

**Open Report on behalf of Andy Gutherson - Executive Director - Place**

Report to:	<b>Lincolnshire Joint Local Access Forum</b>
Date:	<b>17 November 2021</b>
Subject:	<b>England Coast Path</b>

**Summary:**

A report to the Joint Local Access Forum to consider the progress of the establishment and future management of the England Coast Path in Lincolnshire

**Actions Required:**

To advise the relevant local authorities as to JLAF considerations regarding the continuation of engagement by officers with Natural England colleagues to ensure that the England Coast Path and coastal margin is properly established and to continue to discuss the partnership arrangements for managing the Trail and margin with appropriate bodies.

**1. Background**

**National Overview**

Work is well underway on the England Coast Path (ECP), a new National Trail around England's entire coast however over recent months progress on the path has slowed as a result of:

- the impact of Covid-19
- a European court judgement in April 2018 that affected how Natural England could assess the impact of England Coast Path proposals on environmentally protected sites

See Appendix E for a map of the situation as at November 2021

The work on the path is combined with the establishment of publicly accessible coastal margins which was an extension of the original open access land types (often referred to as "right to roam" land) of mountain, moorland, downland and heath (Countryside and Rights of Way Act 2000 (CROW Act))

The coastal margin is defined as the land between the trail and the sea and may also extend inland from the trail if:

- it's a type of coastal land identified in the CROW Act, such as beach, dune or cliff
- there are existing access rights under section 15 of the CROW Act
- Natural England and the landowner agree to follow a clear physical feature landward of the trail

In the coastal margin, there will often be new rights to enjoy areas like beaches however some areas will not have such rights because they are:

- Excepted land, such as cropped land or buildings and their courtyards or gardens
- not suitable for public access, such as a saltmarsh or mudflat

Other parts of the coastal margin may be steep, unstable and not safe to access.

The trail itself is not a legally recorded highway or public right of way but is a strip of land set aside within the coastal margin land to be used in the same way as a public footpath. In many instances the trail will utilise existing highways and public rights of way. The trail will also only be available on foot although where higher rights already exist these will be applied. The Trail is also expected to meet all accessibility standards wherever possible.

### Lincolnshire Context

The scheme for the establishment of the ECP is based on a 5 step process:

- **Prepare** – Defining the stretch and the individual sections and assessing current access.
- **Develop** – Working with local authorities, land owners and other interested agencies to select an appropriate route and establish the extent of coastal margin.
- **Propose** – The publication of a formal report that invites representations from the public.
- **Determine** – A review of the representations and objections received in the previous stage alongside any necessary site visits and recommendations from the Planning Inspectorate before being a decision on approval is made by the Secretary of State
- **Open** – This is in two stages with the works on the ground being the "establishment" before the trail and margin is officially "open" and the trail moves into the longer term management regime within the National Trail family (Pennine Way, Cotswold Way etc.)

For Lincolnshire there are 4 distinct stretches which create the ECP in the county and are all at various stages in the process:

Hunstanton to Sutton Bridge – see Appendix A

This short section within Lincolnshire from the county boundary with Norfolk to Sutton Bridge is currently in the **determine** phase and representations against the route are being considered by the Planning Inspectorate. These do not affect the Lincolnshire part of the stretch which is on either the existing public bridleway on the sea bank of The Wash and River Nene and public roads and footways across the bridge itself. Given the nature of the stretch and the existing access to it, this short part of the trail will fall under the management of the Norfolk partnership.

#### Sutton Bridge to Skegness (92km) – see Appendix B

This stretch is in the **determine** phase. There were two representations against the selected route which were considered by the Planning Inspectorate in 2018 however this stretch was one of 16 that were affected by the European court judgment noted above which has meant a lengthy delay before the stretch gains approval from the Secretary of State.

The last information available was that the required habitats regulations assessment was due to be undertaken during August 2021 with the determination by the Secretary of State in January 2022. The Council will then begin the establishment works with Natural England.

The major piece of infrastructure will be the refurbishment of a large bridge currently owned by the internal drainage board at Gibraltar Point. The major elements for the remainder of the works will be undertaking signposting of the route and the establishment of the path on the outer sea bank between Friskney and Skegness where there is no current public access.

There will be very little coastal margin for this stretch as it is predominantly excepted land as saltmarsh or mud flats and deemed to be dangerous.

#### Skegness to Mablethorpe (26km) – see Appendix C

This stretch is **open**. Coastal Access rights were commenced on 27 February 2019 following establishment works which consisted predominantly of signage but also the construction of a new section of promenade to link the existing end of the prom at Chapel St Leonards to the recently opened North Sea Observatory. This £250,000 infrastructure was fully funded by the establishment grant from RDPE funding.

The stretch has been managed by LCC since opening with the biggest challenge being keeping the promenade reasonably clear of wind-blown sand. This has proved difficult to meet public expectation but it is hoped that collaborative working between the Environment Agency, ELDC and the county council will enable a better coordinated programme so as to minimise the impacts.

#### Mablethorpe to Humber Bridge (81km) – see Appendix D

This stretch is in the **determine** phase. It is understood that one representation was received which the Planning Inspectorate will now review before submission for approval. In the meantime progress on the sections of the stretch that were not subject to the representation can be made and approval from the Secretary of State is due to be sought in February 2022.

