



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

by [redacted] BSc(Hons) DipTP DMS MA MRTPI

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

Date 11 August 2025

Marine and Coastal Access Act 2009

Objection by [redacted] of Langrish Farmers

Regarding Coastal Access Proposals by Natural England

Relating to Rye Harbour to Camber Sands

Site visit made on 27 May 2025

File Ref: MCA/EBC/01

Objection Reference: MCA/EBC/01

Rye Harbour to Camber Sands

- On 31 July 2024 Natural England submitted Coastal Access Reports to the Secretary of State for Environment, Food and Rural Affairs setting out proposals for improved access to the coast between Rye Harbour and Camber Sands under section 51 of the National Parks and Access to the Countryside Act 1949 pursuant to its duty under section 296(1) of the Marine and Coastal Access Act 2009.
- The objections concern Natural England's Report EBC 8 for land between Rye Harbour and Camber Sands. The land in the Report to which the objection relates is specifically route section EBC-8-S023, as shown on Map EBC 8b.
- The objection is made under paragraphs 3(3) (a), (c), (d) and (e) of Schedule 1A to the 1949 Act on the grounds that the proposal fails to strike a fair balance in such respects as set out in the objection.

Summary of Recommendation: I recommend that the Secretary of State makes a determination that the proposals set out in Report EBC 8, in respect to the trail section EBC-8-S023, do not fail to strike a fair balance in respect to the objections considered herein.

Preliminary Matters

1. On 31 July 2024 Natural England (NE) submitted a Coastal Access Report to the Secretary of State setting out proposals for improved access to the coast between Rye Harbour and Camber Sands - Report EBC 8 (the Report). The period for making formal representations and objections to the reports closed on 25 September 2024. I have been appointed to report to the Secretary of State on the objections.
2. There are other admissible objections to the Report concerning improved access to the coast between Rye Harbour and Camber Sands. While they all relate to the Report, they concern different route sections and, as such I have considered it expedient to address them separately in other reports to the Secretary of State. I would note, nonetheless, that one of my other reports concerns an adjoining section of the proposed trail.
3. I conducted a site inspection on 27 May 2025. I was accompanied by [redacted] and representatives of NE.

Main Issues

4. The coastal access duty arises under section 296 of the Marine and Coastal Access Act 2009 (2009 Act) and requires NE and the Secretary of State to exercise their relevant functions to secure two objectives.
5. The first objective is to secure a route for the whole of the English coast which:
 - (a) consists of one or more long-distance routes along which the public are enabled to make recreational journeys on foot or by ferry, and
 - (b) (except for the extent that it is completed by ferry) passes over land which is accessible to the public.

This is referred to in the 2009 Act as the English coastal route and is now known as the King Charles III England Coast Path. For ease of reference, it is referred to as 'the trail' or 'the England Coast Path' in this report.

6. The second objective is that, in association with the England Coast Path, a margin of land along the length of the English coast is accessible to the public for the purposes of its enjoyment by them in conjunction with the coastal route or otherwise. This is referred to as the coastal margin.
7. Section 297 of the 2009 Act provides that in discharging the coastal access duty NE and the Secretary of State must have regard to:
 - (a) The safety and convenience of those using the trail,
 - (b) The desirability of that route adhering to the periphery of the coast and providing views of the sea, and
 - (c) The desirability of ensuring that so far as reasonably practicable interruptions to that route are kept to a minimum.
8. They must also aim to strike a fair balance between the interests of the public in having rights of access over land and the interests of any person with a relevant interest in the land.
9. Section 301 of the 2009 Act applies to river estuaries and states that NE may exercise its functions as if the references to the sea included the relevant upstream waters of a river.
10. NE's Approved Scheme 2013, as approved by the Secretary of State on 9 July 2013, (the Scheme) is the methodology for implementation of the England Coast Path and associated coastal margin. It forms the basis of the proposals of NE within the Report.
11. My role is to consider whether or not a fair balance has been struck. I shall make a recommendation to the Secretary of State accordingly.

The Coastal Route

12. Forming part of the England Coast Path between Eastbourne and Camber, the length of path under consideration is contained within Report EBC 8: Rye Harbour to Camber Sands. The objection relates to route section EBC-8-S023, as shown on Map EBC 8b. The section in question is referred to as 'S023' henceforth.
13. Along S023 the proposed trail would follow an existing permissive footpath. It forms part of a longer stretch of the proposed route between sections EBC-8-S013 and EBC-8-S025, as shown on Maps EBC 8a and EBC 8b, that runs inland following an existing nature trail through Rye Harbour Nature Reserve (the Nature Reserve).
14. Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI), Rye Harbour SSSI, Dungeness, Romney Marsh and Rye Bay Ramsar, Dungeness, Romney Marsh and Rye Bay Special Protection Area, Dungeness Special Area of Conservation and the Nature Reserve all extend southward of S023.
15. No roll-back is proposed associated with S023.

16. Along S023 there are no coastal land types present landward of the trail. It is proposed to specify the edge of the tram bank as the landward boundary of the margin for clarity and cohesion.
17. Access to the saltmarsh/flat in the coastal margin seaward of trail sections EBC-8-S001 to EBC-8-S091, which includes S023, is proposed to be excluded all year round by direction under Section 25A of the Countryside and Rights of Way Act 2000 as this land is unsuitable for public access. The mudflat is soft and sinking, does not provide a safe walking surface and is subject to frequent tidal inundation. The exclusion would not affect the trail itself here, nor would it have legal effect on land where coastal access rights do not apply.

The Objections

18. The objector owns and occupies the land that S023 crosses. He says that the path from the Rye Harbour Road at Brede Sluice begins as a public footpath, which was alongside the old railway line to Rye Harbour. He adds that this footpath ends after some 250m and should not exist as it does not appear on the Icklesham Parish Definitive Map. The objector explains that he allowed a permissive path to continue along the route of the old railway line to the boundary with the Nature Reserve.
19. The land to the north between the path and the Rye Harbour Road has, he says, been illegally developed. He adds that there are issues with fly tipping and livestock worrying from that land. The objector would not want to allow access to the path from that land and states that if free access is allowed, he would close the permissive path.
20. The objector states that, if common sense prevails and no access rights are granted, then he would be happy for the path to go ahead. He adds that there is a good path along the Rye Harbour Road.

Representations

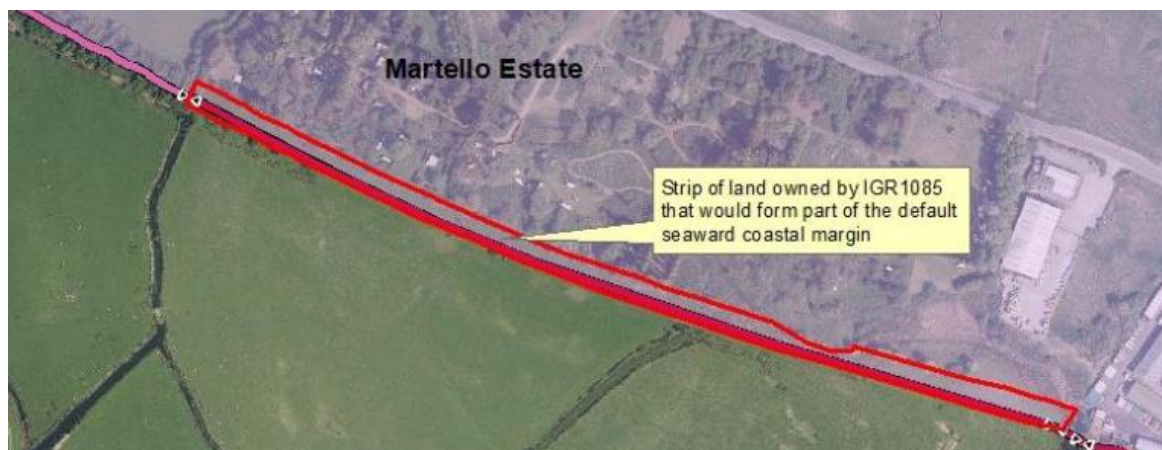
21. The Ramblers support the proposals for Rye Harbour to Camber Sands, adding that the route aligns very closely with that proposed by them in 2017, in an advisory report to NE. Ramblers consider the basic principles of the Scheme, chapter 4, have been met. They also agree with NE's explanations and reasons for their final choice of route.
22. The Rights of Way & Countryside Team at East Sussex County Council manages the public rights of way network in the County and is also Access Authority for the area. Additionally, the Team manages Camber Sands SSSI and the County Council is freehold owner of that site. The Team supports the recommendations made in the Report and the proposed improvements to public access.
23. Sussex Wildlife Trust is broadly supportive of the proposals at large and welcomes the new secure statutory rights of public access to most areas of beach and other coastal land on this stretch of coast, and a safe and continuous promoted pedestrian route linking Rye Harbour, Rye and Camber. It notes the consideration of potential environmental impacts of improving public access to this stretch of coast, and the adjustments to the proposals prior to publication in order to address these.

24. The Trust likes the proposed alignment through the Nature Reserve. It adds that the nature trail is uneven and narrow in places and highlight the potential use of an alternative accessible option along the shared cycle/pedestrian route that runs alongside Harbour Road, north of the Nature Reserve.
25. The Trust asks:
- For clarification regarding a plan and responsibility for the delivery of the surface improvements, waymarking signage and new advisory signs at the Nature Reserve;
 - If a proposed timeframe has been established;
 - What is covered by the proposed budget for project management; and
 - Whether a plan has been established for the delivery of maintenance works for the trail within the Nature Reserve, and what the scope of the maintenance works will be.
26. The South East England Coast Path Local Trail Partnership is responsible for maintaining and improving the opened stretches of the trail between the London Borough of Bexley and Brighton. It welcomes and supports the proposals detailed in the Report and looks forward to working with NE and local stakeholders to manage the trail, once access rights have commenced along this section of coast. It has requested that NE continues to engage with the Partnership and provide updates on the development of the Rye to Camber section, including clarifying maintenance responsibilities for infrastructure and mitigation features along the route.

Natural England's Response to the Objections

Anti-social behaviour

27. The proposed route on the objector's land is a some 630m long permissive path that runs along a raised bank, through a large, grazed field. This licensed footpath is part of a popular existing nature trail, promoted by Sussex Wildlife Trust: Camber Castle, and was until recently also promoted by the County Council as part of another Camber Castle circular walk.
28. NE maintains that there is a some 10m wide strip of the field between the proposed route and the adjacent land holding to the north, the Martello Estate, referred to in the objection as the 'illegal development'. Currently the boundary between the two land holdings is made up of scrub and fencing, with some gates evident between the objector's land and the Martello Estate.



If the Secretary of State approves the proposals, NE says that this strip of land would form part of the default seaward coastal margin that is created between the trail and the sea, hosting new coastal access rights (see the image at the bottom of the previous page).

29. NE welcomes the objector's support for the trail alignment and understand that the main objection relates to concern that new coastal access rights on this strip of margin would facilitate / increase access to his land for 'nefarious' purposes such as fly tipping and livestock worrying. While on-foot recreational access onto the objector's land would become lawful from the Martello Estate, NE does not propose to facilitate this, for instance via the provision of gates, nor does NE have any evidence that the presence of coastal access rights brings about or increases these types of illegal activities. In its view the vast majority of visitors to coastal access land are law abiding citizens. NE also suggests that increased footfall along this proposed trail, resulting from promotion of the England Coast Path, may create a further deterrent to existing illegal activities.
30. The objector calls for no new access rights between the trail and the Martello Estate. NE says it always considers the need to manage coastal access rights in the coastal margin if concerns are raised about impacts on its management. In deciding on any measures to restrict coastal access rights it says that it always adopts the least restrictive approach (Section 6.3 of the Scheme) that will strike an appropriate balance. In this instance, NE does not anticipate that significant numbers of people would access the strip of coastal margin between the trail and the Martello Estate. It also considers that those using the land for open-air recreation would be unlikely to have an adverse impact on the grazing here.
31. NE is limited to restricting those activities included in the coastal access rights (i.e. open-air recreation on foot), as highlighted in para 6.6.2 of the Scheme. NE considers that the illegal activities mentioned are best addressed by the police and would not constitute a reason for excluding coastal access rights to law-abiding citizens. Additional measures can be provided by NE to help encourage and publicise responsible behaviour along this section of the trail and in the coastal margin. Countryside Code signs could be provided to highlight to visitors the importance of keeping to the marked path, keeping dogs under control and giving livestock plenty of space - helping foster a wider awareness of responsible behaviour in the countryside.
32. NE states that the legislation does not take land away from landowners or interfere with their freedom to manage it. Landowners maintain full control to manage their land as they see fit. The legislation does allow for spreading room to the seaward side of the path, but it does not pass control of this land, or responsibility for it, to NE or the access authority. There is no expectation that this wider corridor should be managed to facilitate public access, consistent with Section 5.2.4 of the Scheme. The objector would therefore be at liberty to manage his field boundaries, as necessary.

Harbour Road alternative

33. NE says that aside from the concerns raised above relating to anti-social behaviours, the objector supports the trail alignment along the raised permissive path, but highlights that there is a good path along Harbour Road.

34. NE considered an option to follow a pedestrian route along Harbour Road. As outlined in the Report (Table 8.3.2 Other options considered), it opted for the more direct route through the Nature Reserve as this alignment is off-road and avoids one mile of road walking alongside often heavy vehicle use and past industrial estates. As part of its proposals, NE also says that it aimed to improve the path through the Sussex Wildlife Trust owned land, to create a better alternative to walking on Harbour Road and an improved walking experience for visitors to enjoy the open views and wildlife interest of the Nature Reserve, and to explore it further.
35. NE adds that it is also working to minimise barriers to access for all users by making the trail as easy to use as it reasonably can for disabled people and others with reduced mobility. This includes providing additional signage at each end of the route through the Nature Reserve to alert users to an alternative pavement option at Harbour Road if they prefer this.
36. NE also refers to the alignment proposal being supported by the County Council, the Ramblers and Sussex Wildlife Trust. It adds that during the consultation with stakeholders there was popular support for the trail to be aligned through the Nature Reserve as it is already well used. If the alternative route along the road were to be adopted, NE states that visitors would be likely to continue to use the permissive path through the Nature Reserve if it remained permissive.

Status of the path

37. NE says it has queried the status of the path that branches south-east off the proposed England Coast Path alignment at the junction of S023 and section EBC-8-S024, which it says the objector refers to as not appearing on Icklesham Parish Definitive Map, with the County Council's Rights of Way Team. The County Council has confirmed that this path, which only extends some 280m to a parish boundary, is a public right of way and is marked as such on its interactive public rights of way map: RYE/8/1.
38. The Coastal Access rights associated with the trail provide for pedestrian access along the line of the trail in perpetuity, this would secure long term access and would remove the need for any access agreement between the objector and the County Council.

Analysis and Conclusion

39. The objector's concerns in respect to antisocial behaviour appear to be firmly associated with the Martello Estate located to the north of the proposed trail, beyond a some 10m wide strip of land, as shown in the image on page 5 above. That land would have new coastal access rights as it would be part of the default seaward coastal margin. Consequently, on-foot recreational access onto the objector's land would become lawful from the Martello Estate.
40. Nonetheless, the evidence indicates that this is already occurring without the existence of such rights. There are no proposals to facilitate it, such as the installation of gates, and the objector would be at liberty to manage his field boundaries as necessary, including those adjacent to the Martello Estate. Accordingly, there is no good reason to believe that the introduction of the trail here, as proposed, would have any effect on access to and from the Martello

Estate involving the intervening land to the north of S023. In turn, there is also no sound basis to conclude that there would be any negative effects in terms of antisocial behaviour resulting from the scheme as proposed.

41. Indeed, further use of the way is likely to be by people who are primarily engaged in enjoying the countryside and coast as a form of tranquil recreation. Such additional use is, therefore, likely to lead to greater natural surveillance of the trail and the surrounding land. On this basis, if anything, the proposals are more likely to have a positive rather than a negative effect on antisocial behaviour.
42. Furthermore, as NE has identified, if the existing antisocial behaviour persists, it would be best addressed by the police and would not constitute a reason for excluding coastal access rights to law-abiding citizens. NE has also helpfully set out additional measures it might provide to encourage responsible behaviour by trail users.
43. Although the objector appears to support the proposed trail alignment at S023, along what is currently a permissive path, he makes reference to the path along Harbour Road as a potential alternative. NE has considered alternatives as set out in the Report and concluded that the proposed route is preferable for the reasons set out therein. I have found no good reason to disagree in respect to this part of the proposed trail. I also note that the Ramblers agree with NE's reasons for the final choice of route bearing in mind the alternatives considered. The alignment is also supported by the County Council and Sussex Wildlife Trust.
44. The adjoining section of the proposed route, EBC-8-S024, is a public footpath as identified in the Report. It links with the existing permissive footpath, which is proposed to be used for S023. The status of both of these existing footpaths appears to be unambiguous. Their status and that of the other public footpath that extends to the south-east but which does not form part of the proposed trail are clearly not a sound basis on which to object to the proposals.

Recommendation

45. Having regard to these and to all other matters raised, I conclude that the proposals do not fail to strike a fair balance as a result of the matters raised in the objections. I therefore recommend that the Secretary of State makes a determination to this effect.

