

Individual customer reference: SWI0604



Mr Ivan King
Barling Magna Parish Council
Parish Clerk to Barling Magna Parish
Council
43 Christchurch Road
Southend-on-Sea
Essex
SS2 4JW

Essex Coastal Access Delivery Team
Natural England
Area 5a
Nobel House
17 Smith Square
London
SW1P 3JR

essexcoastalaccess@naturalengland.org.uk
Telephone: 0208 026 3837
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Dear Mr King,

England Coast Path: Southend-on-Sea to Wallasea Island, Essex

We are writing to you regarding our plans under the Marine and Coastal Access Act 2009 to improve public access on foot along the coast from Southend-on-Sea to Wallasea Island.

Our duty under this legislation is to make proposals to the Secretary of State for a long distance walking route around the English coast and, where appropriate, for an adjoining margin of land ('the coastal margin') where the public will also have a right of access on foot.

This letter, and the accompanying map(s), set out our initial proposals for how these new arrangements might work on coastal land which you own or occupy.

We have also included an explanation of some of the main England Coast Path (ECP) terminology relevant to this stretch (see Annex 1).

If you would like to comment, suggest alternatives, or discuss these proposals, please reply before **5th July 2019** using the contact details at the top of the letter, to ensure that we can consider your views in good time before we make our formal proposals to the Secretary of State. We are aiming to publish our formal proposals in **autumn 2019**. This date may be subject to change, see our website for latest updates:
<https://www.gov.uk/government/collections/england-coast-path-southend-on-sea-to-wallasea-island>. Following publication, there will be a formal 8-week period to register representations or objections. Representations may be made by anyone, whereas objections may only be made by affected owners or occupiers.

When we publish our formal proposal you will be sent a link to the final report sections that refer to the land you own or occupy, with guidance on how you may submit an objection or representation on an official form if you wish to do so.

The England Coast Path

Our preferred route for the England Coast Path (ECP) is shown on the accompanying map in blue.

The Coastal Margin

The coastal margin is all land seaward of the trail down to Mean Low Water (MLW). Certain land types are excepted from this spreading room access and these are defined in Annex 2.

We intend to propose a long-term access exclusion to the majority of intertidal mud and saltmarsh on this length of coast. This exclusion is proposed under s25A of the Countryside and Rights of Way Act (2000) to exclude new coastal access rights on these specific habitats where there is a risk to public safety. Current rights of access will not be affected. Where the route makes use of a public right of way on top of a seabank, the default landward boundary is defined as the landward base of the seabank where it meets the folding. There is no fixed width for the route; it is a line on a map with local circumstances dictating the lateral extent of the walked trail, a minimum width of ~2m is typical but may be wider or narrower.

We do not intend to propose any additional land to the landward side of the route as coastal margin. Coastal access rights do not prevent any land from being developed or redeveloped in the future.

Way-marking

As part of future establishment works (if approval is consented at a future date by the Secretary of State), it may be necessary to way-mark the route by placing small signs on existing infrastructure on your land e.g. fences, posts or gates. Any additional items of infrastructure necessary will be maintained by Essex County Council.

Specific issues on this section

We have been in contact with Mandy Cohen of the Parish Council in connection with Barling Magna Wildlife Reserve and are aware of the Council's aspirations to link the reserve, via a footbridge over the borrowdyke, to the public footpath on the crest of the seabank, at the edge of the River Roach.

On 10 October 2017 we shared details of the Parish Council's leasehold estate (HM Land Registry Title EX604156) and the recorded boundary of the land. As you will be aware, the freehold title of the land is owned by Southend-on-Sea Borough Council.

We attach a map showing the proposed route of the England Coast Path (blue line). Our primary remit is to deliver a continuous walking trail around the coastline of England. While opportunities exist to link local amenities and attractions, permission and funding are sought independently.

We will write to both Southend-on-Sea Borough Council and Rochford District Council, who have interest in the same land parcel (as freeholders and leaseholders, respectively).

Please bring this letter to the attention of the Parish Council, for possible consideration at a future meeting. We will be contacting you separately to share the proposed ECP route across the whole Parish (Barling Magna).

You will also find additional information on our website at <https://www.gov.uk/government/collections/england-coast-path-southend-on-sea-to-wallasea-island>.

Yours sincerely



ANNEX 1

England Coast Path – Explanation of Terminology

The Coastal Margin

The coastal margin is all land seaward of the trail down to Mean Low Water (MLW).

