55. The objection is made up of two issues, one relating to the possible adverse effect of the path on wildlife and habitat and the other to its detrimental effect on the objectors' business.
56. With regard to wildlife and habitat, the objectors are concerned that opening access to the southern bank of Alresford Creek would be detrimental to this area of presently undisturbed habitat. They refer to a report prepared by a firm of independent consultants which had been commissioned by a neighbour. This noted that Alresford Creek is subject to several statutory site designations and provides habitat for a number of protected or notable fauna groups. It concludes that further detailed ecological survey work is necessary to ensure that all potential effects of the proposed ECR route along the southern shoreline of the Creek have been considered. It also suggests that an inland route following roads, the B1029, Moverons Lane and Ford Lane, would ensure that the ecological interest of the Creek is safeguarded.
57. The objectors estimate that the proposed route will remove 4-5 acres of grazing pasture for their livestock. As tenant farmers they state that their farming business is already under strain and the loss of land and the impact of public access will not have a positive impact.
58. Also, at the site visit, concern was expressed that dogs accompanying walkers might stray from the path and disturb livestock, a problem that the objectors have experienced elsewhere on their farm.

The Case for NE

59. NE states that the impact of the trail alignment on wildlife and habitat has already been considered through its published Habitats Regulations Assessment (HRA) and Nature Conservation Assessment (NCA). They explain the process used in the development of proposals and note that the consultants' report generally replicates and supports information already in the public domain and made use of in the HRA and NCA reports. In addition, the consultants undertook a day of bird survey work during which no birds of note or significance in relation to the designated sites of special interest were observed.
60. NE also concluded that, due to the narrow profile of Alresford Creek, the limited area of intertidal mudflat and the extent and popularity of the existing public right of way along the north side, it is highly unlikely to support significant numbers of important bird species. This conclusion supports information provided by local ornithologists. Overall, NE maintains that the work it has carried out fulfils all its statutory obligations in relation to the wildlife of Alresford Creek.
61. With regard to the effect of the proposed ECR on the objectors' business, NE has stated that the ECR will be constrained to a width of 2m where it crosses the field they use for grazing and has offered to pay for fencing to separate the path from the rest of the field. NE points out that it is a legal requirement for dogs to be kept on leads when amongst livestock and would erect signage to instruct the public of their legal duty.
62. With regard to the alternative alignment suggested by the consultants and the objectors, this would entail a lengthy diversion from the water's edge and would result in a large area of land becoming 'spreading room', including much land

occupied by the objectors. It would also involve people walking along narrow roads with many bends and often no significant verge offering pedestrians refuge from vehicular traffic. A professional road safety report commissioned by NE did not rule out use of this route but recommended that substantial works would be necessary to clear vegetation and erect signage to improve pedestrian safety. It was concluded that the proposed route is a much better fit with the criteria set out in the legislation.

Appraisal

63. The proposed route of the ECR in this location would follow an existing public footpath on the northern bank of Alresford Creek, then leave the water's edge to skirt some excepted land and run alongside the B1029 road. It would then rejoin the southern bank of the Creek by way of the edge of a field used for grazing livestock (Section SCJ-4-S039). It would then follow the southern bank of the Creek along the top of the sea wall (Section SCJ-4-S040).
64. The route proposed is that which follows the coast as closely as is possible. The restriction of the width of the path to 2m along the edge of the pasture field and the proposed fencing would minimise the effect on the farm business. Where the ECR is proposed to run along the sea wall, fencing to separate walkers from grazing animals would not be practicable. It is however proposed that public access to the land between the sea wall and the water's edge will be restricted as it is saltmarsh and mudflat and unsuitable for public access.
65. The alternative route suggested would be significantly less attractive and potentially dangerous for users of the trail and less in accordance with the criteria set out in the legislation.
66. With regard to the possible adverse effect on wildlife, NE have fulfilled all statutory obligations in relation to the wildlife of Alfreton Creek and I have no basis on which to disagree with the conclusion that the proposed siting of the ECR on the south side of the creek is unlikely to have a significant adverse effect on wildlife.

Conclusion and Recommendation

67. Having regard to these and all other matters raised, I conclude that the proposals do not fail to strike a fair balance as a result of the matters within paragraph 3(3)(a) of Schedule 1A to the 1949 Act. I therefore recommend that the SoS makes a determination to this effect.