[redacted]

APPOINTED PERSON

ANNEX A: INFORMATION TO INFORM THE SECRETARY OF STATE'S HABITATS REGULATIONS ASSESSMENT

Introduction

1. The Conservation of Habitats and Species Regulations 2017 (as amended) requires that where a plan or project is likely to have a significant effect on a European site, such as the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), either alone or in combination with other plans or projects, and where the plan or project is not directly connected with or necessary to the management of the European site, a competent authority (the Secretary of State in this instance) is required to make an appropriate assessment of the implications of that plan or project on the integrity of the European site in view of the site's conservation objectives.

Project Location

2. The proposed section of path in question forms part of the England Coast Path between Eastbourne and Camber. In terms of the objections considered here, EBC-8-S023 is the relevant section, as shown on Map EBC 8b. It is referred to as 'S023' henceforth.
3. S023 is in proximity to the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site, and the Dungeness Special Area of Conservation (SAC).
4. The Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site are located between Hythe in Kent and Norman's Bay in East Sussex. Between Eastbourne and Camber there are extensive coastal shingle beaches and sand dunes across an area of intertidal mud and sand flats. Open water habitats, including gravel pits, the canal, reservoirs and ditch systems are important habitats for birds, along with terrestrial habitats that include damp grassland, grazing marsh, reedbeds and adjoining fields. Saltmarsh and other intertidal habitats are also important. As a whole, the Bay is important for breeding, wintering and passage birds, wetland plants, bryophytes and invertebrates. In addition to the internationally important wetland habitats and species, the Ramsar site and adjacent areas are also of national and international importance for a variety of non-wetland habitats and species.
5. The Dungeness SAC is the UK's largest shingle structure. It includes the vast sand and shingle beaches of the Dungeness foreland with the flat marshland between Hythe in Kent and Pett in Sussex. This area contains a wealth of wildlife and geomorphological features.

Habitats Regulations Assessment Implications of the Project

6. S023, as part of the England Coast Path between Eastbourne and Camber, would increase access to this area for recreational activities, including by walkers and those accompanied by dogs, whose presence have the potential to affect the SPA, the Ramsar site and the SAC, as does disturbance by construction activities necessary for the physical establishment of the path and access management infrastructure. The qualifying features of these designated sites are:
 - Breeding Birds (Little tern, Sandwich tern, Avocet, Common tern, Marsh Harrier, Mediterranean gull);

- Non-breeding birds (Aquatic warbler, Bewick's Swan, Golden Plover, Hen Harrier, Bittern, Mute swan, Ruff, Shoveler, waterbird assemblage);
 - Marsh mallow moth;
 - Vegetated shingle and natural shingle wetlands (Annual vegetation of drift lines, Perennial vegetation of stony banks, Annual vegetation of sand, shingle and pebble shores, Natural shingle wetlands);
 - Vulnerable, endangered, or critically endangered species (DeFolin's lagoon snail, Greater water-parsnip, Great crested newt, Ground beetle, Medicinal leech, Warne's thread-moss, water vole);
 - Wetland bryophyte assemblage; and
 - Wetland plant and invertebrate assemblages.
7. In 2024 Natural England (NE) undertook a shadow Habitats Regulation Assessment of the Eastbourne to Camber proposals for the England Coast Path. Henceforth, it is referred to as the 'sHRA'.
 8. The sHRA provides the information to inform the Competent Authority's appropriate assessment, in accordance with the assessment and review provisions of the Habitats Regulations. The sHRA is recorded separately in the suite of reports. It considered the potential impacts of the coastal access proposals on the designated sites identified above as well as others which are distant from S023, including likely significant effects.
 9. Initial screening set out that as the plan or project is not either directly connected or necessary to the management of all of the European sites' qualifying features, a Habitats Regulation Assessment was required. The overall Screening Decision found that the plan or project at large would be likely to, or may, have significant effects on some or all of the qualifying features of the European Sites alone in the absence of mitigation measures. Accordingly, the sHRA considered the potential for the project to give rise to Adverse Effects on the Integrity (AEol) of the designated sites.
 10. 'Risk of significant effects alone' are assessed in C2.1 of the sHRA. Its Table 5 (pages 16 to 23) identifies the sites and qualifying features for which significant effects, 'alone' only, would be likely or could not be excluded beyond reasonable scientific doubt. The conclusions on likely significant effects of the plan or project alone on the qualifying features, likely and unlikely, are set out on its page 24.
 11. 'Risk of significant effects in-combination' are assessed in C2.2. Further to the risks identified as being significant alone, no other residual and appreciable risks were found to be likely to arise from this project which have the potential to act in-combination with similar risks from other proposed plans or projects to also become significant. Therefore, in-combination risk has been excluded, but further appropriate assessment of the project 'alone' was required.
 12. The assessment of AEol for the project alone takes account of measures to avoid or reduce effects incorporated into the design of the access proposal, as set out in D3.3 (page 38-41). The assessment, which covers the entire length of the England Coast Path proposed between Rye Harbour and Camber Sands, not just S023, identifies that the measures incorporated into the design of the

scheme are sufficient to ensure no AEol in light of the sites' conservation. No residual effects were found.

13. In sections D4 and D5 of the sHRA (page 42), it is concluded that the access proposal, taking into account any incorporated avoidance and mitigation measures, would not have an adverse effect on the integrity of Dungeness SAC and Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site either alone or in combination with other plans and projects.
14. Part E of the sHRA sets out that NE is satisfied that the proposals to improve access to the English coast between Rye Harbour and Camber Sands, including S023, are fully compatible with the relevant European site conservation objectives. NE's general approach to ensuring the protection of sensitive nature conservation features is set out in section 4.9 of the Scheme. To ensure appropriate separation of duties within NE, the assessment conclusions are certified by both the person developing the access proposal and the person responsible for protected sites. Taking these matters into account, reliance can be placed on the conclusions reached in the sHRA that the proposals would not adversely affect the integrity of the relevant European sites. It is noted that, if minded to modify the proposals, further assessment may be needed.

Nature Conservation Assessment

15. Although not forming part of the sHRA, NE has also undertaken a Nature Conservation Assessment, which should be read alongside the sHRA. The Nature Conservation Assessment covers matters relating to Sites of Special Scientific Interest (SSSI), Marine Conservation Zones and undesignated but locally important sites and features, which are not already addressed in the sHRA. Relevant to S023 are Dungeness, Romney Marsh and Rye Bay SSSI, Rye Harbour SSSI, common lizard and badgers.
16. NE was satisfied that the proposals to improve access to the English coast between Rye Harbour and Camber Sands, including to S023, were fully compatible with its duty to further the conservation and enhancement of the notified feature of Dungeness, Romney Marsh and Rye Bay SSSI and Rye Harbour SSSI consistent with the proper exercise of their functions.
17. In respect to the common lizard and badgers, NE concludes that the appropriate balance has been struck between its conservation and access objectives, duties and purposes.

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

by [redacted] BSc(Hons) DipTP DMS MA MRTPI

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

Date 11 August 2025

Marine and Coastal Access Act 2009

Objection by [redacted] of Langrish Farmers

Regarding Coastal Access Proposals by Natural England

Relating to Rye Harbour to Camber Sands

Objection Reference: MCA/EBC/02

Rye Harbour to Camber Sands

- On 31 July 2024 Natural England submitted Coastal Access Reports to the Secretary of State for Environment, Food and Rural Affairs setting out proposals for improved access to the coast between Rye Harbour and Camber Sands under section 51 of the National Parks and Access to the Countryside Act 1949 pursuant to its duty under section 296(1) of the Marine and Coastal Access Act 2009.
- The objections concern Natural England's Report EBC 8 for land between Rye Harbour and Camber Sands. The land in the Report to which the objection relates is specifically route sections EBC-8-S074 to EBC-8-S079, as shown on Map EBC 8c.
- The objection is made under paragraphs 3(3) (a), (b), (c), (d), (e) and (f) of Schedule 1A to the 1949 Act on the grounds that the proposal fails to strike a fair balance in such respects as set out in the objection.

Summary of Recommendation: I recommend that the Secretary of State makes a determination that the proposals set out in Report EBC 8, in respect to the trail sections EBC-8-S074 to EBC-8-S079, do not fail to strike a fair balance in respect to the objections considered herein.

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18. On 31 July 2024 Natural England (NE) submitted a Coastal Access Report to the Secretary of State setting out proposals for improved access to the coast between Rye Harbour and Camber Sands - Report EBC 8 (the Report). The period for making formal representations and objections to the reports closed on 25 September 2024. I have been appointed to report to the Secretary of State on the objections.
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Main Issues

21. The coastal access duty arises under section 296 of the Marine and Coastal Access Act 2009 (2009 Act) and requires NE and the Secretary of State to exercise their relevant functions to secure two objectives.
22. The first objective is to secure a route for the whole of the English coast which:
 - (c) consists of one or more long-distance routes along which the public are enabled to make recreational journeys on foot or by ferry, and
 - (d) (except for the extent that it is completed by ferry) passes over land which is accessible to the public.

This is referred to in the 2009 Act as the English coastal route and is now known as the King Charles III England Coast Path. For ease of reference, it is referred to as 'the trail' or 'the England Coast Path' in this report.

23. The second objective is that, in association with the England Coast Path, a margin of land along the length of the English coast is accessible to the public for the purposes of its enjoyment by them in conjunction with the coastal route or otherwise. This is referred to as the coastal margin.
24. Section 297 of the 2009 Act provides that in discharging the coastal access duty NE and the Secretary of State must have regard to:
 - (d) The safety and convenience of those using the trail,
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25. They must also aim to strike a fair balance between the interests of the public in having rights of access over land and the interests of any person with a relevant interest in the land.
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28. My role is to consider whether or not a fair balance has been struck. I shall make a recommendation to the Secretary of State accordingly.

The Coastal Route

29. Forming part of the England Coast Path between Eastbourne and Camber, the length of path under consideration is contained within Report EBC 8: Rye Harbour to Camber Sands. The objection relates to route sections EBC-8-S074 to EBC-8-S079, as shown on Map EBC 8c. The sections in question are referred to in their abbreviated form, for instance 'S074' and 'S074-S079', henceforth.
30. Along S074-S079 the proposed trail would follow an existing public footpath. Between S075 and section EBC-8-S091, as shown on Maps EBC 8c to EBC 8f, the proposed route would follow the estuary closely and have good views of the River Rother.
31. Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI), Dungeness, Romney Marsh and Rye Bay Ramsar (the Ramsar), Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), all extend around S074-S079 and abut S077-S079 to the south.
32. S074-S079 forms part of a longer section of the proposed trail for which a bespoke approach to roll-back is proposed. This is due to the SPA, the Ramsar site, the SSSI, water sports lake, golf course and buildings in the vicinity. The Report sets out two likely approaches to roll-back.

33. Firstly, if it is no longer possible to find a viable route seaward of a designated site, including the SSSI and SPA, whose designated features are sensitive to public access, or where the existing route already passing through such a site must be altered, a new route will be chosen. NE says that this would follow detailed discussions with the relevant experts and with any potentially affected owners or occupiers, which will either continue to pass through the site, if appropriate, or, if necessary, be routed landward of it.
34. Secondly, if it is no longer possible to find a viable route seaward of the water sports lake, golf course and buildings, a new route will be chosen. Again, NE says that this would follow detailed discussions with all relevant interests, either to pass through the site / course, or, if this is not practicable, to pass somewhere on the landward side of it. In reaching this judgement NE adds that it 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.
35. Along S074 there are no coastal land types present landward of the trail. In contrast, along S075-S079 a bank is present. In the case of S076, the bank is currently under development as part of on-going Environment Agency (EA) flood defence works.
36. It is proposed to specify the road and fence line as the landward boundary of the margin along S074 and S075, respectively, for clarity and cohesion.
37. Access to the saltmarsh/flat in the coastal margin seaward of trail sections EBC-8-S001 to EBC-8-S091, which includes S074-S079, is proposed to be excluded all year round by direction under Section 25A of the Countryside and Rights of Way Act 2000 as this land is unsuitable for public access. The mudflat is soft and sinking, does not provide a safe walking surface and is subject to frequent tidal inundation. The exclusion would not affect the trail itself here, nor would it have legal effect on land where coastal access rights do not apply.

The Objections

38. The objector owns and occupies the land that S074-S079 crosses. He says that this area is under a large flood defence scheme. In his view, until the works are completed and the line of the new fences and gates are fixed, it is impossible to make a decision on the route. He adds that part of the flood defences will be pilings and access is going to be required for animals to graze the salt marsh which is an important SSSI. He indicates that he would be very happy to discuss the route of the path when the works and new fencing is completed, but that until then no decision should be made. He also states that the existing Sustrans cycle route should be used instead.

Representations

39. The Ramblers support the proposals for Rye Harbour to Camber Sands, adding that the route aligns very closely with that proposed by them in 2017, in an advisory report to NE. Ramblers consider the basic principles of the Scheme, chapter 4, have been met.
40. Regarding S074 to section EBC-8-S082 the Ramblers also state that they have concerns about expected further delays in re-opening of a right of way to be used as part of the England Coast Path. They add that along the east bank of

the Rother estuary, from the Monk Bretton Bridge, S076 to the golf course, at EBC-8-S082, the right of way has been closed to the public since 1 April 2023 until 1 April 2025, enabling the EA to improve flood defences and to protect existing salt marshes. They go on to say that a new embankment is being constructed but is taking longer than anticipated and closure will probably be extended. It should be noted that this is indeed the case as the right of way was closed and temporarily re-routed via the Sustrans cycleway to the north at the time of my site visit.

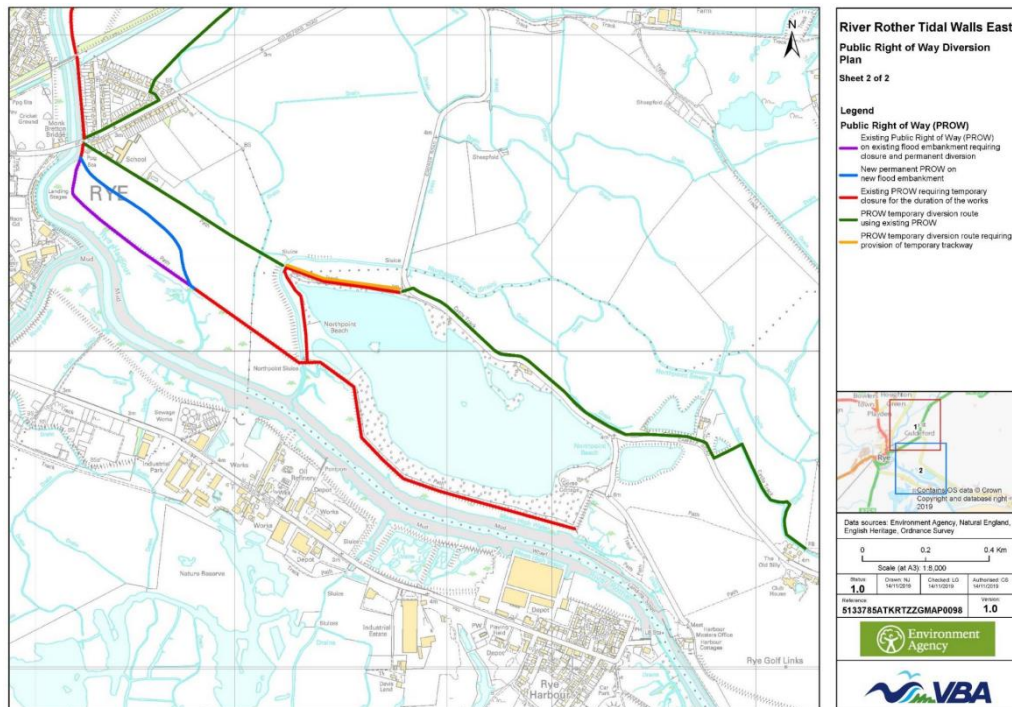
41. The Ramblers also state that the original right of way running along the top of the old embankment gave lovely, clear views of the estuary and will be resituated and reopened on top of the new embankment. They say that it is uncertain when the flood defence work can be finished, including establishment of vegetation, so that it can be used as part of the trail. Nonetheless, the Ramblers agree with NE's explanations and reasons for their final choice of route.
42. The Rights of Way & Countryside Team at East Sussex County Council manages the public rights of way network in the County and is also Access Authority for the area. Additionally, the Team manages Camber Sands SSSI and the County Council is freehold owner of that site. The Team supports the recommendations made in the Report and the proposed improvements to public access.
43. The South East England Coast Path Local Trail Partnership is responsible for maintaining and improving the opened stretches of the trail between the London Borough of Bexley and Brighton. It welcomes and supports the proposals detailed in the Report and looks forward to working with NE and local stakeholders to manage the trail, once access rights have commenced along this section of coast. It has requested that NE continues to engage with the Partnership and provide updates on the development of the Rye to Camber section, including clarifying maintenance responsibilities for infrastructure and mitigation features along the route.

