

# Proposed changes to the England Coast Path at

## Mill Creek, Newhaven, East Sussex

Natural England's Variation Report to the Secretary of State

Coastal Access Variation Report SEB VR16  
May 2022

### Part 1: Purpose of this report

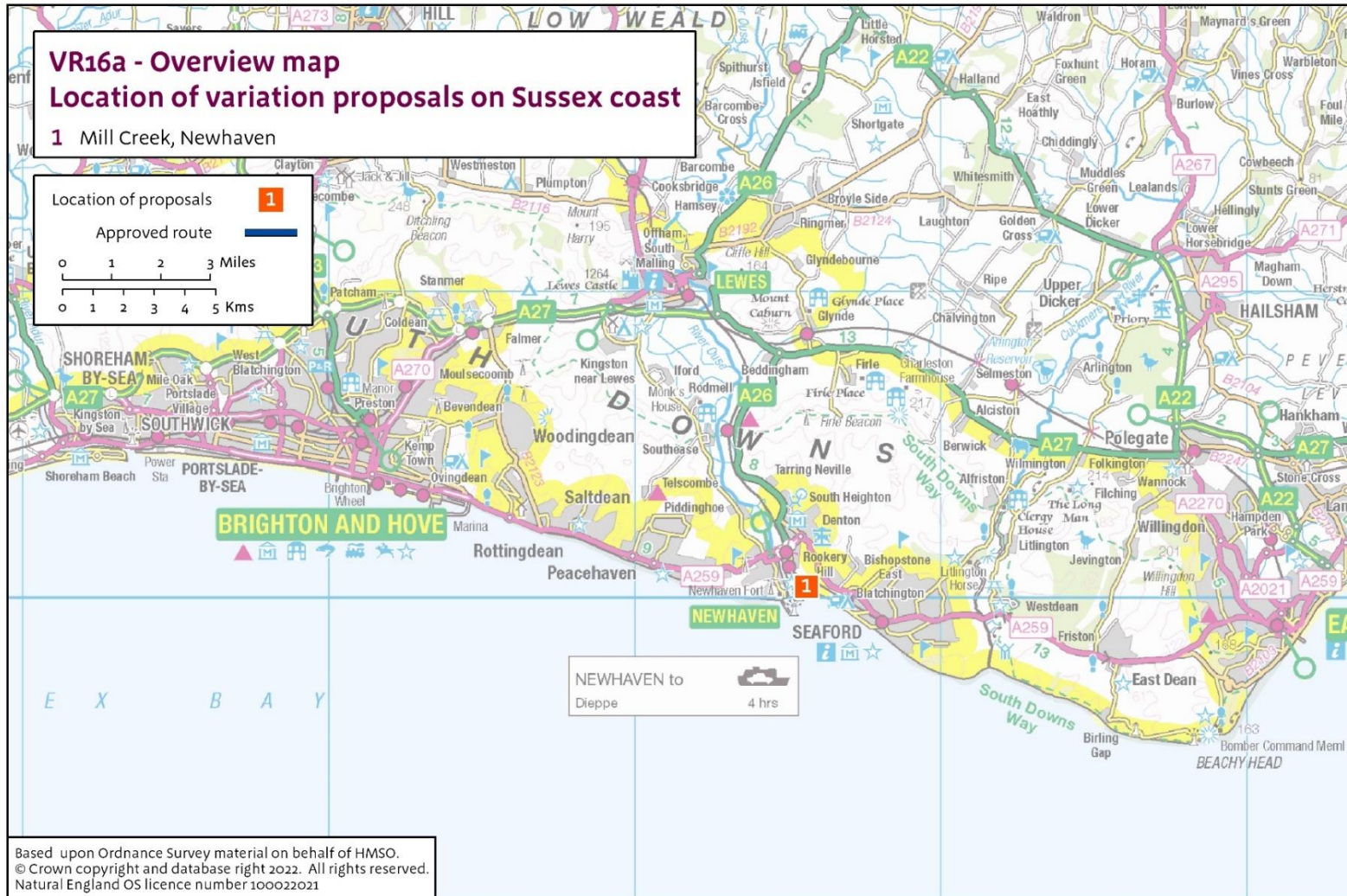
1.1 Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. The duty is in two parts: one relating to securing a long-distance walking route around the coast; the other to creating an associated “margin” of land for the public to enjoy, either in conjunction with their access along the route line, or otherwise.

