

Making the most of **Coastal Access**

**A brief guide to
Natural England's scheme**



ramblers
at the heart of walking



**ACCESS &
CONSERVATION
TRUST**

The Marine and Coastal Access Act

The Marine and Coastal Access Act (Part 9) has two objectives:

Firstly, it places a duty, **the Coastal Access Duty**, on the Secretary of State (SoS) and Natural England (NE) to secure a long distance walking route – **the trail** – around the whole of the English coast.

Secondly, it creates new public open access land – **spreading room** – to the seaward side (and in some places the landward side) of the trail.

The Act achieves these by changing the Countryside and Rights of Way Act 2000 (CROW) and the National Parks and Access to the Countryside Act 1949.



Natural England's Scheme

The Marine and Coastal Access Act 2009 requires NE to prepare a scheme setting out the approach it will take in carrying out the coastal access improvements on the ground. The scheme explains how NE will reach a conclusion as to where and how the long-distance route (the trail) and the boundary of the coastal margin (spreading room) will be positioned on a particular section of the coast.

This will be the main document to read and become familiar with if you wish to understand and help inform local access authorities and NE as to the best position for the trail and spreading room. A full copy of the scheme can be found on the CD included with the full volunteer pack.

This short BMC / Ramblers guide is aimed at coastal access volunteers who wish to learn more about NE's coastal access scheme and offers some ways in which we might influence the implementation of this on the ground.

The overriding principles of coastal access

The Marine and Coastal Access Act sets out four overriding principles which NE has to take into consideration when setting the trail and spreading room.

- The trail must be close to the coast;
- The trail must, where possible, provide sea views;
- The trail must be safe and convenient for users;
- Natural England must aim to strike a fair balance between the public's rights to use the trail and the interests of landowners and property owners.

Proximity and closeness to the sea

The trail should be close to the sea; if it is too far inland it fails in its primary purpose of being 'coastal'. The majority of land between the trail and the sea will also be included as spreading room.

Sea views

The trail should offer views of the sea – this may mean that the best route will be on the cliff top rather than on land closest to the sea. There will of course be times when this is not possible and views will be interrupted; in these cases look to include spreading room which will allow for better sea views.

Safety

The trail should be safe for users at all times but some areas of spreading room may present an element of risk inherent along the coast (sea cliffs etc). The Ramblers and BMC believe that walkers and climbers should take primary responsibility for their own safety (and others in their care) when visiting the coast and should decide for themselves the level of personal risk they wish to take – NE's approach will be to avoid any safety measures that would restrict public access.

The Act also introduces a reduced level of occupiers' liability (for landowners) along the coastal margin for potential liability arising from natural or man-made features. When looking at a stretch of coast, bare in mind any potential safety issues which might affect the positioning of the trail (e.g. coastal erosion).

Convenience and continuity

NE will look to make the trail convenient at all times; it should be reasonably direct (and not detour inland for long stretches) and be pleasant to walk along. It must also be possible to walk around the whole coast at any time of the year. In some instances, temporary, alternative routes might be created in response to coastal change.