Natural England's Response to the Objections

Timing of flood defence scheme

44. Along the east bank of the Rother Estuary between Monk Bretton Bridge and Rye Golf Club the public rights of way are currently closed whilst the EA improves existing flood defences and constructs a realigned section of embankment for the creation of new inter-tidal habitat, known as 'Folkestone to Cliff End Schemes - Rother Tidal Walls East'.
45. NE goes on to advise that planning permission for the Rother Tidal Walls East scheme was granted by Rother District Council in 2021, a condition of which states "Prior to completion of the development hereby permitted, a Public Path Diversion Order shall be made under Section 257 of the Town and Country Planning Act 1990 diverting Public Footpaths East Guldeford 13b, Playden 20c and Rye 6, as necessary to reroute these paths to the realigned tidal walls."
46. NE explains that the proposed route for the England Coast Path at S075 will follow the realigned public footpath Rye 6 along the new tidal embankment. The diagram over the page shows the alignment of the new permanent public right of

way on the new flood embankment as the blue line. NE adds that it is not necessary to wait for the works to be completed to identify a route.



47. NE also maintains that the location of the gates and fences to facilitate grazing of the neighbouring saltmarsh are still to be arranged between the objector and the EA. NE says that it will liaise with both parties to discuss the infrastructure required for grazing animals and how this accommodates the public footpath Rye 6 and the England Coast Path, if approved. Where new gates and fences are installed, NE says that its priority would be to ensure these reflect the standards of a National Trail, choosing the least restrictive infrastructure that is practical in the circumstances.
48. NE advises that the estimated time for opening the new tidal embankment is 2026. It adds that if the proposals for coastal access are approved and the realigned public footpath is not yet ready to open, the England Coast Path could use the existing footpath Rye 6 diversion, the nearby Sustrans route referred to by the objector, as a temporary route until the tidal wall footpath opens.

Alternatives

49. On the objection form, the grounds of objection include 4f: the exercise of discretion conferred on NE by section 301(2) or (3) of the 2009 Act, or the failure to exercise a discretion conferred by section 301(3) of that Act (discretions which relate to a case where the continuity of any part of the coast is interrupted by a river) (paragraph 3(3)(f)).
50. Nonetheless, there are no specific comments in the objection relating to the use of estuary discretion powers to extend the trail further upstream than the seaward limit of the Rother's estuarial waters. In NE's view, the objector is content to discuss an alignment on the proposed route once the EA has completed the works, as discussed above, but NE also acknowledges his reference to the potential use of the Sustrans cycleway.

51. NE maintains that the reasons why it used its discretion to create a route around the Rother Estuary are clearly laid out in its Overview report at section 5. It adds that there is a clear local desire for a walked route around the Rother Estuary via Rye, and in some parts of the estuary there is established access along the banks of the river – as has been the case on the eastern bank of the Rother on the objector's land.
52. The local economic and recreational benefits of connecting Camber Sands with Rye are potentially great, in NE's view. It adds that a significant number of stakeholders have identified this as a key benefit of the England Coast Path. NE is clear that such a route would bring significant benefits to walkers and the local area.

Analysis and Conclusion

53. The proposals here appear to have adapted well to the changed landscape that will come once EA's works have been completed. In the circumstances, it seems logical that the trail should make use of the realigned public right of way along the replacement flood embankment, particularly as it will offer extensive uninterrupted views across the coastal estuary from an elevated position for much of its length.
54. The detailed matters that have been raised by the objector, for instance the location of the gates and fences to facilitate grazing of the neighbouring saltmarsh, are clearly of great importance from a land management perspective. Nonetheless, they can be properly resolved between the EA and the objector, as the farmer and landowner, in due course. NE has also offered to liaise with both parties regarding the infrastructure required for grazing animals and how this accommodates the public footpath Rye 6 and the England Coast Path, if approved. While important, they are not a sound basis for delaying the formal assessment and determination of the trail route and arrangements for coastal access.
55. The option of the Sustrans cycleway route to the north also provides a suitable interim contingency that is already in place for the continuation of the England Coast Path pending the completion of the EA project.
56. The evidence indicates that there is support for the proposed alignment along the estuary consistent with NE's decision to use its powers to extend the trail further upstream than the seaward limit of the Rother's estuarial waters. Even the objector appears content with the proposed alignment as a matter of principle. As NE has set out, the local economic and recreational benefits of connecting Camber Sands with Rye are potentially substantial and such a route would bring significant benefits to walkers and the local area.

Recommendation

57. Having regard to these and to all other matters raised, I conclude that the proposals do not fail to strike a fair balance as a result of the matters raised in the objections. I therefore recommend that the Secretary of State makes a determination to this effect.

[redacted]

APPOINTED PERSON

ANNEX A: INFORMATION TO INFORM THE SECRETARY OF STATE'S HABITATS REGULATIONS ASSESSMENT

Introduction

58. The Conservation of Habitats and Species Regulations 2017 (as amended) requires that where a plan or project is likely to have a significant effect on a European site, such as the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), either alone or in combination with other plans or projects, and where the plan or project is not directly connected with or necessary to the management of the European site, a competent authority (the Secretary of State in this instance) is required to make an appropriate assessment of the implications of that plan or project on the integrity of the European site in view of the site's conservation objectives.

Project Location

59. The proposed section of path in question forms part of the England Coast Path between Eastbourne and Camber. In terms of the objections considered here, EBC-8-S074 to EBC-8-S079 are the relevant sections, as shown on Map EBC 8c. The sections are referred to as 'S074-S079', henceforth.
60. S074-S079 is in proximity to the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site.
61. The Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site are located between Hythe in Kent and Norman's Bay in East Sussex. Between Eastbourne and Camber there are extensive coastal shingle beaches and sand dunes across an area of intertidal mud and sand flats. Open water habitats, including gravel pits, the canal, reservoirs and ditch systems are important habitats for birds, along with terrestrial habitats that include damp grassland, grazing marsh, reedbeds and adjoining fields. Saltmarsh and other intertidal habitats are also important. As a whole, the Bay is important for breeding, wintering and passage birds, wetland plants, bryophytes and invertebrates. In addition to the internationally important wetland habitats and species, the Ramsar site and adjacent areas are also of national and international importance for a variety of non-wetland habitats and species.

Habitats Regulations Assessment Implications of the Project

62. S074-S079, as part of the England Coast Path between Eastbourne and Camber, would increase access to this area for recreational activities, including by walkers and those accompanied by dogs, whose presence have the potential to affect the SPA and the Ramsar site, as does disturbance by construction activities necessary for the physical establishment of the path and access management infrastructure. The qualifying features of these designated sites are:
- Breeding Birds (Little tern, Sandwich tern, Avocet, Common tern, Marsh Harrier, Mediterranean gull);
 - Non-breeding birds (Aquatic warbler, Bewick's Swan, Golden Plover, Hen Harrier, Bittern, Mute swan, Ruff, Shoveler, waterbird assemblage);
 - Marsh mallow moth;

- Vegetated shingle and natural shingle wetlands (Annual vegetation of sand, shingle and pebble shores, Natural shingle wetlands);
 - Vulnerable, endangered, or critically endangered species (DeFolin's lagoon snail, Greater water-parsnip, Great crested newt, Ground beetle, Medicinal leech, Warne's thread-moss, water vole);
 - Wetland bryophyte assemblage; and
 - Wetland plant and invertebrate assemblages.
63. In 2024 Natural England (NE) undertook a shadow Habitats Regulation Assessment of the Eastbourne to Camber proposals for the England Coast Path. Henceforth, it is referred to as the 'sHRA'.
64. The sHRA provides the information to inform the Competent Authority's appropriate assessment, in accordance with the assessment and review provisions of the Habitats Regulations. The sHRA is recorded separately in the suite of reports. It considered the potential impacts of the coastal access proposals on the designated sites identified above as well as others which are distant from S074-S079, including likely significant effects.
65. Initial screening set out that as the plan or project is not either directly connected or necessary to the management of all of the European sites' qualifying features, a Habitats Regulation Assessment was required. The overall Screening Decision found that the plan or project at large would be likely to, or may, have significant effects on some or all of the qualifying features of the European Sites alone in the absence of mitigation measures. Accordingly, the sHRA considered the potential for the project to give rise to Adverse Effects on the Integrity (AEoI) of the designated sites.
66. 'Risk of significant effects alone' are assessed in C2.1 of the sHRA. Its Table 5 (pages 16 to 23) identifies the sites and qualifying features for which significant effects, 'alone' only, would be likely or could not be excluded beyond reasonable scientific doubt. The conclusions on likely significant effects of the plan or project alone on the qualifying features, likely and unlikely, are set out on its page 24.
67. 'Risk of significant effects in-combination' are assessed in C2.2. Further to the risks identified as being significant alone, no other residual and appreciable risks were found to be likely to arise from this project which have the potential to act in-combination with similar risks from other proposed plans or projects to also become significant. Therefore, in-combination risk has been excluded, but further appropriate assessment of the project 'alone' was required.
68. The assessment of AEoI for the project alone takes account of measures to avoid or reduce effects incorporated into the design of the access proposal, as set out in D3.3 (page 38-41). The assessment, which covers the entire length of the England Coast Path proposed between Rye Harbour and Camber Sands, not just S074-S079, identifies that the measures incorporated into the design of the scheme are sufficient to ensure no AEoI in light of the sites' conservation. No residual effects were found.
69. In sections D4 and D5 of the sHRA (page 42), it is concluded that the access proposal, taking into account any incorporated avoidance and mitigation

measures, would not have an adverse effect on the integrity of Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site either alone or in combination with other plans and projects.

70. Part E of the sHRA sets out that NE is satisfied that the proposals to improve access to the English coast between Rye Harbour and Camber Sands, including S074-S079, are fully compatible with the relevant European site conservation objectives. NE's general approach to ensuring the protection of sensitive nature conservation features is set out in section 4.9 of the Scheme. To ensure appropriate separation of duties within NE, the assessment conclusions are certified by both the person developing the access proposal and the person responsible for protected sites. Taking these matters into account, reliance can be placed on the conclusions reached in the sHRA that the proposals would not adversely affect the integrity of the relevant European sites. It is noted that, if minded to modify the proposals, further assessment may be needed.

Nature Conservation Assessment

71. Although not forming part of the sHRA, NE has also undertaken a Nature Conservation Assessment, which should be read alongside the sHRA. The Nature Conservation Assessment covers matters relating to Sites of Special Scientific Interest (SSSI), Marine Conservation Zones and undesignated but locally important sites and features, which are not already addressed in the sHRA. Relevant to S074-S079 are Dungeness, Romney Marsh and Rye Bay SSSI, common seal, common lizard and badgers.
72. NE was satisfied that the proposals to improve access to the English coast between Rye Harbour and Camber Sands, including to S074-S079, were fully compatible with its duty to further the conservation and enhancement of the notified feature of Dungeness, Romney Marsh and Rye Bay SSSI consistent with the proper exercise of its functions.
73. In respect to the common seal, common lizard and badgers, NE concludes that the appropriate balance has been struck between its conservation and access objectives, duties and purposes.

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

by [redacted] BSc(Hons) DipTP DMS MA MRTPI

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

Date 11 August 2025

Marine and Coastal Access Act 2009

Objection by [redacted], Secretary of Rye Golf Club Company Limited

Regarding Coastal Access Proposals by Natural England

Relating to Rye Harbour to Camber Sands

Objection Reference: MCA/EBC/03

Rye Harbour to Camber Sands

- On 31 July 2024 Natural England submitted Coastal Access Reports to the Secretary of State for Environment, Food and Rural Affairs setting out proposals for improved access to the coast between Rye Harbour and Camber Sands under section 51 of the National Parks and Access to the Countryside Act 1949 pursuant to its duty under section 296(1) of the Marine and Coastal Access Act 2009.
- The objections concern Natural England's Report EBC 8 for land between Rye Harbour and Camber Sands. The land in the Report to which the objection relates is specifically route sections EBC-8-S079 to EBC-8-S094, as shown on Maps EBC 8c to 8f.
- The objection is made under paragraphs 3(3) (a), (d) and (e) of Schedule 1A to the 1949 Act on the grounds that the proposal fails to strike a fair balance in such respects as set out in the objection.

Summary of Recommendation: I recommend that the Secretary of State makes a determination that the proposals set out in Report EBC 8, in respect to the trail sections EBC-8-S079 to EBC-8-S094, do not fail to strike a fair balance in respect to the objections considered herein.

Preliminary Matters

74. On 31 July 2024 Natural England (NE) submitted a Coastal Access Report to the Secretary of State setting out proposals for improved access to the coast between Rye Harbour and Camber Sands - Report EBC 8 (the Report). The period for making formal representations and objections to the reports closed on 25 September 2024. I have been appointed to report to the Secretary of State on the objections.
75. There are other admissible objections to the Report concerning improved access to the coast between Rye Harbour and Camber Sands. While they all relate to the Report, they concern different route sections and, as such I have considered it expedient to address them separately in other reports to the Secretary of State. I would note, nonetheless, that one of my other reports concerns adjoining sections of the proposed trail.
76. I conducted a site inspection on 27 May 2025. I was accompanied by representatives of the Golf Club and of NE.

Main Issues

77. The coastal access duty arises under section 296 of the Marine and Coastal Access Act 2009 (2009 Act) and requires NE and the Secretary of State to exercise their relevant functions to secure two objectives.
78. The first objective is to secure a route for the whole of the English coast which:
- (a) consists of one or more long-distance routes along which the public are enabled to make recreational journeys on foot or by ferry, and
 - (b) (except for the extent that it is completed by ferry) passes over land which is accessible to the public.

This is referred to in the 2009 Act as the English coastal route and is now known as the King Charles III England Coast Path. For ease of reference, it is referred to as 'the trail' or 'the England Coast Path' in this report.

79. The second objective is that, in association with the England Coast Path, a margin of land along the length of the English coast is accessible to the public for the purposes of its enjoyment by them in conjunction with the coastal route or otherwise. This is referred to as the coastal margin.
80. Section 297 of the 2009 Act provides that in discharging the coastal access duty NE and the Secretary of State must have regard to:
 - (g) The safety and convenience of those using the trail,
 - (h) The desirability of that route adhering to the periphery of the coast and providing views of the sea, and
 - (i) The desirability of ensuring that so far as reasonably practicable interruptions to that route are kept to a minimum.
81. They must also aim to strike a fair balance between the interests of the public in having rights of access over land and the interests of any person with a relevant interest in the land.
82. Section 301 of the 2009 Act applies to river estuaries and states that NE may exercise its functions as if the references to the sea included the relevant upstream waters of a river.
83. NE's Approved Scheme 2013, as approved by the Secretary of State on 9 July 2013, (the Scheme) is the methodology for implementation of the England Coast Path and associated coastal margin. It forms the basis of the proposals of NE within the Report.
84. My role is to consider whether or not a fair balance has been struck. I shall make a recommendation to the Secretary of State accordingly.

The Coastal Route

85. Forming part of the England Coast Path between Eastbourne and Camber, the length of path under consideration is contained within Report EBC 8: Rye Harbour to Camber Sands. The objection relates to route sections EBC-8-S079 to EBC-8-S094, as shown on Maps EBC 8c to 8f. The sections in question are referred to in their abbreviated form, for instance 'S079' and 'S079-S094', henceforth.
86. Along S079-S080, S081-S086 and S087-S094 the proposed trail would follow existing public footpath, licenced footpath and other existing walking route, respectively. Between section EBC-8-S075 and S091, as shown on Maps EBC 8c to EBC 8f, the proposed route would follow the estuary closely and have good views of the River Rother. Between S092 and section EBC-8-S105 it would be aligned on the sandy beach at Camber Sands.
87. The various sections within S079-S094 either abut or run through parts of the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI), Dungeness, Romney Marsh and Rye Bay Ramsar (the Ramsar), Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA). Rye

Harbour SSSI and Dungeness Special Area of Conservation are both located a little to the south of S079-S094, but on the opposite side of the River Rother.

88. To help protect the environment along S091 to section EBC-8-S105 new signage is proposed at Camber to advise visitors about the presence of sensitive wildlife and how they can ensure its protection. This is specifically intended to help manage the existing risk of dune vegetation and its associated fauna being trampled by people walking off the existing tracks, and the existing risk of disturbance to feeding and roosting birds and seals by visitors.
89. S079-S094 forms part of a longer section of the proposed trail for which a bespoke approach to roll-back is proposed. This is due to the SPA, the Ramsar site, the SSSI, water sports lake, golf course and buildings in the vicinity. The Report sets out two likely approaches to roll-back.
90. Firstly, if it is no longer possible to find a viable route seaward of a designated site, including the SSSI and SPA, whose designated features are sensitive to public access, or where the existing route already passing through such a site must be altered, a new route will be chosen. NE says that this would follow detailed discussions with the relevant experts and with any potentially affected owners or occupiers, which will either continue to pass through the site, if appropriate, or, if necessary, be routed landward of it.
91. Secondly, if it is no longer possible to find a viable route seaward of the water sports lake, golf course and buildings, a new route will be chosen. Again, NE says that this would follow detailed discussions with all relevant interests, either to pass through the site / course, or, if this is not practicable, to pass somewhere on the landward side of it. In reaching this judgement NE adds that it 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.
92. Along S082-S090 there are no coastal land types present landward of the trail. In contrast, along S079-S081 a bank is present, whereas along S091-S094 beach and dune are present.
93. It is proposed to specify the edge of the path, the edge of the track and the fence line as the landward boundary of the margin along S082-S084 and S085-S094, respectively. In respect to S082-S086 and S091-S094 this is for clarity and cohesion, and in respect to S087-S090 it is for additional landward area.
94. Access to the saltmarsh/flat in the coastal margin seaward of trail section EBC-8-S001 to S091 is proposed to be excluded all year round by direction under Section 25A of the Countryside and Rights of Way Act 2000 (the 2000 Act) as this land is unsuitable for public access. The mudflat is soft and sinking, does not provide a safe walking surface and is subject to frequent tidal inundation. The exclusion would not affect the trail itself here, nor would it have legal effect on land where coastal access rights do not apply.
95. At S082-S083, within Rye Golf Course, public access may be interrupted for a short time to allow golfers to play their shot off the nearby tee. Signage will be provided to explain this to walkers and guide behaviour.
96. At S091-S094 along the beach at Camber Sands, public access may be interrupted from time to time for short periods when this end of the beach is

covered by the tide during exceptionally high spring tides and some storms. During this period walkers would be able to wait for the tide to recede or use existing tracks and public rights of way that are present in the landward coastal margin. This arrangement would continue without an optional alternative route to give effect to it formally.