Spreading Room

Spreading room is the area of coastal margin where public access is permitted. Some land types within the coastal margin are excepted (see below) or will be restricted under coastal access rights for public safety reasons or to prevent wildlife disturbance (most saltmarsh will be restricted in this way). Existing rights of access are not affected.

Excepted Land

This is land within the coastal margin and spreading room that is excluded from public access. This includes but is not limited to buildings, curtilage, parks and industrial facilities, land under military byelaws. See Annex 2 for greater detail.

Infrastructure requirements

We do not expect that any large scale infrastructure will be required; however it may be necessary to way-mark the route by placing small signs on existing infrastructure on your land e.g. fences, posts or gates or to replace pedestrian gates and stiles if these are in poor condition. Any additional items of infrastructure necessary will be installed and maintained by the local access authority (Essex County Council).

Higher rights

There are no proposals on this section for the trail to include new higher rights (use by cyclists or horse riders), although these rights will remain where they already exist.

Reduced liability

Land subject to coastal access rights benefits from the lowest level of occupiers' liability known under English law – considerably lower than the duty of care owed towards trespassers on private land. This makes it extremely unlikely in normal circumstances that an occupier could successfully be sued in relation to injury on land with coastal access rights. However on pre-existing public rights of way and section 15 land, coastal access liability does not apply.

Responsiveness to coastal change

Where the coast is subject to change or erosion events we intend to propose that the path is able to roll back in response to these events. Under this proposal, you would be consulted about any future changes to the route that become necessary for this reason, but there would be no further reference to the Secretary of State before implementing the changes.

You will also find additional information at our website at:

<https://www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast>. The website includes a link to the revised Coastal Access Scheme, which sets out the approach we now must follow in preparing our coastal access proposals. The Coastal Access Scheme has a glossary section which gives more detailed descriptions of the terminology used in this letter.

ANNEX 2

Coastal Margin – Categories of Excepted Land

Coastal access rights apply within the coastal margin (including along the coast path itself) unless the land falls into a category of excepted land or is subject to local restrictions, exclusions or diversions. This note explains the categories of excepted land. For information about local restrictions, exclusions and diversions please check our interactive access maps:

<http://www.openaccess.naturalengland.org.uk/wps/portal/oasys/maps/MapSearch>

For information about any other aspect of our programme for improving public access to the coast, please visit:

<https://www.gov.uk/government/collections/england-coast-path-improving-public-access-to-the-coast>

Under Schedule 1 to the Countryside and Rights of Way Act 2000, some categories of land are completely excluded from the coastal access rights, even if they fall within the coastal margin:

- land covered by buildings or the curtilage of such land;
- land used as a park or garden;
- land used for the getting of minerals by surface working including quarrying (except, under certain circumstances, the removal of sand or shingle from an area of foreshore or beach);
- land used for the purposes of a railway (including a light railway) or tramway;
- land covered by pens in use for the temporary detention of livestock;
- land used for the purposes of a racecourse or aerodrome;

- land which is being developed and which will become excepted land under certain other excepted land provisions;
- land covered by works used for the purposes of a statutory undertaking (other than flood defence works or sea defence works), or the curtilage of such land;
- land covered by works used for an electronic communications code network or the curtilage of any such land;
- land the use of which is regulated by byelaws under section 14 of the Military Lands Act 1892 or section 2 of the Military Lands Act 1900;
- land which is, or forms part of, a school playing field or is otherwise occupied by the school and used for the purposes of the school; and
- land which is, or forms part of, a highway (within the meaning of the Highways Act 1980) – see below.

Some other land categories are excepted by default, but the England Coast Path may cross them on an access strip – in which case the strip itself is not excepted from the coastal access rights, but the rest of the land is:

- land on which the soil is being, or has at any time within the previous 12 months been, disturbed by any ploughing or drilling undertaken for the purposes of planting or sowing crops or trees;
- land used for the purposes of a golf course;
- land which is, or forms part of, a regulated caravan or camping site; and
- land which is, or forms part of, a burial ground.

Highways, including public rights of way, are also excepted from the coastal access rights. This does not prevent the England Coast Path from following a public footpath or other highway through the coastal margin: people simply continue exercising their pre-existing rights along them.

Land owners may choose, under the legislation, to dedicate land that would otherwise be excepted as a permanent part of the coastal margin. Where they do so, the dedicated land ceases to be excepted from the coastal access rights. These provisions are explained in more detail in Chapter 2 of our Coastal Access Scheme:

<http://publications.naturalengland.org.uk/publication/5327964912746496?category=50007>