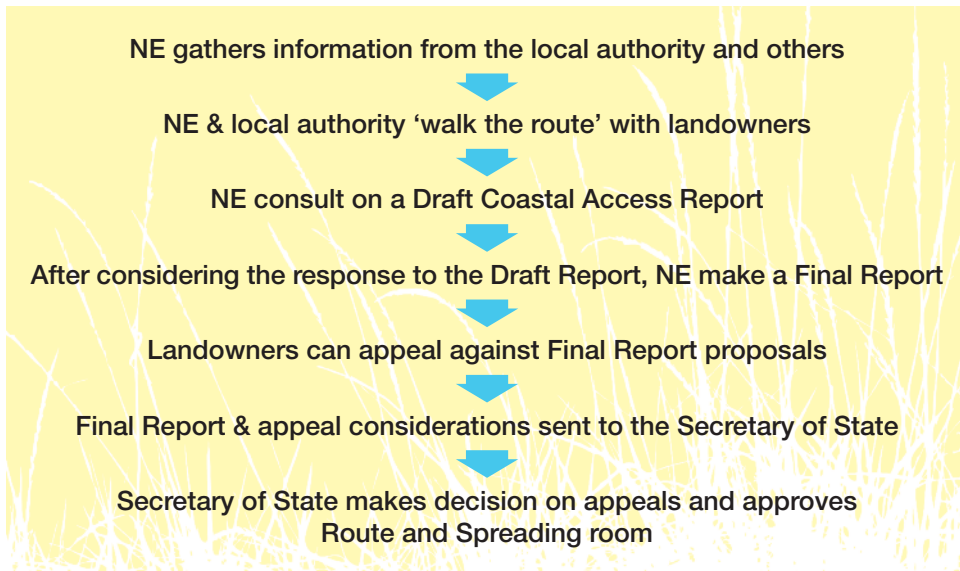
Striking a fair balance

The Act requires both NE in proposing the location of the route and spreading room, and the Secretary of State in approving these, to "aim to strike a fair balance" between the interests of the public in having rights of access and the interests of landowners on the coast. This balance means that NE has a duty to listen to both sides and that the trail and spreading room should be developed fairly, based on the overriding principles of coastal access.

Natural England's implementation process

Work will be undertaken in partnership between NE and local access authorities. The coast will be divided up into stretches and considered separately. NE will first work with Dorset County Council on delivering coastal access along a stretch of coast between Weymouth and Lulworth. Work will then start on five further stretches of the English coastline.

The process of implementing the coastal access scheme will be considered equally for each section of the coast (outlined in chapter 3 of the Scheme). In brief, the process looks like this:



When starting work on a stretch of coast, NE will hold strategic discussions with key local interests including any relevant local access forums, local authorities, and representatives of user and land management interests.

This will be an important stage for local volunteers to influence the location of the trail and spreading room. The information gathered during this stage will be used when NE start to walk the route with landowners. It is vital we help shape their ideas as to the position of the trail and landward spreading room.

Let NE and your local authority know your views earlier rather than later!

When undertaking the detailed alignment process, NE will then walk the course with occupiers of affected land to get their views about the best position for the trail and hear any concerns about public access which may affect land management practices.

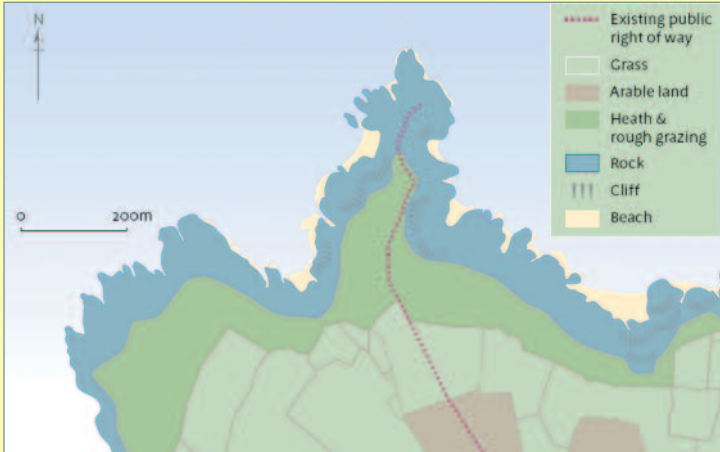
After taking local views into account, NE will publish draft proposals and invite comments on them. NE will then publish a final report and invite representations from interested parties. In addition, owners and occupiers of affected land will be able to make a formal objection regarding the final report based on grounds set out in the Act.

The position of the coastal trail and spreading room

NE will first look to set the route of the trail. If an existing coastal path meets the criteria outlined above then it will, in most cases, adopt this e.g. in the South West where a national coastal path is well established. In other places, NE will create a new trail.

NE's scheme (pages 6 to 7) gives a simple illustrative introduction to this approach:

A section of coast before the new access rights are created



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Figure 3

A section of coast before coastal access rights are created. A rocky shore is overlooked by sloping cliffs covered with heath and rough grass. Further inland there are fields of grass and arable crops. A public right of way leads to the end of a small headland.