This section includes larger areas of coastal margin although there is some excepted land where there is mud flat or salt marsh. There are also restrictions at the MoD facility at Donna Nook where there will also be a seasonal alternative route to mitigate impacts on the seal breeding season usually commencing in November.

This stretch is one of the last nationally to have been published as there were significant complexities and concerns regarding the habitats regulations assessment finding for the Humber bank.

### **Management**

Once each stretch is opened the relevant local authorities are expected to take on the management of the ECP and in most cases this will be through partnership arrangements due to stretches crossing authority boundaries. Clearly in Lincolnshire this is the case and it is proposed that Lincolnshire enters a management partnership with North and North East Lincolnshire and, due to the relative lengths of the trail in each area it is proposed that Lincolnshire County Council acts as a lead.

The management of the ECP is expected to be to National Trail standards with the associated reporting on the infrastructure assets, development of the trail and subsidiary projects being a requirement of funding.

The 4 National Trail Quality Standards are as follows:

- Experience

The trails should be managed in a way which allows as many people as possible to enjoy a wide variety of walking and riding experiences along National Trails and through the English landscape.

- Enhancement

Constant improvements should be made to the trail and its associated routes. It should contribute to the enhancement of the landscape, nature and historic features within the trail corridor.

- Engagement

Build and sustain a community of interest in caring for the trail and the landscape through which it passes.

- Economy

The trails should create opportunities for local businesses to benefit from the use of the trails.

To deliver against these standards it is expected that the partnership appoints a National Trail Officer.

### Funding

Whilst during the planning and establishment phases of developing the trail the input of a local authority is fully funded as part of the ECP scheme, once opened the management of the path is funded as part of the family of National Trails using a Trail Funding Formula. This is currently being reviewed but at its basic level it is a price per metre grant with enhancement for distances served by new trail sections (as opposed to utilising existing highways) and sections through protected landscapes including Sites of Special Scientific Interest (SSSI) such as The Wash or Saltfleetby & Theddlethorpe Dunes National Nature Reserve and Gibraltar Point.

The partnerships are expected to find 25% of match funding and for Lincolnshire the last assessed figures for annual funding were as follows. It should however be noted that these figures are not finalised, may be subject to further analysis and change or be affected by alterations to the current funding formula.

	@75%	@25%	
Section	Natural England National Trail Maintenance Grant	Lincolnshire Contribution	CC
Sutton Bridge to Mablethorpe	£40,000	£13,333.33	
Skegness to Mablethorpe	£5,742	£1,914.00	
Mablethorpe to Humberston	£17,569	£5,856.33	
	<b>£63,311</b>	<b>£21,104</b>	82%
Section	Natural England National Trail Maintenance Grant	NE Lincs Council Contribution	
Humberston to Immingham	£3,840	£1,280	
	<b>£3,840</b>	<b>£1,280</b>	5%
Section	Natural England National Trail Maintenance Grant	N Lincs Council Contribution	
Immingham to Humber Bridge	£10,270	£3,423.33	
	<b>£10,270</b>	<b>£3,423</b>	13%
	Total NE Partnership Grant	Total Partnership Contribution	
	<b>£77,421</b>	<b>£25,807</b>	
	<b>£103,228</b>		

Whilst it is envisaged that the three authorities will form the main partnership it is also expected that the wider management partnership will include the 3 affected district councils, the Wildlife Trust, National Trust, Environment Agency, National Trust and representatives from this Joint LAF and North Lincolnshire LAF. Other partners may include business & tourism interest groups as well as user groups to represent those who may benefit from the ECP.

**2. Conclusion**

The variety of benefits the ECP will bring to the coastal areas of Lincolnshire will be realised through quality management of the National Trail as it passes through Lincolnshire and that the appropriate management will be accomplished through partnership working. An example of National Trail partnership working can be seen from the Yorkshire Wolds Way Action Plan - [Yorkshire Wolds Way Action Plan | Top 10 Trails](#).

**3. Consultation**

The trail route and the extent of coastal margin is extensively consulted upon by Natural England during the development and proposal stages of the process

**a) Risks and Impact Analysis**

The key risk for the project will be if the authority ultimately declines to engage with the management of the path which will have a negative reputational effect for the authority and the potential for the benefits of a well-managed trail to be lost.

Equally if resources are not established to contribute to the funding formula then opportunities will be missed or lost through a lack of engagement.

**4. Appendices**

These are listed below with links to the relevant webpages	
Appendix A	<a href="#">England Coast Path: Hunstanton to Sutton Bridge - GOV.UK (www.gov.uk)</a>
Appendix B	<a href="#">England Coast Path: Sutton Bridge to Skegness - GOV.UK (www.gov.uk)</a>
Appendix C	<a href="#">England Coast Path: Skegness to Mablethorpe - GOV.UK (www.gov.uk)</a>
Appendix D	<a href="#">England Coast Path: Mablethorpe to the Humber Bridge - GOV.UK (www.gov.uk)</a>
Appendix E	<a href="#">coastal-access-england-map.pdf (publishing.service.gov.uk)</a>

This report was written by Chris Miller, Deputy Head of Environment, who can be contacted on 01522 782070 or [chris.miller@lincolnshire.gov.uk](mailto:chris.miller@lincolnshire.gov.uk).

Appendix E



# England Coast Path - Stretch Progress

1st October 2021



