

# Coastal Access Modification Report EBC-MR1

## Proposed withdrawal of part of Coastal Access Report EBC 7

Area affected: Vicinity of Rye and the Rother Estuary, East Sussex

Natural England's Modification Report to the Secretary of State

August 2022

### Purpose of this report

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.
2. On 27 February 2020, Natural England submitted its report EBC 7 to the Secretary of State for the Environment, Food and Rural Affairs, setting out proposals for improved access to the coast from Winchelsea Beach to Camber Sands. Accompanying that report was an Overview document for the entire stretch of coast between Eastbourne and Camber Sands, of which this length formed a part. Our report proposals for lengths EBC 1 to EBC 6 for this stretch of coast have already been approved by the Secretary of State. The proposals for the final length (EBC 7, the subject of this Modification Report) remain to be determined. New public rights of access have yet to commence anywhere on the stretch, the extent of which can be seen on Map 1.
3. In report EBC 7 and the associated Overview document, Natural England concluded that it should not propose a route for the England Coast Path (ECP) around the Rother Estuary which leads up to the first public crossing point at Rye. Instead, only a partial route for the west bank of the river was proposed. The decision not to propose a continuous estuary route was taken because of a specific issue at Harbour Road near Brede Sluice in Rye, at the junction with the A259 New Winchelsea Road. The location of this junction in Rye is shown by the red circle on Map 2. At the time the original report was published, that junction was considered to present significant road safety issues that ruled out its use by the ECP.
4. Since there was no way for the ECP to continue through Rye without using this junction, the conclusion in report EBC 7 and the Overview document was that a continuous route for the Rother Estuary could not currently be provided, and accordingly (since there is no ferry

crossing over the River Rother) that there should be a break in the continuity of the ECP at this point.

5. The Coastal Access Scheme (the methodology for the national ECP delivery programme) emphasises the desirability for a continuous route around the English coast. Therefore, both report EBC 7 and the associated Overview document undertook that Natural England would reconsider the question of whether this break in continuity could be resolved by means of a route through Rye, if at any point in the future it was considered that a safe crossing point for the ECP could in fact be provided in this area. Fresh analysis of the position in liaison with National Highways has now concluded that with suitable design improvements, it would be possible for ECP users to make a safe crossing at the Rye location in question.

6. Accordingly Natural England now intends to conduct a fresh alignment exercise to assess the feasibility of a continuous route that avoids the need for a break in the path at the Rother Estuary. Once the situation has been reappraised in discussion with key interests, including any potentially affected legal interests in land, Natural England intends to submit a new coastal access report in due course for this part of the original length (to be renamed length EBC 8). In developing these new proposals, Natural England will review as necessary any relevant parts of the original Habitats Regulations Assessment for the stretch.

## **Proposed modification for approval**

7. For the reasons given under “Purpose of this report” (above), Natural England now wishes to withdraw all parts of its original coastal access report for length EBC 7 (Winchelsea Beach to Camber Sands) that relate to any part of the length that falls between points A and B on Map 2.

8. This Modification Report therefore proposes that all references, proposals, depictions and conclusions contained in report EBC 7 and the associated Overview document should be disregarded by the Secretary of State for determination purposes, to the extent that they relate to any part of length EBC 7 which (coming from its Winchelsea Beach end) lies beyond Point A on Map 2, up to the end of the length at Point B.

9. Specifically, Natural England is now withdrawing by means of this Modification Report:

- a. the original conclusion that a full estuary route around the River Rother is not currently achievable;
- b. the proposals for route sections EBC-7-S008 to S011 on the west side of the River Rother, and the inclusion of areas of coastal margin landward of most of those route sections (see Table 7.3.1 of report EBC 7)<sup>1</sup>;
- c. the proposals under section 25A of the Countryside and Rights of Way Act 2000 for the exclusion of public access rights over the areas of salt marsh or mud flat lying seaward of route sections EBC-7-S008 to S011 on the west side of the River Rother;

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<sup>1</sup> Default landward margin was originally included for route sections EBC-7-S008, S010 and S011 (the land in question being “bank”), but not for route section EBC-7-S009.

and

- d. the proposals for route sections EBC-7-S012 to S025 to the east of the River Rother, and the depiction of areas of coastal margin landward of those route sections (which had originally been so depicted for the reasons given in Table 7.3.1 of report EBC 7).

10. Map 3 shows the reduced extent of the section 25A exclusion proposal referred to in paragraph 9(c) above, to reflect the withdrawal of the route proposal for sections EBC-7-S008 to S011.

11. The proposals in the original report and Overview document that relate to the parts of length EBC 7 up to Point A on Map 2 (the area between Winchelsea Beach and Rye Harbour Car Park - route sections EBC-7-S001 to S007) are not being withdrawn. These proposals remain to be considered for determination by the Secretary of State at the appropriate time, taking account of any objections or representations already received that are relevant to those proposals.

## Consultation issues

12. In accordance with the requirements of the governing legislation, we have:

- consulted the county and district council about our intention to withdraw the original EBC 7 report proposals to the extent set out in this Modification Report,
- given notice of its publication to the other required individuals and bodies, and
- advertised its publication locally and online.

13. When we begin the process of considering what our proposals should be for the new length 8, we will take the normal consultative steps outlined at Stages 1 and 2 of the Coastal Access Scheme and summarised on pages 15 and 16 of the original Overview for this stretch.