The Objections

97. The Golf Club (the objector) is the owner of the land that S079-S094 crosses. In summary the objector's case is that:

- The proposed route should not be implemented as part of the England Coast Path because of the danger to walkers around the Old Course 12th tee, at S082-S085, and the practical difficulties of protecting walkers while also enabling golf to be played within a reasonable time or at all;
- Instead, it should follow a modified route, running north from Northpoint Sluice at S079 along an existing public footpath and then east along the off-road Sustrans route to Camber and from there along an existing public footpath behind Admiralty Cottages and a dune path to Camber Sands;
- If, despite these objections, the proposed route is broadly implemented, the route should be modified in the vicinity of Gorse Cottage, at S083, in order to reduce the risk of injury and interference to walkers along this part of the golf course / proposed route. These and the following proposed modification are set in greater detail below.
- If, despite this objection, the route is implemented along S092-S094, the proposed landward coastal margin here should be reduced in extent and/or there should be a direction(s) excluding public access from the landward coastal margin.

98. The objector's more detailed comments include that it is strongly opposed to the proposed alignment at S082-S085 and requests that the route described in the second bullet point above be preferred. The objection is based on the position and, what the Club describes as, 'the essential use' of the 12th hole on the Old Course, as shown in the image below.



99. There are three separate teeing positions, as outlined in yellow to the left in the image on the preceding page, from which golfers hit their first shot. From each of the tees the shot from the tee would be across the line of the proposed trail. The objector says that not every tee shot is straight, golfers frequently slice shots which land on the tramway, where the trail would run, and sometimes onto or over the raised bank to the south of the concrete road.
100. For many years, the Club has permitted the public to walk along the tramway rather than negotiating the public footpaths on the saltmarsh. The objector says that the amount of pedestrian use of the tramway is currently generally infrequent and probably largely limited to local users who are aware that they are walking across a golf course and thus familiar with the possibility that a golf ball may be driven towards them at this point. Even so, it adds, there have been occasions when walkers have been struck, usually when they stop some distance from the tee but, unknown to them, within range of a 'stray' shot.
101. The objector maintains that shouts of 'fore' are often meaningless to non-golfers or unheard in the high winds which are frequent and a contributory factor in the errant shot. By way of example, it says such an incident occurred on 25 February 2023 when a walker who stopped on the tramway while the shot was played but failed to see the ball and failed to take evasive action despite warning cries from the golfers. She sustained a cut to the head, was taken to the clubhouse and seen there by a doctor and advised to go to A&E.
102. The objector takes issue with the Report EBC 8 at Table 8.3.2 on page 18 where it states:
- We consider that aligning the route along the existing licensed footpath across the Rye Golf Course, near the 12th tee and fairway (sections EBC-8-S083 to S084) will be compatible with continued play around the course. Walkers and golfers are visible to each other in this location and inherent risks relating to safety, as well as interrupted golf play, will be managed through improved signage to raise awareness among visitors about the special requirements at golf courses, such as alerting walkers to pause for play.*
103. It asserts that, as for management of risk, experience has shown that, even with the limited number of walkers who currently use the permissive path, many who are walking towards the 12th tees and past a clear warning signs that state "Please be aware you are entering a golf course. This is at your own risk. Please allow golfers to have priority" and "Caution – Golfers – Beware of drive balls" do not wait but continue on regardless, either because they have not read the sign or because they choose to ignore it. For the same reasons, the objector does not accept that a traffic light system would have any beneficial effect in reducing the risk to walkers.
104. Regarding alleged delay to the passage of play, the objector says that when walkers disregard the warning there is a consequential delay for golfers coming behind on the course and indeed throughout the golf course. It adds that, while this is currently not problematic due to the limited use of the tramway by walkers, it is concerned for the future. The objector states that, although NE has not given an estimate of the likely increased footfall on the proposed route, its associated Nature Conservation Assessment refers to "a medium increase along the trail" between Rye Harbour and Camber Sands. There is nothing in the

reports stating what NE believes the current usage to be, even though the objector considers it must have data relating to increase in numbers on areas of the England Coastal Path which were formerly public footpaths, and so the objector considers this statement to be meaningless.

105. The objector maintains that a significant increase in use of the route would render the 12th hole unplayable. It says that the average time for a walker to cover the distance from the warning sign to a point just past the tees and vice versa is about four minutes. It adds that, if walkers passed the warning sign or vice versa, every four minutes, the hole would become unplayable unless walkers are to be put at risk of injury.
106. The objector adds that if this were to happen, or if the incidence and severity of delays at the 12th hole was to have a significant negative effect on golfers' appreciation of playing the golf course, it would be very damaging for the Club, resulting in loss of members who renew their membership annually and loss of visitor income which is currently substantial.
107. It adds that as the entire course is a SSSI the chances of being able to lay out an appropriate alternative substitute golf hole are poor. The objector says that the impact not only for the Club but for the wider local and golfing communities should not be underestimated. It maintains that there are already issues with accessing the golf course in the summer when the Camber road is congested with cars heading to Camber Sands. It says that that further delays on the course would reduce the Club's attractiveness to golfers, whether members or visitors. It says that Rye Golf Club is currently rated in the top 20 of golf clubs in England, 50 in the British Isles and 100 in the world.
108. The Club has a membership of over 1,250 people. The objector states that it is world renowned in golfing terms with a golfing history stretching back to the late 19th century. The Club's fixture list shows more than 100 matches a year against other golf clubs and groups. It employs 81 members of house and greenkeeping staff, all of whom live in the locality. It has a local member section where qualifying members who live within 10 miles of the clubhouse play at a heavily subsidised rate, thereby providing them with golf which they would not otherwise afford.
109. The objector maintains that use of the course is very high throughout the year. Annually there are four championship events, ninety-four men's matches, thirty ladies' matches and around one hundred qualifying competitions. Visiting golfers, it says, make a substantial contribution to the local economy, staying in Rye town and dining and shopping there. In short, it fears that the identified adverse effects would be felt far wider than the membership of the Club.
110. The objector asserts that, whilst it is difficult to offer a precise estimate of financial losses arising from the proposals, it will be the case that the increased footfall of walkers will have a significant operational impact. This, it says, is very likely to have financial consequences for the Club and there would be a material effect on both the ability to generate revenue and the Club's reserves. It adds that it is not just the practical that needs to be considered, but also financial losses for the Club that are likely to result. The objector maintains that, whilst in the short term these might be sustainable from existing reserves, a reduction in the Club's general appeal could lead to a steady decline in its financial viability.

111. The objector considers that it is likely that if the Old Course were to be less attractive to the potential Member and visitor – because of the increased time taken to complete rounds – that there would be a drop in income. Over time, if there were to be a 15% drop in subscriptions (projected to be £1.452m in 2024) and a 20% drop in visitor income (projected to be £310k in 2024), this the objector concludes, would represent a loss of £280k per annum.
112. Such a situation would not be tolerable to the objector, and it would likely therefore be the case that the Club would be forced to consider adjusting the routing of the Course. The costs of this, it says, might be of the order of £0.5m and, whilst this would provide a practical route to avoiding the impact of the trail it would likely be considered by members and visitors to have diminished the Club's attractiveness which in turn might further impact its profitability.
113. The objectors says that it has always taken a highly responsible approach to its duties as owners of a SSSI site, has very good relations with local representatives of NE in its efforts to foster a sustainable agronomy for its golf course and to adhere to an ecological management plan. It adds that the whole of the golf course complex is of considerable biological importance for its floristic and invertebrate communities and is of geological significance for its context within its geographical position.
114. The Club's objectives are to continue to maintain the course to the highest traditional standards of British links golf while, in consultation with NE, assisting to sustain the ecological value of the SSSI. It works closely with NE to manage for ecological purposes those parts of the SSSI which do not form part of the golf course and to promote to members and visitors the wildlife values of the course and the importance of the Club in safeguarding these important features. In those circumstances the objector thinks it reasonable to ask for a measure of consideration when these objections are weighed in the balance.
115. To address the foregoing issues, the objector proposes modifications, each of which it maintains would remedy what it sees as a failure to strike a fair balance to which this objection relates and would, it maintains, satisfy the requirements of paragraph 3(6) of Schedule 1A to the National Parks and Access to the Countryside Act 1949.
116. The objectors suggested modified route would align the trail north from Northpoint Sluice at S079 along an existing public footpath, then east along the off-road Sustrans National Cycle Network route to Camber and from there along an existing public footpath and a dune path to Camber Sands. The objector's suggested route is shown on the plan over the page.
117. The objector explains that from the Northpoint Sluice at S079 its modified route would take the walker along an existing public footpath around Northpoint Lake to the Camber Road where there is an existing crossing for users of the Sustrans route. It adds that the Sustrans route here is currently used at least as much by pedestrians as cyclists, if not more so. It is a formal crossing facility, first constructed in 2001, which has a refuge island enabling users to negotiate traffic flow in two stages. It maintains that the crossing complies with Design Manual for Roads and Bridges TA90/05.



118. The objectors says that a search of County Council records, as at 2019, has not revealed any accidents at this crossing point and adds that it is not aware of any since then. Maintenance of sight lines by cutting back vegetation is, it adds, the responsibility of the County Council and it is reasonable to expect that it will comply with its statutory duty.
119. The objector adds that all users of the Sustrans route coming from Camber have to cross at this point in order to continue along that route on the other side of the Camber Road. NE refers in its Report to the need for “the £10,000 modification to take account of poor sight lines arising from the road layout and roadside vegetation”. The objector contends that no such modification is required and if NE disagrees then the relatively small cost is proportionate in the circumstances.
120. The modified route would then continue alongside the Camber road for approximately 2,842m to a point just beyond Admiralty Cottages opposite Camber west car park. The objector says that NE’s description of this route as being “along a 60mph road that can be busy and congested especially during the summer months” conveys an inaccurate impression. The Sustrans route is well separated from the road throughout, frequently runs a considerable distance north of the Camber Road, has farmland and water continually to its north side and is not affected by road traffic congestion. The objector says that, in contrast to the proposed route, its use limits disturbance to wildlife using the banks of the Rother. [It The objector adds that it](#) also provides a more direct route from Camber Sands to Northpoint Sluice than the proposed route and that it is well maintained, serving its purpose admirably over many years.
121. The crossing point at Admiralty Cottages is within a 30mph speed restriction. The objector makes the same point regarding this crossing about responsibility for cutting back vegetation as for the Northpoint/Camber Road crossing. While it accepts that there are inherent dangers in all road crossings, it does not accept that there is a need for a promoted crossing point here nor that the sight lines

are poor due to road layout. If a promoted crossing point is required, in the objector's view, the cost is proportionate in the circumstances.

122. The modified route would then proceed along an existing public footpath and an existing walked route through the dune to Camber Sands.
123. In summary, the objector says that its suggested route avoids the problems it has identified as outlined above. It also maintains that it would comply in every relevant respect with the Scheme as follows:
- It would be clear [Scheme para 1.2.1];
 - It has a clear end point on the ground [para 3.2.2];
 - It uses existing paths and hence an existing walked line [para 4.1.4];
 - It is reasonably direct and pleasant to walk along [para 4.3.1];
 - It enables people to make reasonable progress if their key aim is an onward walk around the coast [para 4.3.2];
 - It links more positively with the existing public facilities at Camber Sands than does the NE proposal [para 4.3.14];
 - The interruption to the trail is kept to a minimum [para 4.4.1];
 - It avoids a route which is prone to tidal encroachment [para 4.4.2];
 - The modification route is in substantial part close to the sea [para 4.5.1];
 - It offers views of the sea with any loss of sight of the sea being only temporary [para 4.6];
 - There would be coastal margin between section EBC-8-S097 and S094 with sufficient landward margin as would satisfy the approach set out in Chapter 4.8 of the Scheme. The modification route better protects the sensitive and designated dunes than does the NE's proposal [para 4.9];
 - Where relevant it can respond to local coastal change in the area [para 4.10];
 - Unlike NE's proposal it will not interfere with the Golf Club's legitimate sporting needs as a sporting club [para 5.2.1]; or
 - Cause it to suffer significant loss of income [para 5.3.3].
124. The objector also maintains that the suggested route is consistent with the principle that the trail may go through dune [Scheme para 7.10.4]. It adds that NE's proposal is inconsistent with the general principle that sandy beaches do not usually provide the most convenient route [para 7.11.1] and that the trail will not normally be aligned on sandy beaches because they can be difficult to walk on for long distances and may be covered at high tides [para 7.11.3]; particularly where there are other viable route options [para 7.11.4].
125. In contrast, with reference to bullet point 3 of para 8.20.5 of the Scheme, the objector considers that its suggested route would provide a solution which avoids a route that runs parallel to and then across a fairway for a significant distance where use by the public would be likely to disrupt play.
126. The objector asks that if, despite its submissions, the proposed route is broadly implemented, it should be modified at S083 to reduce the risk of injury and interference to walkers along this part of the golf course / proposed route and to mitigate the inevitable delays to the passage of play throughout the entire golf course which the implemented route would cause.



Key

Red line shows position of flotsam fence and location of proposed boardwalk

127. The above image shows an aerial view of Rye Golf Club Old Course 12th hole with the three tees outlined in white, a post and wire fence measuring 131m running east/west just below the three tees and coloured red on the plan and the tramway running diagonally from the bottom right hand corner.
128. The objector says that the fence was first installed over 30 years ago and is known by the Club's greenkeepers as 'the flotsam fence' for 'obvious reasons'. Below are four photographs, which the objector states were taken on 16 September 2024 showing the fence, 'substantial quantities' of flotsam, an absence of any saltmarsh where the flotsam collects and the predominance of cord grass in this area.





129. This area includes a raised bank, as shown in one of the photographs within Appendix C of the objector's submissions. It is located on the south side of the tramway which the objector states the Club constructed as a flood defence over 20 years ago. It adds that it is wide enough to allow at least two adults to walk safely abreast. Another photo shows an earth path leading away from the forward tee across an area designated as saltmarsh.
130. The objector also says that its proposed modification requires the installation of a raised and railed boardwalk along the length of the flotsam fence at a height of approximately five feet above the saltmarsh. This, it claims, would have the following benefits for walkers:
- It would mean that, if followed, the likelihood of walkers being struck by golf balls would be substantially reduced;
 - It would move walkers away from the tees as they approached them as opposed to the very opposite, which would be the effect of the objected route at this point;
 - It would reduce the amount of waiting time on the tee;
 - It would substantially reduce the likelihood of walkers deviating from the proposed route when they are level with the tees, as they frequently do when walking on the present permissive path, by walking north towards the Camber road and crossing it in a dangerous place and clambering over a fence on to the Sustrans route;
 - It would provide walkers with a more scenic and coastal route than walking on a concrete track between golfers emerging from the 11th green and leaving the 12th tees; and
 - It provides a more direct route back to the east bank of the Rother.



131. Part of the objector's suggested modified route would run along the raised bank alongside the tramway. The photograph immediately above is taken from a point some 250m from the furthestmost 12th tee up a slope from the tramway to the raised bank itself. The objector states that this would allow walkers to see and be seen far sooner than if they were to remain on the tramway, thus enabling walker and golfer to take appropriate action. The objector also says that the width of the raised bank here is no less than the width of the flat part of the sea defence bank at S079-S082.
132. The Report states, "We considered aligning the trail south of the 12th tee at Rye Golf Course (located near S082) by creating (i) a new footbridge and path across the saltmarsh or (ii) a boardwalk across the saltmarsh south of the tee." The objector says that no indication is given as to the position and extent of the boardwalk south of the tee which may have been considered and there is a considerable difference between a boardwalk extending from somewhere near S085 right across the saltmarsh, on the one hand, and the 131m of boardwalk which is the subject of this proposed modification.
133. The objector disputes that its proposed boardwalk would have a damaging impact on the Ramsar saltmarsh habitat and adds that it would stand approximately 5 feet above the saltmarsh, one side of the walk would take the place of the existing fence, which would be removed. In its view, there would be no trampling on the saltmarsh. Moreover, the Club would be willing to pay for its construction and enter into a binding agreement with NE to cover maintenance.
134. The objector adds that the Club would cease to use the earth path leading from the forward tee in order to more than compensate for any loss of saltmarsh which the additional posts comprising the boardwalk might cause. In short, it maintains that the suggested modification is likely to have a negligible impact on the wetland plants and invertebrates present in the saltmarsh and mudflats in this location.