1.2 On 19<sup>th</sup> December 2019 the Secretary of State approved Natural England's proposals relating to Shoreham by Sea to Eastbourne stretch which formed part of our proposals for the Shoreham-by-Sea to Eastbourne in East Sussex: [England Coast Path: Shoreham-by-Sea to Eastbourne - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/901855/shoreham-by-sea-eastbourne-overview.pdf). Whilst the proposals have been approved, Natural England and East Sussex County Council are currently working to prepare the trail for public use in summer 2022, and as such the coastal access rights for this stretch have yet to commence.

1.3 Since the approval of the report, it has become clear that a change is necessary to the route of the England Coast Path. This report contains Natural England's proposals relating to that change at Mill Creek, Newhaven, which is at the location shown on the Variation Location Map VR16a below.

1.4 In order for this proposed change to come into force it must be approved by the Secretary of State.

1.5 The original stretch [Overview](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/901855/shoreham-by-sea-eastbourne-overview.pdf) provides vital context to the proposal set out in this Variation Report: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/901855/shoreham-by-sea-eastbourne-overview.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/901855/shoreham-by-sea-eastbourne-overview.pdf)



## Part 2: Proposed variation at Mill Creek, Newhaven

**Start Point:** Grid reference: 545398 100580

**End Point:** Grid reference: 545464 100281

**Relevant Original Proposal Map: Map 3f Newhaven Harbour to Tide Mills**

### 2.1 Introduction

#### Reason for variation:

2.1.1 A new relief road for Newhaven Port (McKinlay Way) has recently been constructed over the approved route of the England Coast Path. As part of the road scheme, the public footpath used by the England Coast Path has been realigned eastwards, passing under a new road bridge over Mill Creek. This new public footpath then turns seawards on the east side of the new road to join the approved route by the coast.

#### Proposed variation:

2.1.2 The approved trail is aligned along a public footpath between Mill Creek and the coast, on land owned by Newhaven Port Authority, adjacent to some industrial units. See route sections EBC-3-S079 and EBC-3-S080 in Chapter 3 of the Shoreham-by-Sea to Eastbourne proposals: Longridge Avenue, Saltdean to Seaford Esplanade.

2.1.3 The variation route follows a realigned public footpath that mainly runs parallel to the approved trail, some 100m to the east.

2.1.4 As a consequence of these proposed changes, all land seaward of the trail would become part of the coastal margin. This would increase the size of the coastal margin in the area which would now include part of the relief road and surrounding flood plain.

2.1.5 The variation provides walkers for this section of the trail with a surfaced, level and wide footpath.

#### Considering the options:

2.1.6 We have worked closely with the access authority (East Sussex County Council) for this length of coast as well as the landowner, Newhaven Port Authority who are both supportive of the variation. We have also spoken to other interested parties and those organisations we are required to consult. Part 4 of the Overview explains the process that we follow in more detail.

2.1.7 The planning permission for the development in this area included plans for diverting the public footpath, on which the approved alignment ran. East Sussex County Council supported the plans. The public footpath is now open and offer a good surface for access between Mill Creek and the coast. No other options were considered in this area.

### 2.2 Proposals Narrative

#### The Trail:

2.2.1 The proposed variation to the approved trail:

- Follows an existing walked route, on a public right of way.

- Uses a recently created wide, compacted gravel surfaced path which provides flat and easy access across the floodplain.
- Extends for a length of 368 metres at a maximum of 116 metres landward of the approved route.

### **Protection of the environment:**

2.2.2 The section of trail affected by this variation passes adjacent to Mill Creek and through an area of flood plain grassland. Following the road development much of the surrounding area is still bare ground. There are no national or international nature conservation or heritage designations present in this area.

2.2.3 Natural England is satisfied that the proposals for coastal access in this variation report are made in accordance with relevant environmental protection legislation.

### **Accessibility:**

2.2.4 The trail will follow a flat, wide public footpath with a compacted gravel surface, with no obvious barriers to access and offers an improved surface to the approved route.

### **Where we have proposed exercising statutory discretions:**

2.2.5 **Landward boundary of the coastal margin:** We have used our discretion to map the landward extent of the coastal margin to an adjacent physical boundary, to make the extent of the new access rights clearer. See Table 2.3.1 below.

2.2.6 The Proposals Tables show where we are proposing to alter the default landward boundary of the coastal margin. These proposals are set out in columns 5b and 5c of table 2.3.1.