The new trail is proposed, based on the principles of coastal access



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Figure 4

The trail is aligned on a convenient route along the top of the cliff.

The width of the route should be appropriate to the location but NE will be looking to create a 4 metre wide strip. Where the situation allows for a wider path and greater access for wheelchairs, horses, cyclists etc then this should be considered wherever reasonable and practicable.

Land seaward of the trail will be included as spreading room

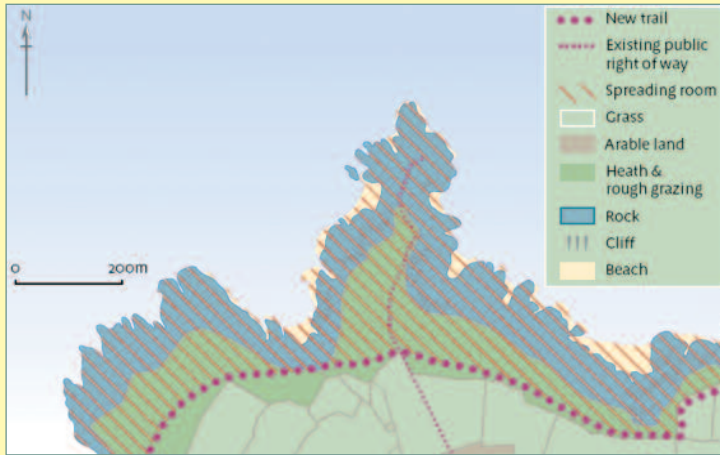


Figure 5
Land seaward of the trail is normally included as spreading room.

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The location of the trail is vitally important. All land to the seaward side of this will automatically become spreading room, unless it is excepted land.

NE may then recommend spreading room to the landward side of the trail

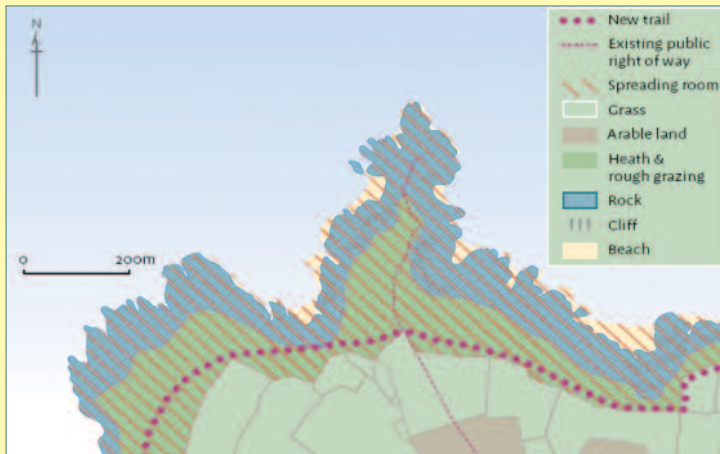


Figure 6
The trail is aligned on a convenient route along the top of the cliff.

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NE can also use discretionary powers to create spreading room on the landward side of the trail to include the classic coastal land types (including dunes and cliffs), extending spreading room up to a recognisable physical feature such as a fence, wall, rock outcrop or woodland.

There are numerous coastal cliffs that currently lie on the landward side of the potential coastal trail that offer significant recreational opportunities and it is essential that these are included within the new right.

How Ramblers and BMC volunteers can help

What to do next... Start planning your route

- Before starting to look at possible locations for the coastal trail and spreading room, NE will first look at what legally secure access is already in place on each section of the coast. Much of this work will have been undertaken with local authorities during NE's 2008/2009 Audit of Coastal Paths, a copy of which can be found on the CD in your volunteer pack or on NE's website. You should make yourself familiar with this information for your stretch of coast.
- One of the best ways to start formalising your own proposals is to survey or map each section of your local coast and then, using this information, plan a route which gives the greatest benefit to walkers and climbers. Look to use existing rights of way and start to think where new footpaths will be needed taking into consideration the overriding principles of coastal access (page 3). Look for coastal features on the landward side of a possible route which might be included in the spreading room. Walk your stretch of coast taking note of the above – use the survey check list in part III of this pack to help you.
- Learn from others – have a look at the Ramblers and British Mountaineering Council submissions to Natural England. As a stretch of coast is completed, we will be building up an on-line library of reports for you to download, with best practice notes and tips on how to complete them.