135. By way of further modification, if, despite the objections, the route is implemented along S092-S094, the objector requests that the proposed landward coastal margin at S092-S094 should be reduced and/or there should be a direction(s) excluding public access to the landward coastal margin. The objector also says, by reason of land accretion the Club's land, which extends to the high water mark, now includes an ever increasing area of dune.
136. The objector does not dispute NE's duty to establish a coastal margin. However, it considers that the exercise of NE's discretion to take the Club's rabbit fence as 'an identifiable adjacent physical boundary' is excessive and would result in designation far beyond that which is necessary.
137. The objector goes on to say that, on the basis that it is common ground between NE and the Club that the public's access to the dune should be substantially restricted, it is the Club's intention to erect a fence along the length of the dune on the line marked yellow on the image shown below. This fence line would, its view, more appropriately define the landward edge of coastal margin on the dune.



138. In conclusion, the objector says that the consultation process between NE and the Club on the occasion of this latest Coastal Path proposal was limited to a short meeting in 2023. It adds that now that the Club has had an opportunity to consider the detail of the proposal and its likely effect and to respond in what it believes is a careful and responsible manner, it is hoped that NE will agree the modifications prior to submission to the Secretary of State. Failing this the objector submits that the route, as presently proposed, should be refused.

Representations

139. The Environment Agency (EA) states:
- Avoid hardened surfaces at S090 to allow sand movement through the dunes - if surfaces are required these must be jigsaw type interlocking blocks which can move and allow for change/flow through of sand; and
 - There is potentially loss of saltmarsh at the base on the earth embankment at S080 - avoid dog access here and be aware that the embankment front face could eventually be at risk of undercutting/slumping which could destabilise the footpath surface.

140. The Ramblers support the proposals for Rye Harbour to Camber Sands, adding that the route aligns very closely with that proposed by them in 2017, in an advisory report to NE. Ramblers consider the basic principles of the Scheme, chapter 4, have been met.
141. Regarding section EBC-8-S074 to S082 the Ramblers also state that they have concerns about expected further delays in re-opening of a right of way to be used by the England Coast Path. They add that along the east bank of the Rother estuary, from the Monk Bretton Bridge, section EBC-8-S076 to the golf course, at S082, the right of way has been closed to the public since 1 April 2023 until 1 April 2025, enabling the EA to improve flood defences and to protect existing salt marshes. They go on to say that a new embankment is being constructed but is taking longer than anticipated and closure will probably be extended. It should be noted that this is indeed the case as the right of way was closed and temporarily re-routed via the Sustrans cycleway to the north at the time of my site visit.
142. The Ramblers also state that the original right of way running along the top of the old embankment gave lovely, clear views of the estuary and will be resituated and reopened on top of the new embankment. They say that it is uncertain when the flood defence work can be finished, including establishment of vegetation, so that it can be used as part of the trail. Nonetheless, the Ramblers agree with NE's explanations and reasons for their final choice of route.
143. The Rights of Way & Countryside Team at East Sussex County Council manages the public rights of way network in the County and is also Access Authority for the area. Additionally, the Team manages Camber Sands SSSI and the County Council is freehold owner of that site. The Team supports the recommendations made in the Report and the proposed improvements to public access.
144. The South East England Coast Path Local Trail Partnership is responsible for maintaining and improving the opened stretches of the trail between the London Borough of Bexley and Brighton. It welcomes and supports the proposals detailed in the Report and looks forward to working with NE and local stakeholders to manage the trail, once access rights have commenced along this section of coast. It has requested that NE continues to engage with the Partnership and provide updates on the development of the Rye to Camber section, including clarifying maintenance responsibilities for infrastructure and mitigation features along the route.

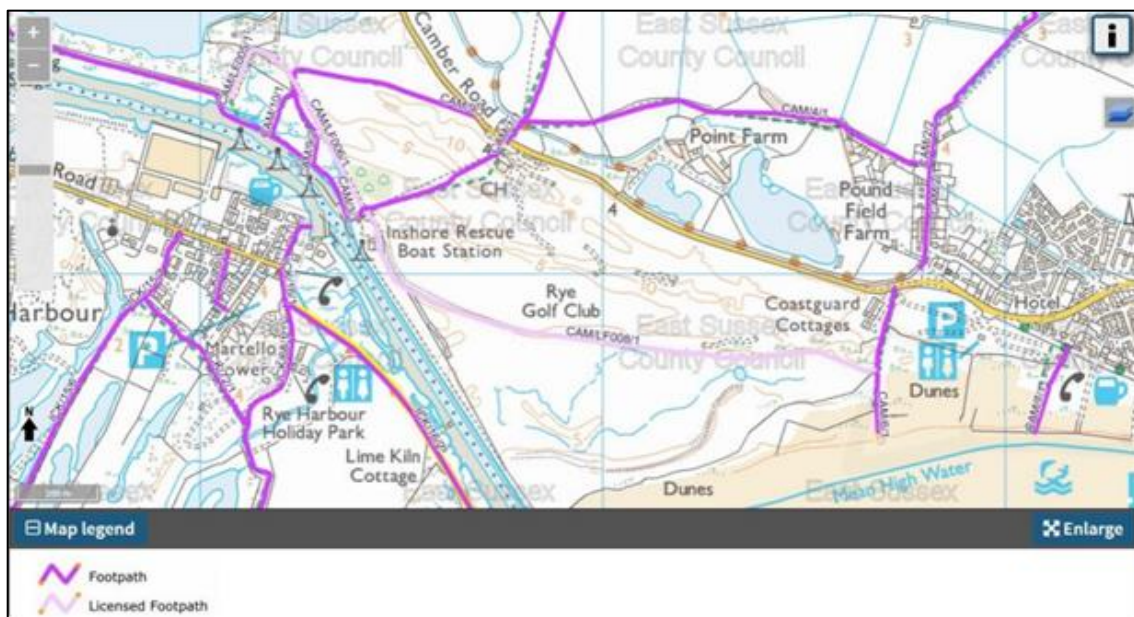
Natural England's Response to the Objections

Danger to Walkers

145. NE says that public access along a riverside path near the 12th Tee has been permitted since 1984 under a licence agreement between the Club and the Access Authority: East Sussex County Council. A copy of the agreement is reproduced at Annex 3 to NE's comments on the objections. The route appears on the County Council's online Public Rights of Way map as licensed footpaths 'Rye Golf Club LF2' and 'Rye Golf Club LF3'. The public footpath along the edge of the river, seaward of the licensed paths, shown on the Map EBC 8d, is now

impassable – with LF2 and 3 helping to provide a continuous walk alongside Rye Harbour / River Rother estuary, connecting Rye and Camber Sands.

146. The walking route along the river between Monk Bretton Bridge and Camber Sands, as shown on Maps EBC 8c to 8f, including past the 12th Tee, has been promoted on Rother District Council's large information panels at both car parks in Camber Sands, southeast of the Golf Course. Photographs of the information panels can be found at Annexes 4a and 4b to NE's comments on the objections.
147. NE has proposed to align the trail along this existing walked route and, as this is across a fairway, needs to have regard to the danger from flying golf balls. NE says that as there is existing access here, a certain level of risk is already managed for by the Club, including along the proposed alignment and along the other public rights of way that run adjacent to and across the fairways of the Old Course and the Jubilee Courses as shown on the map below.



148. NE advises that, currently, when walkers are coming from the direction of Rye, they pass from the river seawall at S081, through a gate and fenced corridor before emerging onto the golf course near to the 12th Tee. It is very evident, in NE's opinion, that at this point the land use changes and walkers can see the three tee boxes nearby. A sign also alerts people to *'Please be aware you are entering a golf course. This is at your own risk. Please allow golfers to have priority'*. NE adds that when the tees are active, golfers can shout 'fore' or speak to walkers nearby, if necessary, before teeing off. When golfers leave the tee, NE considers it is safe for walkers to progress along the route until the next players tee-off.
149. Coming northwards from Camber, walkers follow a surfaced track, known as the 'tramway', as they approach the 12th tee. The direction of play from the tee is towards the walker and across the track. NE maintains that there is visibility between the golfer and walker from some 250m, and golfers will normally pause for walkers entering and walking through this zone. It adds that there are signs for the walkers at this point too highlighting *'Please be aware you are entering a golf course. This is at your own risk. Please allow golfers to have priority'* as well

as a sign reading '*Caution-Golfers-Beware of drive balls*'. A photograph of the information panels can be found at Annex 6 to NE's comments on the objections.

150. NE notes, however, there are no other obvious instructions on where to look to see the golfers or tees; or what to do if golfers are teeing off, or that the danger of 'drive balls' relates to balls coming from the tee and across the path walkers are on. For those unfamiliar with golf, NE considers that the signs may not mean much and, therefore, may lead to them being ignored.
151. NE recognises that there is an existing risk to walkers in this area from mishits / slices, particularly walking south to north – when walkers may not hear or see golfers teeing off. During its conversations with the Club about the development of the coast path, between 2018 and 2024, the only incident of golf ball impact / injury along the existing walked route reported to NE, on enquiry, has been the one referred to in the objection. NE maintains that this indicates a relatively low risk over the duration of 40 years.
152. NE acknowledges that an increase in the number of walkers associated with the promotion of the route could potentially elevate the risk to the public by increasing the frequency of walkers crossing the line of play. In line with informal management techniques suggested in the Scheme at para 8.20.8-9, it is NE's view that to minimise the potential increase in risk, current signage should be significantly improved to enable new and existing walkers to understand the golf course context and take specified action to allow continued play.
153. NE maintains that most walkers are respectful of other land uses, especially where the reasons are clearly explained. It adds that effective signage explains and clearly directs people's actions. NE goes on to say that it caters for the different ways that walkers take in information, for example, visual information can be more effective than written text. NE also states that its Report includes the proposal to replace the existing warning signs with new, improved signage which aims to:
- Mark the trail and location and layout of the 12th hole clearly
 - Instruct walkers to stop, look and listen for golfers at the 12th tee
 - Instruct walkers to wait if a golfer is about to play across the trail
 - Instruct walkers to proceed promptly along the trail only after golfers have moved away from the 12th tee.
154. With increased awareness amongst walkers, NE considers this would reduce the instances of walkers approaching unawares towards the 12th tee while golfers are teeing off, and thus reduce the risk of mishits or slices injuring the public. NE maintains that signage works best alongside other access management techniques that help reinforce the messages.
155. During a meeting with the Club in April 2024, NE says it learnt that a traffic light system is in operation elsewhere on the course to inform golfers when it is safe to walk between tees. Traffic lights used at Rye and elsewhere, including at Hunstanton and Cruden Bay, are operated by golfers and designed to warn those teeing off as to whether there are other, not visible, golfers still on the fairway.
156. NE contacted a manufacturer of these traffic lights to understand if this system might be suitable to install along the trail to manage visitors near the 12th

Tee. NE says that the system requires minimal infrastructure and maintenance, involving two posts connected by a shallow buried cable, powered by a small solar panel - with simple controls to turn the lights to red/green as illustrated in the photograph below.



157. NE says that this traffic light approach could be used in one or both directions for walkers approaching the 12th Tee, and due to the recognisability of red or green traffic lights this would give walkers a further cue to read the accompanying signage to stop, look, listen and wait or walk quickly across the fairway. NE adds that it offered to discuss the design and siting of new signs, and a traffic light system, with the Club but this offer was not taken up.
158. Additionally, NE says that simple management measures to develop a comprehensive package of access management measures could include a painted section of the tramway track to indicate the need to stop, when approaching the tee from the south.
159. It is NE's view that the risks to safety could be managed through new, well-designed and therefore effective signage that aims to raise awareness among visitors of the special requirements on the trail at the Golf Course and clearly outlines the golfing context and behaviour that is expected from walkers. It adds that if the Secretary of State approves the proposals, it would be pleased to explore developing further access management techniques, such as providing road markings and installing a golfer-operated traffic light system.

Delay around the course

160. NE says that the proposed route is currently walked by members of the public, with golfers pausing play as walkers pass along the trail where it crosses the 12th fairway and continue on in the direction of the fairway. NE acknowledges that this pause can take a few minutes, as described in the objection. NE adds that, currently, there is very little information at the 12th tee to ensure that walkers understand that golfers play across the path and that walkers should pause until after the shots are taken and then proceed briskly past the tee.
161. If the Secretary of State approves the proposals, NE would expect to see an increase in visitors along the east bank of the Estuary as the trail would appear formally on Ordnance Survey maps and the National Trails website. NE says that to help decide on the coast path alignment and, for example, the need for access management, it estimates the degree of change to visitor volumes NE would expect.
162. Here, NE has estimated this route to result in a 'medium increase' in numbers of visitors. While NE notes the objector's suggestion that this is a meaningless statement, it says this as a broad estimation of change rather than a specific number of visitors. NE indicates that this because all locations around the coast are unique in their 'pulling power', available facilities and so on.
163. NE arrived at this view taking account of the existing high-volume visitor attractions in this area: Rye and Camber Sands. These locations have their own car parks, facilities and specific appeal, and NE does not foresee large numbers of visitors changing their method of arrival at Camber / Rye, which is usually by car or bus, to walking the some 5.5km between these venues. NE adds, nonetheless, that some walkers that currently use the Sustrans route may choose to walk the riverside route, if promoted as the English Coast Path, and may consider a circular walk in this area.
164. NE recognises that without further access management, interruptions to play on the 12th would increase on busy / sunny days when the course is full and visitors are out walking the England Coast Path. As described in the preceding sub-section, NE says that effective access management is key to ensuring that the public is aware of risks and can take action to avoid crossing the fairway when golfers are about to tee off.
165. NE's experience is that well-designed signage can influence behaviour and is most effective where it makes the desired action clear, with simple wording and is sited in locations where the information is relevant. NE says, for example, people are more likely to comply with signage requests that are easy for them to adopt - to stop at the sign and look for the tee before continuing. NE says effectiveness of access management increases with additional measures, such as the suggested traffic lights or road markings.

Financial impact

166. NE says it does not underestimate the value of the Club to the local economy, or that without effective access management measures, the flow of play on the course may be affected. It adds, though, that the 12th hole would continue to be playable and viable with effective, long-term changes to access management.

NE states that the measures near the 12th tee and along the riverside path would minimise interruptions to play; maintaining the long-term viability of the club and helping educate visitors about golf and the history and local importance of the Club. NE's ideas for effective management of visitors along the seaward edge of this golf course are set out above.

Modifications Proposed

167. NE comments on the two main suggestions of the objector regarding routing in turn. Firstly, the alternative route to the north via the existing Sustrans route, and then the other route within the golf course in the vicinity of the Old Course 12th hole.
168. NE considered the Sustrans route at the time of preparing the Report but favoured the route as proposed. Regarding the crossing on Camber Road near to Northpoint Lake, NE says that it consulted the County Council as local highway authority on safety, including on the suitability of a number of crossings, existing and new, along Camber Road. As the County Council raised some safety concerns, a series of mitigatory measures were identified via a road safety assessment followed by a Road Safety Audit. These included vegetation clearance to improve visibility and works totalling some £10,000 that would improve safety by creating a new, separate crossing for walkers. NE states that if this route were chosen for the England Coast Path, the County Council has confirmed it could approve the crossing with this series of mitigation measures.
169. NE acknowledges the congestion that occurs along Camber Road, especially on sunny days and during the summer – when large numbers of visitors wish to go to the beach at Camber Sands. During the development of the proposals, NE also had feedback from stakeholders about a preference for a riverside walk – with mention of heavy traffic and potential conflict with cyclists along the Sustrans route. Support for the proposed riverside route also comes from the County Council, in the representation referenced.
170. Regarding potential disturbance of wildlife along the Sustrans route compared to the proposed route, NE says that both pass through or are close to the Dungeness, Romney Marsh and Rye Bay SSSI and SPA, and both have existing access. NE does not consider that the projected increase in the volume of walkers would have a significant effect on the wildlife adjacent to the proposed route - on the riverside, Northpoint Lake or dune wildlife. It adds that this conclusion is detailed in its Nature Conservation Assessment and Habitats Regulations Assessment, which are also discussed in the Annex appended hereto.
171. NE also does not consider that an increase of walkers along the suggested Sustrans route would have a significant effect on the SSSI it passes through. By being inland, the modified route would create more seaward spreading room across the SSSI, including around Northpoint Lake. NE says that likely access patterns and mitigation measures would need to be considered here, if the Sustrans route was adopted.
172. The proposed route between Northpoint Sluice and the main car park at Camber Sands is some 4.4km in length, following the estuary and beach. Notwithstanding the objector's submissions, that the Sustrans route would be

more direct, NE submits that it would be a little longer at some 4.7km. NE considers the difference in length to be minimal, with the proposed trail enjoying near continual views of the sea as opposed to being inland on the cycle path, where there are minimal views of the sea until Camber Sands beach.