Barney Grimshaw

APPOINTED PERSON

Report to the Secretary of State for Environment, Food and Rural Affairs

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an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Date 7 October 2021

Marine and Coastal Access Act 2009

Objection by [REDACTED]

regarding coastal access proposals by Natural England relating to
the English Coast Path, Salcott to Jaywick, Essex

Objections Ref: MCA/Salcott to Jaywick/O/9**Route section SCJ-5-S032-S036**

- On 14 October 2020 Natural England (NE) submitted a Coastal Access Report to the Secretary of State for Environment, Food and Rural Affairs (the SoS) under section 51 of the National Parks and Access to the Countryside Act 1949 (the 1949 Act) for improved access along the Essex coast between Salcott and Jaywick, pursuant to the duty under section 296 of the Marine and Coastal Access Act 2009 (the 2009 Act).
- An objection, dated 4 December 2020, has been made by [REDACTED]. The land to which the objection relates is the sections SCJ-1-S032 to S036.
- The objection appears to be made on all of the grounds set out in paragraph 3(3) of Schedule 1A of the 1949 Act. However, other information given in the objection form suggests that the objector feels that the proposals fail to strike a fair balance as a result of the position of part of the proposed route (paragraph 3(3)(a) and the inclusion of, or failure to include, proposals for an alternative route, or the position of such a route or any part of it (paragraph 3(3)(c)).

Summary of Recommendation: That the SoS makes a determination that the proposals do not fail to strike a fair balance as a result of matters within paragraph 3(3)(a) and (c) of Schedule 1A to the 1949 Act specified in the objection.

Preliminary Matters

68. I made a site visit on Thursday 26 August 2021 accompanied by the tenant of land owned by the objector and representatives of Natural England (NE) and Essex County Council.
69. Besides objections, representations may be made regarding NE's report. However, in assessing whether the proposals strike a fair balance, only those representations which are relevant to the matters specified in admissible objections should be considered. I have noted and taken account of all representations in so far as they are relevant to the objections.

Background

70. In discharging its duty to secure a route accessible to the public on foot or by ferry around the whole of the English coast, the English Coastal Route (ECR), NE must aim to strike a fair balance between the interests of the public and those of people having an interest in land affected by the route.
71. Sections SCJ-5-S032 -S036 of the trail are proposed in the report prepared by NE to run parallel to the western side of Dead Lane in the adjacent field diverting around the rear of a property, Hillside Cottage and then crossing the B1027 road to continue along the verge on the south-western side of the road.
72. The objection appears to be made on all of the grounds set out in paragraph 3(3) of Schedule 1A of the 1949 Act. However, other information given in the objection form suggests that the objector feels that the proposals fail to strike a fair balance as a result of the position of part of the proposed route (paragraph

Site visit made on 26 August 2021

Land to rear of properties in Point Clear Road

File Ref: MCA/Salcott to Jaywick/O/10

3(3)(a)) and the inclusion of, or failure to include, proposals for an alternative route, or the position of such a route or any part of it (paragraph 3(3)(c)).

Main Issue

73. The main issue in this case is whether the proposals in the report fail, in the respect specified in the objection, to strike a fair balance as a result of matters within paragraphs 3(3)(a) and (c), of Schedule 1A to the 1949 Act.

The Case for the Objector

74. The objector states that the B1027 road is a busy main road and that it is perverse to suggest crossing it at two points. He suggests that the route should run closer to the water away from the road or at least along the western side of the road.

The Case for NE

75. NE has acknowledged that the proposed route of the ECP takes a significant and somewhat circuitous route in this area. This is driven by the nature of the coast in the area, international wildlife considerations and the presence of significant areas of excepted land. The area also has a complex and busy road system with blind bends and a lack of pavements, wide verges and pedestrian crossings.

76. NE therefore worked closely with Essex County Council Highways and commissioned professional road safety assessments to determine a route that reduces as much as possible the interaction between pedestrians and vehicles. It was recommended that pedestrians should not walk along part of the western side of the B1027 as it would be too dangerous.

77. These factors resulted in the route proposed which NE believes is the safest route possible. It is nevertheless accepted that some work to cut back vegetation to improve visibility at the proposed crossing point of the B1027 (Section SCJ-5-S036RD) will be required and improvement and widening of the verge on the western side of the road to the south (Section SCJ-5-S037).

Appraisal

78. The proposed route of the England Coast Path (ECP) in this location would take a significant inland route to avoid excepted land on the western (seaward) side of the B1027 road, Flag Hill. A route closer to the water's edge is not practicable due to the extent of the excepted land and international wildlife considerations.

79. The professional road safety assessment is quite clear in its recommendation that pedestrians should not walk along at least part of the western side of the B1027 making the need for the road to be crossed twice inevitable. The crossing points proposed are the best available in the required vicinity and the improvements proposed should mitigate the potential danger.