14. Once a fresh coastal access report for what will become new length EBC 8 is published in due course, there will be another window for any objections by affected owners or occupiers, and for representations on Natural England's proposals by any person. These will then fall to be determined by the Secretary of State in the usual way.

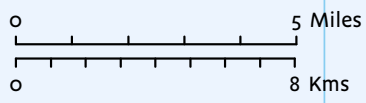
## Cost implications of this Modification Report

15. When the new coastal access report is published in due course, making fresh proposals for what will become length EBC 8, it will contain an estimate of the initial establishment costs and annual maintenance costs associated with the proposals, as required by the national trails legislation. Those new costs will be offset to a small extent by a reduction in the costs of that type originally estimated for length EBC 7. It is estimated that reducing the length of EBC 7 as proposed in this Modification Report will save £2,400 from the cost of establishment works, and £500 in annual maintenance costs, for the shortened length EBC 7.



**EBC-MR1**  
**Map 1 - Location of modification proposals**

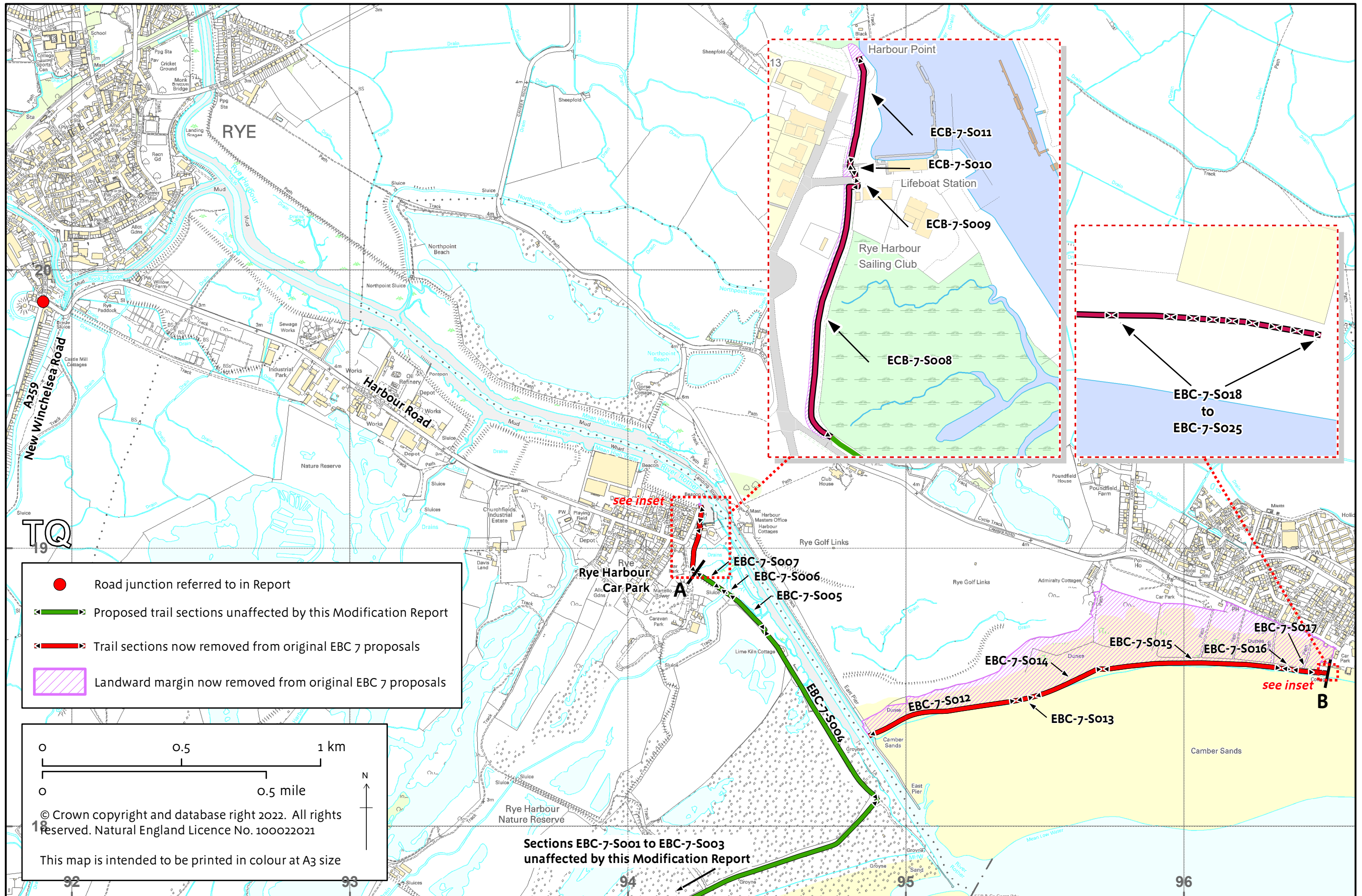
- Extent of length EBC 7
- EBC 7 proposals affected by this Modification Report
- EBC 7 proposals unaffected by this Modification Report
- Approved route lengths EBC1 - EBC 6



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**Map 2 - The original EBC 7 proposals are withdrawn for the area beyond Point A as far as Point B**



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Map 3 - Reduced extent of EBC 7 section 25A exclusion proposals