173. NE maintains that, notwithstanding the objector's submissions, in order to access Camber Sands, near Admiralty Cottages from the existing Sustrans route, a new, signed crossing would be necessary – as there are currently no signed, pedestrian crossing points to Camber Sands in this area. This is considered on page 18 of the Report, in Table 8.3.2.
174. The local highway authority was consulted about safety on road crossings, even in a 30mph area. NE says that when it was scoping alignment options, the County Council highlighted concerns over a new road crossing in this area. Following NE's risk assessment and Road Safety Audit of this crossing, the County Council agreed that mitigation would be required. This would include new twice-yearly vegetation clearance to improve sightlines between cars and pedestrians, currently obscured by tree growth from neighbouring land. These works are not part of the current Highways clearance, such that a funding source would be required to commit to this long term. NE says that a crossing here is likely to be achievable, but that the County Council would need to investigate funding before it would be considered safe by the highway authority.
175. NE accepts that the suggested alignment via the Sustrans route is clearly defined on the ground. It adds, though, that para 3.2.2 of the Scheme, as referenced by the objector, does not relate to individual path choices, but to the sequence of 'stretch' proposals that NE makes, that is that each stretch should start and end at clear points on the ground. For instance, in this case, at Rye Harbour village and Camber Sands.
176. NE recognises that the suggested alignment via the Sustrans route would be along an existing walked route. But NE stresses that that would also be the case for its proposed route, which would follow rights of way, licensed footpath and informal existing path along the river and past the end of the dunes at Camber Sands. In addition to using an existing walked route, NE says that the proposed route meets the Scheme criteria of being close to the sea (principle 4.5) with almost continuous views of the estuary and sea (principle 4.6) along its length.
177. In respect to the suggestion that the inland route enables onward progress around the coast and links more positively with existing facilities, NE refers to the fact that both routes connect Camber Sands with Monk Bretton Bridge, at Rye. It adds that while there is little difference in the distances / directness between the two as outlined above, its proposed trail keeps close to the sea and follows the estuary to the first bridge. NE also highlights that the main facilities between Monk Bretton Bridge and Camber Sands are the toilets, information boards and retail / refreshments found in two large car parks at Camber. It says, the facilities are situated conveniently for the proposed trail, as the Western car park is located some 240m from the trail and Camber Central Car Park is directly adjacent to the trail at section EBC-8-S0105.
178. NE acknowledges that, if its proposed alignment is approved, there may be minor interruptions along this path, as is currently the case. There is occasional tidal flooding at the highest tides, at the western end section of Camber Sands

which would temporarily block the trail. During these periods walkers would be able to wait for the tide to recede or utilise existing tracks or public rights of way as shown on page 16 above.

179. NE considers this route offers the 'best fit' for Scheme's statutory criteria, with its sea views and proximity to the coast. If approved, it says that it would ensure that appropriate notices, warning of occasional tidal flooding are erected close by. This would be done in liaison with the RNLi, who are working with Rother District Council on safety signage across Camber Sands. As part of promotion of the trail, NE would also highlight this potential interruption on www.nationaltrail.co.uk to help walkers plan their journey.
180. NE also states that another potential interruption along the proposed route would be for walkers to pause near the 12th tee. NE maintains, though, that public access on and across golf courses is a commonly encountered combination, and pausing briefly to allow for play, when the course is busy, is not a significant interruption to the continuity of the trail.
181. NE states that the main issues in determining an alignment on golf courses, relate to safety and interruption to play. It adds that, in line with the Scheme, which recognises that public access and golf can co-exist, NE has aligned on an existing walked path, which is on the seaward side of the golf course, consistent with Scheme para 8.20.4, and crosses the fairway on an existing path in front of the 12th tee, consistent with para 8.20.5. NE adds that this path has been in use for decades and that the safety record that has been shared with NE shows this route to be relatively low risk.
182. NE says in discussions with the Club, it recognises that larger numbers of walkers could disrupt play at this point and have included the need for visitor-oriented, carefully designed information to increase the understanding and recognition of the actions required of the walker at the 12th tee, to pause and let golfers tee off before walking across the fairway. NE has also suggested that further access management measures could complement better signage here, including the use of golfer-operated traffic lights.
183. Regarding being 'close to sea, with views' NE maintains that by passing to the landward side of the golf course, the objector's suggested route would lose sea views completely, especially where located on the Sustrans route which is on the landward side of a road and hedges. In contrast, the proposed alignment keeps the views of the estuary by being located on the existing, riverside path.
184. While NE notes the objector's opinion that its suggested route would provide sufficient Landward Coastal Margin at Camber Sands at S095-S097, NE advises that the presence of dunes, as in its proposals, results solely from the proximity of these landforms to the trail rather than any specified or required amounts of Landward Coastal Margin. Of more relevance, in NE's view, is that any route inland of the coast, such as this, would create default seaward coastal margin across a wider swathe of land, between the trail and the mean low water mark. It adds that land 'used as golf course' would be excepted from coastal access rights, but coastal access rights would affect the land around Northpoint Lake, the riverside between Northpoint sluice and Camber Sands and all of the beach and dunes habitats. NE says 'land used as a golf course' would only remove coastal access rights from some 250m of the existing riverside path.

185. With coastal access rights almost all the way down the river, and an EA improved public right of way along the river near Monk Bretton Bridge, NE considers that the river route may become an increasingly popular choice for walkers, irrespective of whether the coast path is aligned on the riverside or not. By building-in access management solutions to the some 250m licensed path on the Golf Course, as outlined above, NE considers its proposals could help develop a better, managed, long-term solution to making golf and public access compatible along the river.
186. In relation to the suggestion that the objector's modified route better protects the sensitive and designated dunes than its proposal, NE assessed the proposal in both its published Habitats Regulations Assessment and Nature Conservation Assessment for the Rye Harbour to Camber Sands coastal access report. In its assessment NE consider that changes to current access patterns will be limited – given the number of existing visitors at Camber Sands, with upwards of 25,000 visitors each day in the peak season.
187. Occasional tidal flooding would occur across the trail, at the western end of the beach, which would temporarily block the trail. As part of the proposals, new signage at Camber Sands would inform and advise walkers of the wildlife interests and vulnerabilities of the dunes and the beach - and would direct them to wait or use other existing walked paths to avoid the development of additional desire lines through the dunes. NE does not consider the proposals would have an adverse impact on the achievement of the conservation objectives of Dungeness, Romney Marsh and Rye Bay SPA and Ramsar Site or of the SSSI.
188. Regarding local coastal change, NE states that its proposals here include a provision for rollback, as outlined above, allowing the trail to move in response to coastal change, without further reference to the Secretary of State. The EA's policy on maintaining the mouth and lower reaches of the Rother is to 'Hold the Line' in the short, medium and long term. On this basis, NE considers that impacts on the path should not be significant.
189. However, if localised flooding or other coastal processes alongside the river became a major obstruction to the route, NE says that it would need to consider implementing rollback. Were this to be the case, NE would consider the location of flooding and the potential impacts of a more landward route on the neighbouring land use, including the golf course. NE would discuss rollback options with affected landowners prior to re-routing the trail.
190. In respect to the objector's suggestion that the inland route would not interfere with legitimate sporting needs, NE states that this matter is covered in its comments above. In summary, though, it adds that it considers a riverside route can, with developed access management, provide a long term, sustainable approach to managing golfing needs with continued access along the riverside.
191. NE says, in response to the suggestion that the trail would not normally be aligned on sandy beaches, at Camber Sands the proposed trail would run along the top of the beach, which overall provides a relatively firm walking area across this popular beach, with excellent views of the sea and access to the riverside path. While NE again acknowledges that occasional tidal flooding occurs at the western end of Camber Sands, S092-S094, it adds that during these periods

walkers would be able to wait for the tide to recede or use existing tracks and public rights of way in the proposed landward coastal margin.

192. NE also says that signs would alert walkers to the flooding. It also says that, for those wishing to avoid the beach altogether, information on the National Trails website would highlight the presence of a surfaced route that runs from east Camber, where an open section of the England Coast Path meets the beach, to Rye, on pavements and along the inland Sustrans route. NE maintains that the route proposed best meets the criteria described in chapter 4 of the Scheme, which is supported by the County Council, as outlined in the Representations section above.
193. NE has also commented on the objector's other suggested route that would run in the vicinity of the Old Course 12th hole. In doing so, it advises that it considered an option to align the trail on a new boardwalk across the saltmarsh in its Report as set out in table 8.3.2 on page 20. NE thanks the Club for its generous offer to construct and maintain a boardwalk along the line of an existing flotsam fence. In light of this offer, NE has reviewed its feasibility.
194. The saltmarsh adjacent to the proposed trail near the 12th tee is within the Dungeness, Romney Marsh and Rye Bay SPA, Ramsar and SSSI. Accordingly, NE reviewed the potential or otherwise for impacts on the nature conservation interests of the saltmarsh area, using an outline plan of a typical boardwalk construction, following the line of the existing flotsam fence.
195. The Habitats Regulations Assessment that accompanied NE proposals considered the Dungeness, Romney Marsh and Rye Bay SPA, Ramsar, including the likely significant effect on designated bird populations from users of the proposed trail alignment, which runs alongside the saltmarsh and riverside. It determined no likely significant effect from users of the trail. NE does not consider that the effects on birds from a line going across the saltmarsh would be materially different to this finding.
196. NE adds however, that the saltmarsh habitat is specific in the Ramsar citation for its rare species which are noted in this area and these could be impacted from a construction within the saltmarsh. From 2015 survey data held by NE these species were not noted to be present on the line considered for the boardwalk, and as such its preliminary conclusion would be of no likely significant effect, based on available data. Nonetheless, NE says that it should be recognised that the survey data is now ten years old. With improved design detail, the County Council as the relevant body undertaking and allowing England Coast Path establishment works, may require site surveys, and should any of these surveys return the presence of the designated features, NE may have to revise its conclusion of 'no likely significant effect'.
197. Further to the international sites, the impacts on the SSSI must be considered. NE explains that the Dungeness, Romney Marsh and Rye Bay SSSI is notified for its saltmarsh habitat. The site citation can be found here: <https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/2000533.pdf>
198. NE advises, though, that there are two reasons why it cannot support a boardwalk across the SSSI as the modified route. The first is the direct damage to the notified feature arising from the supporting posts of the boardwalk. The

second is the continued interference from a boardwalk with natural processes within this block of saltmarsh, which is moving the natural deposition effect associated with the tidal limit away from the edge of the saltmarsh to a position within the core of the area. NE says that it considered this aspect both in relation to a new boardwalk with the existing flotsam fence removed, and to a design retaining a fence – on the basis of County Council advice that some form of safeguard would be needed to protect the structure from flotsam damage.

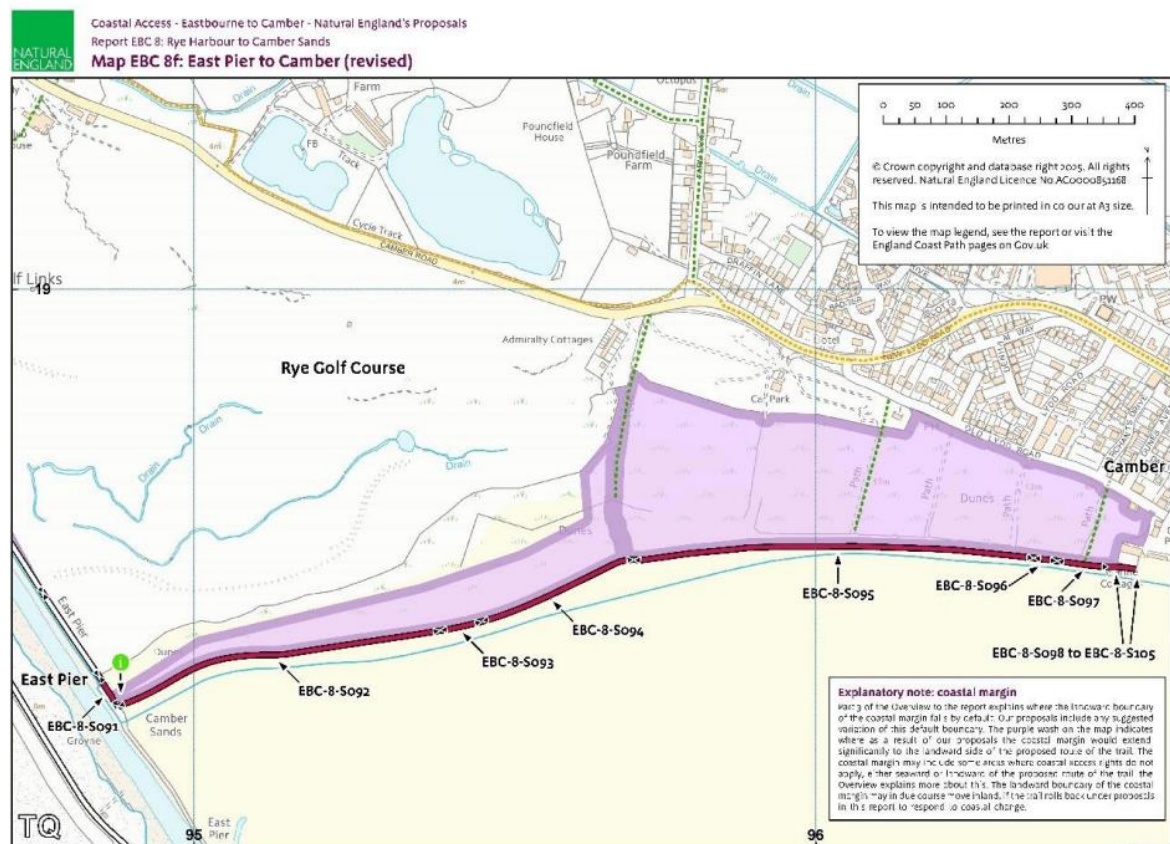
199. NE recognises that this line across the saltmarsh may appear already degraded as a result of the flotsam fence interfering with natural processes and that removing it would benefit the habitat. It states, however, the future potential to restore an apparent degraded area is an important consideration for NE and any Section 28G body, such as the local access authority, Defra and the Planning Inspectorate.
200. NE says that such authorities have a general duty towards all SSSIs placed on them by Section 28G of the Wildlife and Countryside Act 1981 (as amended) which requires them to “take reasonable steps, consistent with the proper exercise of the authority’s functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest”. NE says the ‘enhancement’ requirement places an expectation to not perpetuate damaging practices especially where restoration remains a viable outcome for the notified features.
201. NE acknowledges that a boardwalk at this location would provide benefits for walkers and address the Club’s concerns regarding the 12th tee. It also welcomes the Club’s willingness to pay for the construction and enter into an agreement to cover maintenance. However, NE says that after serious review, it cannot support the objector’s second suggested route, due to its incompatibility with SSSI objectives.
202. There is also a third modification suggested by the objector, which NE deals with as part of its comments on ‘landward coastal margin boundary and direction to exclude access to the landward coastal margin’. The Club owns part of the extensive dune system and beach at Camber Sands, adjacent to the course. Beaches and dunes are land types that are automatically included in the coastal margin where they fall landward of and adjacent to the trail, as set out in para 4.4.8 of the Scheme. Where dunes are part of an active play area on a golf course, they would qualify as excepted land, as described in Schedule 1 to the 2000 Act.
203. In this area, NE says the dunes immediately landward of the trail are separated from the playing area of the golf course by a fence, used to reduce rabbits on the course. NE has, therefore, proposed using its discretion to align the inland boundary of the coastal margin with this physical feature, reducing its extent for the sake of clarity and cohesion as shown on the illustrated aerial photograph over the page. NE says that the alternative would be for it to make no such proposal, leaving the entire dune system on which the golf course is located as a default part of the mapped coastal margin, albeit largely excepted land.

204. The part of Camber Sands dunes that, under the proposal, would remain within the default Landward Coastal Margin, has existing informal access. Camber Sands beach is hugely popular, especially on sunny days and in the summer, with up to 25,000 visitors each day in the peak season. Given the existing visitor numbers, NE does not consider that the creation of this area of landward coastal margin would markedly change existing patterns of use or bring significantly more visitors onto the dunes.
205. NE's proposals include new signs at S091, to inform walkers of the sensitivity of the dune habitat. It adds that Rother District Council also manages access across most of the beach and dunes, informed by a Sustainable Access Management Strategy, including path clearance, signage, beach patrols in the peak periods and a Coastal Officer to help reduce access, trampling and erosion of sensitive dune features.



206. When considering any direction, para 6.7.2 of the Scheme requires NE to follow the process of adopting the least restrictive option that would meet the need in question. In this case, NE says there is access management in place to protect the sensitive dunes and it considers that changes to the current access patterns would be limited. It also proposes some additional signage to raise awareness of the sensitivity of the dune habitat. On this basis, NE considers that an access exclusion for wildlife purposes is not necessary here.
207. The Golf Club has indicated that it would erect a new fence seaward of the existing rabbit fence, along the length of the dune as shown in the annotated aerial photograph on page 14 herein. NE considers that if this fence is installed prior to a decision from the Secretary of State, it would provide a suitable alternative physical boundary along which to align the Landward Coastal Margin for the proposed trail at S091-S094.
208. NE asks that if the new fence is in situ at the time of approval of these proposals, that the Secretary of State approves the modified landward coastal margin as shown on its map over the page. NE adds that the description of the

Landward Coastal Margin boundary in the Proposals Table 8.3.1, for S091-S094 would not need any amendment as a 'fence' would still provide a clearer boundary than the landward edge of the dunes.