**See part 3 of the Overview to the original report - ‘Understanding the proposals and accompanying maps’, for an explanation of the default extent of the coastal margin and how we may use our discretion to adjust the margin, either to add land or to provide clarity.**

2.2.7 **Restrictions and/or exclusions:** Access rights to the seaward margin would be subject to the excepted land rules and the national restrictions on coastal access rights. We do not propose any additional local restrictions or exclusions.

2.2.8 **Coastal erosion:** Natural England is able to propose that the route of the trail would be able to change in the future, without further approval from the Secretary of State, in response to coastal change. This would happen in accordance with the criteria and procedures for ‘roll-back’ set out in part 7 of the Overview.

Natural England may only propose the use of this roll-back power:

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

2.2.9 Column 4 of tables 2.3.1 and 2.3.2 indicates where the roll-back power has been proposed in relation to a newly proposed route section. Where this is the case, the route, as initially determined at the

time this report was prepared, is to be at the centre of the line shown on Map VR16b - Mill Creek, Newhaven, as the proposed route of the trail.

2.2.10 If at any time in the future any part of a route section upon which roll-back has been specified needs, in Natural England's view, to change in order for the overall route to remain viable, the new route for the part in question will be determined by Natural England without further reference to the Secretary of State. This will be done in accordance with the criteria and procedures described under the title 'Roll-back' in part 9 of the Overview and section 4.10 of the Coastal Access Scheme. If this happens, the new route will become the approved route for that section for the purposes of the Order which determines where coastal access rights apply.

### **Establishment of the trail:**

2.2.11 Below we summarise how our proposed route for the repositioned part of the trail would be physically established to make it ready for public use before any new rights come into force along it.

2.2.12 There are no costs associated with establishing the route as East Sussex County Council has temporarily waymarked this new public right of way as the England Coast Path, due to the loss of the approved route.

### **Maintenance of the trail:**

2.2.13 Ongoing maintenance of the varied sections of trail would be necessary from time to time. This variation would make no significant change to the annual costs associated with maintaining the approved route as set out in our original reports.



## Part 2.3: Proposals Tables

See Part 3 of Overview for guidance on reading and understanding the tables below

**Table 2.3.1: Map VR16b - Mill Creek, Newhaven**

Key notes on table:

1. Column 4 – ‘No’ means no roll-back is proposed for this route section. ‘Yes – normal’ means roll-back is proposed and is likely to follow the current feature (e.g. cliff edge/beach) for the foreseeable future as any coastal change occurs.
2. Column 4 – ‘Yes – see table 2.3.2 means roll-back is proposed, but refer to that table below about our likely approach to implementing it for this route section. This is because a more complex situation exists in this case and consideration must be given to how roll-back may happen in relation to excepted land, a protected site etc.
3. Column 5a - Certain coastal land types are included automatically in the coastal margin where they fall landward of the trail if they touch it at some point. The relevant land type (foreshore, cliff, bank, barrier, dune, beach, flat or section 15 land – see Glossary in Annex B to the 2017 Overview) is shown in this column where appropriate. “No” means none present on this route section.
4. Columns 5b and 5c – Any entry in these columns means we are proposing to align the landward boundary of the coastal margin on this route section with the physical feature(s) shown in 5b, for the reason in 5c. No text here means that for this route section the landward edge of the margin would be that of the trail itself - or if any default coastal land type is shown in 5a, that would be its landward boundary instead.

1	2	3	4	5a	5b	5c	6
Map(s)	New route section number(s)	Current status of route section(s)	Roll-back proposed? (See part 8 of 2017 report Overview)	Landward margin contains coastal land type?	Proposal to specify landward boundary of margin	Reason for landward boundary proposal	Explanatory notes
Map VR16b	SEB-VR16-S001	Public footpath	Yes – see table 2.3.2	Yes - bank			Landward coastal margin is landward edge of the bank by default
	SEB-VR16-S002	Public footpath	Yes – see table 2.3.2	No	Landward edge of footpath	Clarity and cohesion	

### 2.3.2 Roll-back implementation – more complex situations: Map VR16 - Mill Creek, Newhaven

Map(s)	New route section number(s)	Feature(s) or site(s) potentially affected	Our likely approach to roll-back
Map VR16b	SEB-VR16-S001 to SEB-VR16-S002	Mill Creek	If it is no longer possible to find a viable route seaward of Mill Creek, due to the predicted long term narrowing of the Seaford Bay beach frontage, we will choose a new route after detailed discussions with all relevant interests, to pass somewhere on the landward side of it. In reaching this judgement we will have full regard to the need to seek a fair balance between the interests of potentially affected owners and occupiers and those of the public