Conclusion and Recommendation

80. Having regard to these and all other matters raised, I conclude that the proposals do not fail to strike a fair balance as a result of the matters within paragraph 3(3)(a) and (c) of Schedule 1A to the 1949 Act. I therefore recommend that the SoS makes a determination to this effect.

Barney Grimshaw

APPOINTED PERSON



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Date 7 October 2021

Marine and Coastal Access Act 2009

Objection by [REDACTED]

regarding coastal access proposals by Natural England relating to
the English Coast Path, Salcott to Jaywick, Essex

Objections Ref: MCA/Salcott to Jaywick/O/10**Route section SCJ-6-S058 FP**

- On 14 October 2020 Natural England (NE) submitted a Coastal Access Report to the Secretary of State for Environment, Food and Rural Affairs (the SoS) under section 51 of the National Parks and Access to the Countryside Act 1949 (the 1949 Act) for improved access along the Essex coast between Salcott to Jaywick, pursuant to the duty under section 296 of the Marine and Coastal Access Act 2009 (the 2009 Act).
- An objection, dated 26 October 2020, has been made by [REDACTED]. The land to which the objection relates is the section SCJ-6-S058 FP and spreading room seaward of this section.
- The objection is made under paragraph 3(3)(b) of Schedule 1A to the 1949 Act on the ground that the proposals fail to strike a fair balance as a result of the inclusion of proposals (in relation to an area subject to significant coastal erosion, encroachment by the sea or significant physical change due to other geomorphological processes) providing for the route to be determined in accordance with provision made in the proposals (rather than as shown on a map), or the nature of any such proposals.

Summary of Recommendation: That the SoS makes a determination that the proposals do not fail to strike a fair balance as a result of matters within paragraph 3(3)(b) of Schedule 1A to the 1949 Act specified in the objection.

Preliminary Matters

81. I made a site visit on Thursday 26 August 2021 accompanied by the objector and representatives of Natural England (NE) and Essex County Council.
82. Besides objections, representations may be made regarding NE's report. However, in assessing whether the proposals strike a fair balance, only those representations which are relevant to the matters specified in admissible objections should be considered. I have noted and taken account of all representations in so far as they are relevant to the objections.

Background

83. In discharging its duty to secure a route accessible to the public on foot or by ferry around the whole of the English coast, the English Coastal Route (ECR), NE must aim to strike a fair balance between the interests of the public and those of people having an interest in land affected by the route.
84. Section SCJ-6-S058 FP of the trail as proposed in the report prepared by NE would run along an existing public footpath which crosses gardens to the rear of properties on the south-west side of Point Clear Road.
85. The objection in this case is made on the grounds that a fair balance has not been struck as the land crossed by the route is unstable and subject to erosion which could endanger members of the public using the path. The objector is also concerned about the possible implications of the path needing to be 'rolled back' in the event of erosion occurring.

Main Issue

86. The main issue in this case is whether the proposals in the report fail, in the respect specified in the objection, to strike a fair balance as a result of matters within paragraph 3(3)(b) of Schedule 1A to the 1949 Act.

The Case for the Objector

87. The existing footpath runs across gardens close to a cliff which is collapsing as a result of works to the sea wall and shock waves from explosions at Shoeburyness Ministry of Defence establishment. This path should therefore be closed for public safety and not used as part of the ECR.

88. The objector is also concerned about the possible effect of future 'roll back' of the trail on his property.

The Case for NE

89. The proposed route of the ECR in this location would follow a well used and clearly marked public right of way which runs some distance from the edge of a low, vegetated, sloping cliff. There would not appear to be any immediate danger of collapse and the highway authority has not considered the closure of the right of way on safety grounds.

90. It is not envisaged that inclusion of the route as part of the ECR will result in any significant change with regard to the safety of the public.

91. Should any event occur in the future necessitating the closure of the existing path, the ECR would need to be 'rolled back' further inland. This would not encroach on the properties and their gardens on the south-west side of Point Clear Road which constitute excepted land for this purpose and the path would probably need to be re-routed to the existing footway on the south-west side of Point Clear Road.

Appraisal

92. The alleged effects of both works to the sea wall and activities at Shoeburyness are disputed by the appropriate authorities. The highway authority is satisfied that the existing footpath is safe for use by the public and there are no grounds for it to be closed.

93. This being the case, its use as part of the ECR is appropriate and, as indicated by NE, should the path need to be 'rolled back' in the future this is unlikely to have any adverse effect on the objector's property.

Conclusion and Recommendation

94. Having regard to these and all other matters raised, I conclude that the proposals do not fail to strike a fair balance as a result of the matters within paragraph 3(3)(b) of Schedule 1A to the 1949 Act. I therefore recommend that the SoS makes a determination to this effect.

Barney Grimshaw

APPOINTED PERSON