Analysis and Conclusion

Potential Danger to Walkers

209. Given the relationship between the Old Course 12th hole - particularly the three tees, the fairway and green, relative to the proposed trail alignment - there is potential for trail users to be struck by golf balls and / or to feel unsafe while using this section of the trail. Nonetheless, the proposed trail alignment is an existing pedestrian route.
210. There is currently a temporary diversion along the Sustrans route due to fairly lengthy, on-going EA flood works to the west. Consequently, it seems likely that the current use of the proposed route is not typical of its traditional use. Under more normal circumstances it forms part of a promoted, publicised coastal route that links Cambers Sands and Rye, two popular attractions. Accordingly, it is reasonable to assume that the paths that the trail would follow here are normally well-used.
211. Assuming the England Coast Path were to be aligned as proposed, once the EA's works have been completed, it seems likely that there would be an increased use of the paths that would form the trail here. For instance, the associated publicity and promotion, including appearing as a national trail on Ordnance Survey maps, would be likely to attract greater use. Nonetheless, any such increase seems likely to be moderate given the existing attractiveness of the route.

212. Notwithstanding the incident reported by the objector, the safety record of the golf course appears to be very good, bearing in mind the various footpaths that cross it, especially given the likely relative use of the course by golfers and of the paths by walkers. This suggests that existing management measures have been effective.
213. The evidence indicates that there are a number of improvements that could be reasonably implemented to enhance safety and movement. These include improved, bespoke signage designed to more clearly communicate the potential danger to pedestrians. There is also the potential to introduce a simple traffic light system as well as a painted section of the tramway track to indicate the need to stop when approaching the tee from the south.
214. Through interventions of this type, existing risk to safety and any additional risk that might arise as a result of the England Coast Path here, could be appropriately managed and acceptably limited. Such measures are also likely to leave trail users with the impression that, by taking reasonable care, this part of the trail, around the golf course would be a safe environment, such that there would be no appreciable disincentive to use it as part of the national trail.

Potential Delays for Golfers

215. As outlined above, it appears likely that if the proposals were to be approved it would lead to an increase in use of the existing paths along which the trail is proposed to align. This has the potential to cause delays at the 12th hole, which could, in turn, cause delays for golfers elsewhere on the course.
216. As NE has identified, there is currently limited information at the 12th tee and towards the eastern end of the hole to help walkers appreciate that golf is played across the path or that they should pause until shots have been taken and then to make quick, onward progress. The introduction of more bespoke signage, as outlined above, would help enhance walkers' understanding of these issues. It would also be likely to improve their conduct across the course in terms of limiting delays for golfers. The other potential management measures described above, such as a traffic light system, are also likely to improve walkers' behaviour and aid the flow of play for golfers.
217. Accordingly, there is good reason to believe that with appropriate mitigation, the additional pedestrian traffic that would result from the implementation of the proposed trail would not have a significant effect on golfers. Indeed, with careful design, there may even be some scope to reduce some of the delays that may currently occur.

Potential Financial and Community Impacts

218. I recognise the significant role that the Club plays in the local economy and the importance of its economic viability. Nonetheless, for the reasons outlined above, I have concluded that the introduction of the trail here as proposed would not have any significant effects on the safety of walkers or on the progress of golfers along the course, subject to suitable enhanced management measures. On this basis and having regard to the wider evidence, there is no good reason to believe that the proposed English Coast Path would have a significant financial effect on the Club.

219. For the same reasons, it is unlikely that there would be any significant effects in terms of the important role the Club plays in the local and wider golfing community.

Proposed Modifications

220. The objector's preferred alternative trail alignment, via the Sustrans route, is likely to be viable and appears to have a number of qualities. However, it also has several significant shortcomings compared to the proposed route.
221. Notwithstanding the objector's submissions, the wider evidence indicates that the proposed route is more direct, albeit only marginally so. It would avoid the trail having to cross Camber Road twice and the associated expense of works to improve safety at the crossing points to meet the standards identified by the local highway authority. It would also more reasonably limit the extent of land that would be within the seaward coastal margin. Additionally, it would avert potential conflict between cycle users of the Sustrans route and walkers following the England Coast Path.
222. The proposed trail would occasionally be blocked temporarily due to tidal flooding at the highest tides in contrast to the suggested Sustrans alternative. However, this would be limited and, as NE has identified, there are existing tracks and public rights of way that could be used instead if trail users did not wish to wait for the tide to recede. While there is potential for interruption to the continuity of the trail within the golf course, I have concluded that these are unlikely to be significant as outlined above.
223. Also for reasons that are outlined in the preceding subsections, the proposed route would not interfere with legitimate sporting needs. While the proposals include provision for rollback, it is likely that impacts on the path would not be significant for the reasons identified by NE.
224. Above all, though, the proposed route would offer very significantly superior coastal views without detriment to biodiversity, as discussed in more detail in Annex A below. Overall, therefore, the proposed route is clearly preferable to the Sustrans alternative suggested by the objector.
225. Regarding the objector's second suggested alternative routing, notwithstanding the potential benefits of this option, NE has clearly set out two reasons why it cannot support a boardwalk across the SSSI, in terms of:
- Direct damage to the notified feature arising from the supporting posts of the boardwalk; and
 - The continued interference from a boardwalk with natural processes within this block of saltmarsh, which is moving the natural deposition effect associated with the tidal limit away from the edge of the saltmarsh to a position within the core of the area.

Overall, for these soundly based reasons, the objector's other suggested route would be incompatible with SSSI objectives.

226. The objector's third suggested modification, should its others be unsuccessful, is that the proposed landward coastal margin at S092-S094 should be reduced in extent and/or there should be a direction(s) excluding public access to the

landward coastal margin. As NE has identified, any of the land here that forms part of the active play area on a golf course would be excepted land under Schedule 1 to the 2000 Act. In any case, the proposals are to further limit the Landward Coastal Margin here to align to an existing golf course fence.

227. The evidence indicates that that part of Camber Sands dunes that would remain within the default Landward Coastal Margin, has existing informal access. Given the popularity of Camber Sands beach, NE's conclusion that the proposed creation of this area of landward coastal margin would not markedly change existing patterns of use or bring significantly more visitors onto the dunes appears to be well founded. The proposed public information signage and management regime is also likely to help limit any potential impacts. Given these circumstances and bearing in mind that the least restrictive option that would meet the need in question should be employed, an access exclusion direction for biodiversity purposes is not warranted.
228. I note the objector's comments regarding the possible erection of a new fence as well as NE's response, including a potential modified landward coastal margin. However, there can be no certainty that any such fence will necessarily be installed. Accordingly, I have limited my assessment to what are the current circumstances on the ground and to what is formally proposed by NE in its report. Nonetheless, before making a final determination, the Secretary of State may wish to check with NE to see if there have been any significant changes on the ground that might alter its proposals.

Recommendation

229. Having regard to these and to all other matters raised, I conclude that the proposals do not fail to strike a fair balance as a result of the matters raised in the objections. I therefore recommend that the Secretary of State makes a determination to this effect.

[redacted]

APPOINTED PERSON

ANNEX A: INFORMATION TO INFORM THE SECRETARY OF STATE'S HABITATS REGULATIONS ASSESSMENT

Introduction

~~230-1.~~ The Conservation of Habitats and Species Regulations 2017 (as amended) requires that where a plan or project is likely to have a significant effect on a European site, such as the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), either alone or in combination with other plans or projects, and where the plan or project is not directly connected with or necessary to the management of the European site, a competent authority (the Secretary of State in this instance) is required to make an appropriate assessment of the implications of that plan or project on the integrity of the European site in view of the site's conservation objectives.

Project Location

~~231-2.~~ The proposed section of path in question forms part of the England Coast Path between Eastbourne and Camber. In terms of the objections considered here, EBC-8-S079 to EBC-8-S094 are the relevant sections, as shown on Maps EBC 8c to 8f. The sections are referred to as 'S079-S094', henceforth.

~~232-3.~~ S079-S094 is in proximity to the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site, and the Dungeness Special Area of Conservation (SAC).

~~233-4.~~ The Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site are located between Hythe in Kent and Norman's Bay in East Sussex. Between Eastbourne and Camber there are extensive coastal shingle beaches and sand dunes across an area of intertidal mud and sand flats. Open water habitats, including gravel pits, the canal, reservoirs and ditch systems are important habitats for birds, along with terrestrial habitats that include damp grassland, grazing marsh, reedbeds and adjoining fields. Saltmarsh and other intertidal habitats are also important. As a whole, the Bay is important for breeding, wintering and passage birds, wetland plants, bryophytes and invertebrates. In addition to the internationally important wetland habitats and species, the Ramsar site and adjacent areas are also of national and international importance for a variety of non-wetland habitats and species.

~~234-5.~~ The Dungeness SAC is the UK's largest shingle structure. It includes the vast sand and shingle beaches of the Dungeness foreland with the flat marshland between Hythe in Kent and Pett in Sussex. This area contains a wealth of wildlife and geomorphological features.

Habitats Regulations Assessment Implications of the Project

~~235-6.~~ S079-S094, as part of the England Coast Path between Eastbourne and Camber, would increase access to this area for recreational activities, including by walkers and those accompanied by dogs, whose presence have the potential to affect the SPA, the Ramsar site and the SAC, as does disturbance by construction activities necessary for the physical establishment of the path and access management infrastructure. The qualifying features of these designated sites are:

- Breeding Birds (Little tern, Sandwich tern, Avocet, Common tern, Marsh Harrier, Mediterranean gull);

- Non-breeding birds (Aquatic warbler, Bewick's Swan, Golden Plover, Hen Harrier, Bittern, Mute swan, Ruff, Shoveler, waterbird assemblage);
- Marsh mallow moth;
- Vegetated shingle and natural shingle wetlands (Annual vegetation of drift lines, Perennial vegetation of stony banks, Annual vegetation of sand, shingle and pebble shores, Natural shingle wetlands);
- Vulnerable, endangered, or critically endangered species (DeFolin's lagoon snail, Greater water-parsnip, Great crested newt, Ground beetle, Medicinal leech, Warne's thread-moss, water vole);
- Wetland bryophyte assemblage; and
- Wetland plant and invertebrate assemblages.

236-7. In 2024 Natural England (NE) undertook a shadow Habitats Regulation Assessment of the Eastbourne to Camber proposals for the England Coast Path. Henceforth, it is referred to as the 'sHRA'.

237-8. The sHRA provides the information to inform the Competent Authority's appropriate assessment, in accordance with the assessment and review provisions of the Habitats Regulations. The sHRA is recorded separately in the suite of reports. It considered the potential impacts of the coastal access proposals on the designated sites identified above as well as others which are distant from S079-S094, including likely significant effects.

238-9. Initial screening set out that as the plan or project is not either directly connected or necessary to the management of all of the European sites' qualifying features, a Habitats Regulation Assessment was required. The overall Screening Decision found that the plan or project at large would be likely to, or may, have significant effects on some or all of the qualifying features of the European Sites alone in the absence of mitigation measures. Accordingly, the sHRA considered the potential for the project to give rise to Adverse Effects on the Integrity (AEol) of the designated sites.

239-10. 'Risk of significant effects alone' are assessed in C2.1 of the sHRA. Its Table 5 (pages 16 to 23) identifies the sites and qualifying features for which significant effects, 'alone' only, would be likely or could not be excluded beyond reasonable scientific doubt. The conclusions on likely significant effects of the plan or project alone on the qualifying features, likely and unlikely, are set out on its page 24.

240-11. 'Risk of significant effects in-combination' are assessed in C2.2. Further to the risks identified as being significant alone, no other residual and appreciable risks were found to be likely to arise from this project which have the potential to act in-combination with similar risks from other proposed plans or projects to also become significant. Therefore, in-combination risk has been excluded, but further appropriate assessment of the project 'alone' was required.

241-12. The assessment of AEol for the project alone takes account of measures to avoid or reduce effects incorporated into the design of the access proposal, as set out in D3.3 (page 38-41). The assessment, which covers the entire length of the England Coast Path proposed between Rye Harbour and Camber Sands, not just S079-S094, identifies that the measures incorporated

into the design of the scheme are sufficient to ensure no AEoI in light of the sites' conservation. No residual effects were found.

242.13. In sections D4 and D5 of the sHRA (page 42), it is concluded that the access proposal, taking into account any incorporated avoidance and mitigation measures, would not have an adverse effect on the integrity of Dungeness SAC and Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site either alone or in combination with other plans and projects.

243.14. Part E of the sHRA sets out that NE is satisfied that the proposals to improve access to the English coast between Rye Harbour and Camber Sands, including S079-S094, are fully compatible with the relevant European site conservation objectives. NE's general approach to ensuring the protection of sensitive nature conservation features is set out in section 4.9 of the Scheme. To ensure appropriate separation of duties within NE, the assessment conclusions are certified by both the person developing the access proposal and the person responsible for protected sites. Taking these matters into account, reliance can be placed on the conclusions reached in the sHRA that the proposals would not adversely affect the integrity of the relevant European sites. It is noted that, if minded to modify the proposals, further assessment may be needed.

Nature Conservation Assessment

244.15. Although not forming part of the sHRA, NE has also undertaken a Nature Conservation Assessment, which should be read alongside the sHRA. The Nature Conservation Assessment covers matters relating to Sites of Special Scientific Interest (SSSI), Marine Conservation Zones and undesignated but locally important sites and features, which are not already addressed in the sHRA. Relevant to S079-S094 are Dungeness, Romney Marsh and Rye Bay SSSI, Rye Harbour SSSI, Camber dunes Local Geological Site, common seal, common lizard and badgers.

245.16. NE was satisfied that the proposals to improve access to the English coast between Rye Harbour and Camber Sands, including to S079-S094, were fully compatible with its duty to further the conservation and enhancement of the notified feature of Rye Harbour SSSI and Dungeness, Romney Marsh and Rye Bay SSSI consistent with the proper exercise of its functions.

246.17. In respect to the Camber dunes Local Geological Site, common seal, common lizard and badgers, NE concludes that the appropriate balance has been struck between its conservation and access objectives, duties and purposes.



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

by [redacted] BSc(Hons) DipTP DMS MA MRTPI

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

Date 11 August 2025

Marine and Coastal Access Act 2009

Objection by [redacted] and [redacted]

Regarding Coastal Access Proposals by Natural England

Relating to Rye Harbour to Camber Sands

Objection Reference: MCA/EBC/04

Rye Harbour to Camber Sands

- On 31 July 2024 Natural England submitted Coastal Access Reports to the Secretary of State for Environment, Food and Rural Affairs setting out proposals for improved access to the coast between Rye Harbour and Camber Sands under section 51 of the National Parks and Access to the Countryside Act 1949 pursuant to its duty under section 296(1) of the Marine and Coastal Access Act 2009.
- The objections concern Natural England's Report EBC 8 for land between Rye Harbour and Camber Sands. The land in the Report to which the objection relates is specifically route section EBC-8-S024, as shown on Map EBC 8b.
- The objection is made under paragraphs 3(3)(c), (d) and (e) of Schedule 1A to the 1949 Act on the grounds that the proposal fails to strike a fair balance in such respects as set out in the objection.

Summary of Recommendation: I recommend that the Secretary of State makes a determination that the proposals set out in Report EBC 8, in respect to the trail section EBC-8-S024, do not fail to strike a fair balance in respect to the objections considered herein.

Preliminary Matters

247-18. On 31 July 2024 Natural England (NE) submitted a Coastal Access Report to the Secretary of State setting out proposals for improved access to the coast between Rye Harbour and Camber Sands - Report EBC 8 (the Report). The period for making formal representations and objections to the reports closed on 25 September 2024. I have been appointed to report to the Secretary of State on the objections.

248-19. There are other admissible objections to the Report concerning improved access to the coast between Rye Harbour and Camber Sands. While they all relate to the Report, they concern different route sections and, as such I have considered it expedient to address them separately in other reports to the Secretary of State. I would note, nonetheless, that one of my other reports concerns an adjoining section of the proposed trail.

249-20. I conducted a site inspection on 27 May 2025. I was accompanied by [redacted] and representatives of NE.

Main Issues

250-21. The coastal access duty arises under section 296 of the Marine and Coastal Access Act 2009 (2009 Act) and requires NE and the Secretary of State to exercise their relevant functions to secure two objectives.

251-22. The first objective is to secure a route for the whole of the English coast which:

(g)(c) consists of one or more long-distance routes along which the public are enabled to make recreational journeys on foot or by ferry, and

(h)(d) (except for the extent that it is completed by ferry) passes over land which is accessible to the public.

This is referred to in the 2009 Act as the English coastal route and is now known as the King Charles III England Coast Path. For ease of reference, it is referred to as 'the trail' or 'the England Coast Path' in this report.

252-23. The second objective is that, in association with the England Coast Path, a margin of land along the length of the English coast is accessible to the public for the purposes of its enjoyment by them in conjunction with the coastal route or otherwise. This is referred to as the coastal margin.

253-24. Section 297 of the 2009 Act provides that in discharging the coastal access duty NE and the Secretary of State must have regard to:

- (j) The safety and convenience of those using the trail,
- (k) The desirability of that route adhering to the periphery of the coast and providing views of the sea, and
- (l) The desirability of ensuring that so far as reasonably practicable interruptions to that route are kept to a minimum.

254-25. They must also aim to strike a fair balance between the interests of the public in having rights of access over land and the interests of any person with a relevant interest in the land.

255-26. Section 301 of the 2009 Act applies to river estuaries and states that NE may exercise its functions as if the references to the sea included the relevant upstream waters of a river.

256-27. NE's Approved Scheme 2013, as approved by the Secretary of State on 9 July 2013, (the Scheme) is the methodology for implementation of the England Coast Path and associated coastal margin. It forms the basis of the proposals of NE within the Report.

257-28. My role is to consider whether or not a fair balance has been struck. I shall make a recommendation to the Secretary of State accordingly.

The Coastal Route

258-29. Forming part of the England Coast Path between Eastbourne and Camber, the length of path under consideration is contained within Report EBC 8: Rye Harbour to Camber Sands. The objection relates to route section EBC-8-S024, as shown on Map EBC 8b. The section in question is referred to as 'S024' henceforth.

259-30. Along S024 the proposed trail would follow an existing public footpath. It forms part of a longer stretch of the proposed route between sections EBC-8-S013 and EBC-8-S025, as shown on Maps EBC 8a and EBC 8b, that runs inland following an existing nature trail through Rye Harbour Nature Reserve (the Nature Reserve).

260-31. Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI) Rye Harbour SSSI, Dungeness, Romney Marsh and Rye Bay Ramsar (the Ramsar), Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and the Nature Reserve all extend southward of S024. Dungeness Special Area of Conservation is located a little to the south east within the Nature Reserve, the SSSI, the Ramsar site and the SPA.

261.32. No roll-back is proposed associated with S024.

262.33. Along S024 there are no coastal land types present landward of the trail.

263.34. Access to the saltmarsh/flat in the coastal margin seaward of trail sections EBC-8-S001 to EBC-8-S091, which includes S024, is proposed to be excluded all year round by direction under Section 25A of the Countryside and Rights of Way Act 2000 as this land is unsuitable for public access. The mudflat is soft and sinking, does not provide a safe walking surface and is subject to frequent tidal inundation. The exclusion would not affect the trail itself here, nor would it have legal effect on land where coastal access rights do not apply.

The Objections

264.35. The objectors own the land that S024 crosses. They say they strongly object to the proposals, including to further changes. They add that although there was a meeting with NE in March 2024, no permission was given to take control of their land and they maintain that there are no proposals for works / changes nor any contract. They also assert that they were not advised 'upfront' of their legal rights as landowners. They do not feel that they have been considered at all.

265.36. They add that they already suffer from noise, abuse, rubbish, stress, loss of privacy and enjoyment of their property and are unwilling to be subjected to further upset. They ask that an alternative route is found.

Representations

266.37. The Ramblers support the proposals for Rye Harbour to Camber Sands, adding that the route aligns very closely with that proposed by them in 2017, in an advisory report to NE. Ramblers consider the basic principles of the Scheme, chapter 4, have been met. They also agree with NE's explanations and reasons for their final choice of route.

267.38. The Rights of Way & Countryside Team at East Sussex County Council manages the public rights of way network in the County and is also Access Authority for the area. Additionally, the Team manages Camber Sands SSSI and the County Council is freehold owner of that site. The Team supports the recommendations made in the Report and the proposed improvements to public access.

268.39. Sussex Wildlife Trust is broadly supportive of the proposals at large and welcomes the new secure statutory rights of public access to most areas of beach and other coastal land on this stretch of coast, and a safe and continuous promoted pedestrian route linking Rye Harbour, Rye and Camber. It notes the consideration of potential environmental impacts of improving public access to this stretch of coast, and the adjustments to the proposals prior to publication in order to address these.

269.40. The Trust likes the proposed alignment through the Nature Reserve. It adds that the nature trail is uneven and narrow in places and highlight the potential use of an alternative accessible option along the shared

cycle/pedestrian route that runs alongside Harbour Road, north of the Nature Reserve.

270.41. The Trust asks:

- For clarification regarding a plan and responsibility for the delivery of the surface improvements, waymarking signage and new advisory signs at the Nature Reserve;
- If a proposed timeframe has been established;
- What is covered by the proposed budget for project management; and
- Whether a plan has been established for the delivery of maintenance works for the trail within the Nature Reserve, and what the scope of the maintenance works will be.

271.42. The South East England Coast Path Local Trail Partnership is responsible for maintaining and improving the opened stretches of the trail between the London Borough of Bexley and Brighton. It welcomes and supports the proposals detailed in the Report and looks forward to working with NE and local stakeholders to manage the trail, once access rights have commenced along this section of coast. It has requested that NE continues to engage with the Partnership and provide updates on the development of the Rye to Camber section, including clarifying maintenance responsibilities for infrastructure and mitigation features along the route.

Natural England's Response to the Objections

Anti-social behaviour & privacy

272.43. The proposed S024 route follows an existing public right of way which is maintained by the County Council. This footpath is regularly used as it forms part of a popular existing nature trail, promoted by Sussex Wildlife Trust: Camber Castle, and was until recently also promoted by the County Council as part of another Camber Castle circular walk.

273.44. Along S024 the England Coast Path would run along a raised, disused railway line, through dense scrub, with occasional views into the adjacent land to the north, owned by the objectors. North of the path, the land drops into a ditch which forms a boundary to their horse-grazed paddocks. Their house is over 100m north of the trail and is separated from it by the scrub, ditch and paddocks.

274.45. NE does not expect to see a dramatic increase in use along the trail here but accepts there is likely to be more footfall if the Secretary of State approves its proposals for Coastal Access. It does not expect England Coast Path users to want to enter the paddock fields north of the trail (part of the seaward coastal margin). NE has no plans to facilitate this, and there is no existing route through the scrub and across the ditch into the paddocks, or any feature of the landscape that would obviously attract trail visitors to make a new route into the paddock or near to the objectors' house.

275.46. NE advises that it has no evidence that promotion of the trail or coastal access rights increase anti-social activities, such as abuse, or that noise increases markedly - as most of the additional visitors are likely to be there for quiet recreation.

276.47. NE maintains that footpaths are common in the countryside and that the vast majority of them exist without litter problems. It adds that there is no reason why the path in this location would attract a significant litter problem as it is unlikely to draw the volume of walkers that are sometimes associated with troublesome littering, such as at promoted visitor attractions. NE also says that the vast majority of walkers are law-abiding citizens and their presence may often be a deterrent to existing anti-social behaviours, such as littering. NE can also add additional Countryside Code information to trail signage in this location to remind walkers to keep to the path, pick up litter and keep dogs under effective control, which may help foster appropriate behaviour in the countryside.

277.48. NE recognises that during a site visit in 2023, the objectors raised concerns that proposed vegetation works might increase their exposure to path users and impact their privacy. The only works that are likely here are the removal of any vegetation that is overhanging / impeding use of the footpath and clearing some vegetation near the gate at Rye Harbour Road to highlight the path entrance. In NE's view these works are unlikely to significantly reduce the natural barrier between the path and the paddocks / house.

278.49. NE adds that the objectors' privacy and enjoyment is unlikely to be significantly impacted by the proposals. This is because of the distance of the England Coast Path from the house, the natural barriers of scrub and ditch between the trail and the paddocks, and the likelihood of walkers sticking to the path.

Permission & landowner rights advice

279.50. NE states that in this case it followed the steps in Stage 2 (para 3.4.6) & Stage 3 (3.4.9) detailed in the Scheme, which include making contact with local landowners and explaining how their land would be affected by any new rights and providing the opportunity to object to the Secretary of State regarding any coastal access proposals that affect land in which they have a legal interest. This included:

- In August 2023 NE made initial contact with the objectors, writing to explain the background to coastal access and to inform them of its plans to propose a route for the trail between Rye Harbour and Camber Sands and sought their views on an alignment;
- In February 2024 NE wrote to them again, sharing a mapped summary of its emerging proposals which explained how their land would be affected by any new rights, seeking their views. The letter also highlighted their ability to object to the Secretary of State when final coastal access proposals were submitted;
- Following this, NE met with the objectors on their land on 14 March 2024 to discuss the letter and map and their concerns over the emerging proposals, including maintaining the scrub/screening between the footpath and paddock, and the default seaward coastal margin affecting their land; and
- NE wrote again in July 2024 to notify them of the publication of the Report and to advise them of how to make an objection and/or representation about the proposals.

280-51. NE says that regarding seeking the objectors' 'permission' for the proposals, it informed them of their ability to object to the coastal access proposals and how this decision lies with the Secretary of State (during Stage 4, para 3.4.10-13), who will take account of any objections and representations.

281-52. In terms of concerns over 'taking control' of the objectors' land, NE refers to coastal access rights only inferring a right of pedestrian, open-air recreation over the affected land, and do not impact on the landowner's decisions on land use and management or future development.

Analysis and Conclusion

282-53. Although the evidence indicates that this section of the proposed trail is already popular and well-used as a right of way, it seems likely that the creation of the England Coast Path would result in an increase in its use by walkers. Nonetheless, there is no good reason to believe that users of the England Coast Path would engage in any form of antisocial behaviour or create significant additional noise.

283-54. Indeed, further use of the way is likely to be by people who are primarily engaged in enjoying the countryside and coast as a form of tranquil recreation. Consequently, such additional use is likely to lead to greater natural surveillance of the right of way which may have a positive effect in terms of diminishing antisocial behaviour, including in respect to litter.

284-55. For the reasons identified by NE, it also seems unlikely that users of the England Coast Path would deviate from the trail, including to the adjoining seaward coastal margin, particularly given the range of physical impediments. It seems far more likely that walkers here would be focussed on making progress along the trail rather than deviating from it, especially given the rather linear alignment of this section along the disused railway line. For these reasons and bearing in mind that the vegetation works along this section of the England Coast Path would be limited, the effect of the trail on the privacy of the objectors is unlikely to be significant.

285-56. NE submissions clearly demonstrate that it has gone to reasonable lengths to engage and communicate with the objectors in accordance with the Scheme. The objectors have also had suitable opportunity to raise any concerns and objections. Moreover, coastal access rights only provide a right of pedestrian, open-air recreation over the affected land, and do not impact on the landowner's decisions on land use and management or future development.

286-57. While the objectors request that an alternative route is found to that proposed, they make no suggestion as to how this might be accomplished. NE has considered alternatives, as set out in the Report, and concluded that the proposed route is preferable for the reasons set out therein. I have found no good reason to disagree in respect to this part of the proposed trail. I also note that the Ramblers agree with NE's reasons for the final choice of route bearing in mind the alternatives considered. The alignment is also supported by the County Council and Sussex Wildlife Trust.

Recommendation

287.58. _____ Having regard to these and to all other matters raised, I conclude that the proposals do not fail to strike a fair balance as a result of the matters raised in the objections. I therefore recommend that the Secretary of State makes a determination to this effect.

[redacted]

APPOINTED PERSON

ANNEX A: INFORMATION TO INFORM THE SECRETARY OF STATE'S HABITATS REGULATIONS ASSESSMENT

Introduction

~~288-59.~~ The Conservation of Habitats and Species Regulations 2017 (as amended) requires that where a plan or project is likely to have a significant effect on a European site, such as the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA), either alone or in combination with other plans or projects, and where the plan or project is not directly connected with or necessary to the management of the European site, a competent authority (the Secretary of State in this instance) is required to make an appropriate assessment of the implications of that plan or project on the integrity of the European site in view of the site's conservation objectives.

Project Location

~~289-60.~~ The proposed section of path in question forms part of the England Coast Path between Eastbourne and Camber. In terms of the objections considered here, EBC-8-S024 is the relevant section, as shown on Map EBC 8b. It is referred to as 'S024' henceforth.

~~290-61.~~ S024 is in proximity to the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site, and the Dungeness Special Area of Conservation (SAC).

~~291-62.~~ The Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site are located between Hythe in Kent and Norman's Bay in East Sussex. Between Eastbourne and Camber there are extensive coastal shingle beaches and sand dunes across an area of intertidal mud and sand flats. Open water habitats, including gravel pits, the canal, reservoirs and ditch systems are important habitats for birds, along with terrestrial habitats that include damp grassland, grazing marsh, reedbeds and adjoining fields. Saltmarsh and other intertidal habitats are also important. As a whole, the Bay is important for breeding, wintering and passage birds, wetland plants, bryophytes and invertebrates. In addition to the internationally important wetland habitats and species, the Ramsar site and adjacent areas are also of national and international importance for a variety of non-wetland habitats and species.

~~292-63.~~ The Dungeness SAC is the UK's largest shingle structure. It includes the vast sand and shingle beaches of the Dungeness foreland with the flat marshland between Hythe in Kent and Pett in Sussex. This area contains a wealth of wildlife and geomorphological features.

Habitats Regulations Assessment Implications of the Project

~~293-64.~~ S024, as part of the England Coast Path between Eastbourne and Camber, would increase access to this area for recreational activities, including by walkers and those accompanied by dogs, whose presence have the potential to affect the SPA, the Ramsar site and the SAC, as does disturbance by construction activities necessary for the physical establishment of the path and access management infrastructure. The qualifying features of these designated sites are:

- Breeding Birds (Little tern, Sandwich tern, Avocet, Common tern, Marsh Harrier, Mediterranean gull);

- Non-breeding birds (Aquatic warbler, Bewick's Swan, Golden Plover, Hen Harrier, Bittern, Mute swan, Ruff, Shoveler, waterbird assemblage);
- Marsh mallow moth;
- Vegetated shingle and natural shingle wetlands (Annual vegetation of drift lines, Perennial vegetation of stony banks, Annual vegetation of sand, shingle and pebble shores, Natural shingle wetlands);
- Vulnerable, endangered, or critically endangered species (DeFolin's lagoon snail, Greater water-parsnip, Great crested newt, Ground beetle, Medicinal leech, Warne's thread-moss, water vole);
- Wetland bryophyte assemblage; and
- Wetland plant and invertebrate assemblages.

294.65. In 2024 Natural England (NE) undertook a shadow Habitats Regulation Assessment of the Eastbourne to Camber proposals for the England Coast Path. Henceforth, it is referred to as the 'sHRA'.

295.66. The sHRA provides the information to inform the Competent Authority's appropriate assessment, in accordance with the assessment and review provisions of the Habitats Regulations. The sHRA is recorded separately in the suite of reports. It considered the potential impacts of the coastal access proposals on the designated sites identified above as well as others which are distant from S024, including likely significant effects.

296.67. Initial screening set out that as the plan or project is not either directly connected or necessary to the management of all of the European sites' qualifying features, a Habitats Regulation Assessment was required. The overall Screening Decision found that the plan or project at large would be likely to, or may, have significant effects on some or all of the qualifying features of the European Sites alone in the absence of mitigation measures. Accordingly, the sHRA considered the potential for the project to give rise to Adverse Effects on the Integrity (AEol) of the designated sites.

297.68. 'Risk of significant effects alone' are assessed in C2.1 of the sHRA. Its Table 5 (pages 16 to 23) identifies the sites and qualifying features for which significant effects, 'alone' only, would be likely or could not be excluded beyond reasonable scientific doubt. The conclusions on likely significant effects of the plan or project alone on the qualifying features, likely and unlikely, are set out on its page 24.

298.69. 'Risk of significant effects in-combination' are assessed in C2.2. Further to the risks identified as being significant alone, no other residual and appreciable risks were found to be likely to arise from this project which have the potential to act in-combination with similar risks from other proposed plans or projects to also become significant. Therefore, in-combination risk has been excluded, but further appropriate assessment of the project 'alone' was required.

299.70. The assessment of AEol for the project alone takes account of measures to avoid or reduce effects incorporated into the design of the access proposal, as set out in D3.3 (page 38-41). The assessment, which covers the entire length of the England Coast Path proposed between Rye Harbour and Camber Sands, not just S024, identifies that the measures incorporated into the

design of the scheme are sufficient to ensure no AEoI in light of the sites' conservation. No residual effects were found.

~~300-71.~~ In sections D4 and D5 of the sHRA (page 42), it is concluded that the access proposal, taking into account any incorporated avoidance and mitigation measures, would not have an adverse effect on the integrity of Dungeness SAC and Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site either alone or in combination with other plans and projects.

~~301-72.~~ Part E of the sHRA sets out that NE is satisfied that the proposals to improve access to the English coast between Rye Harbour and Camber Sands, including S024, are fully compatible with the relevant European site conservation objectives. NE's general approach to ensuring the protection of sensitive nature conservation features is set out in section 4.9 of the Scheme. To ensure appropriate separation of duties within NE, the assessment conclusions are certified by both the person developing the access proposal and the person responsible for protected sites. Taking these matters into account, reliance can be placed on the conclusions reached in the sHRA that the proposals would not adversely affect the integrity of the relevant European sites. It is noted that, if minded to modify the proposals, further assessment may be needed.

Nature Conservation Assessment

~~302-73.~~ Although not forming part of the sHRA, NE has also undertaken a Nature Conservation Assessment, which should be read alongside the sHRA. The Nature Conservation Assessment covers matters relating to Sites of Special Scientific Interest (SSSI), Marine Conservation Zones and undesignated but locally important sites and features, which are not already addressed in the sHRA. Relevant to S024 are Dungeness, Romney Marsh and Rye Bay SSSI, Rye Harbour SSSI, common lizard and badgers.

~~303-74.~~ NE was satisfied that the proposals to improve access to the English coast between Rye Harbour and Camber Sands, including to S024, were fully compatible with its duty to further the conservation and enhancement of the notified feature of Dungeness, Romney Marsh and Rye Bay SSSI and Rye Harbour SSSI consistent with the proper exercise of its functions.

~~304-75.~~ In respect to the common lizard and badgers, NE concludes that the appropriate balance has been struck between its conservation and access objectives, duties and purposes.