Coastal land types and land use

The location of the trail and spreading room will be heavily determined by land use and the type of land found along each section of coast.

NE's scheme details the common land types around the coast and how it will look to align the trail and spreading room along each of these. When considering your stretch of coast, the approach set out in the scheme by NE for each land type should be taken into consideration but keep in mind the overriding principles of alignment (proximity to sea, etc).

Key land types - Cliffs

Cliff tops will provide one of the best locations for the coastal trail, with excellent sea views. The position of the trail will need to be set at a safe distance from the cliff edge or inland of any slopes, sudden drops or areas prone to land slips. Some cliffs may be subject to erosion and will need to be included in the 'roll back' provision.

All cliffs will normally be included as spreading room whether seaward or landward of the trail. Look to include the whole of the landward cliff as spreading room in your proposals, or up to the cliff top to a recognisable physical feature, to ensure access to the whole of the cliff face is included for people wishing to climb it.

Key land types - Shingle and sandy beaches, sand spits

Sandy and shingle beaches can be difficult to walk along, may be covered at high tide and do not usually provide for the most convenient route – the trail will not normally be aligned along them. Sandy and shingle beaches will however, be included as seaward spreading room. The popularity of these areas with the public and their important nature conservation value may mean that some informal restrictions are needed. NE should adopt the least restrictive option when considering the need for any restrictions (see page 45 of the scheme).

Key land types - Salt marsh and flats

NE will look to align the route inland from areas of salt marsh and flats and has the power to exclude them altogether from spreading room if they believe they are unsuitable for public access. However, many sea defences and embankments are suitable for the location of the trail and it may fall on us to identify them and outline these to NE.

Key land types - Coastal valleys

The route should always be safe and convenient so depending on the slope and terrain of some coastal valleys, the route may detour inland for a short length. However, coastal valleys provide a different and interesting walking environment and the route should pass through these wherever possible and should link with existing Rights of Way. Any areas of coastal valley seaward of the route will automatically become spreading room.

Key land types - Headlands

In some cases, the route will follow the perimeter of the headland to provide sea views – in these situations it is important that NE are encouraged to create spreading room on the landward side of the route for public access. In other cases it may be more convenient and direct to position the route at the neck of the headland – in these cases, land seaward of the route will automatically qualify as spreading room.

Key land types - River estuaries

NE does not have an absolute duty or requirement for the trail to extend up any river estuary further than the seaward limit of the estuarial waters. However, NE does have a discretionary power to extend the trail further upstream on either side of the estuary as far as the first bridge or tunnel with pedestrian access or to a point which allows for an onward journey to be made. When deciding whether the trail should extend further upstream, an additional set of criteria must be taken into account:

- Nature of the land which would be affected;
- Topography of shoreline;
- Width of the river upstream;
- Recreational benefit to the public;
- Amount of excepted land;
- Physical features and viewpoints;
- The existence of ferry services.

Each estuary will be looked at on a case by case basis and NE will look for a suitable public crossing point in all cases. If none can be found, NE will consider where best to stop the trail or alternatively link with a local, regular ferry service to allow for the continuation of the route.

Key land types - Islands

Only islands which are linked to the mainland via a pedestrian route such as a bridge or tidal causeway (not including ferries) are included within the coastal access rights and subject to NE's scheme. The Secretary of State may include other islands by order if it is *"of sufficient length to enable the establishment of one or more long-distance routes along its length capable of affording the public an extensive journey on foot."*

What to do next...

Consider the opportunity for spreading room

- It is our opportunity to maximise the potential for public access to the coast and consider the potential for spreading room in relation to the route.
- When proposing a route always look to include areas of spreading room seaward of the route (these areas will automatically be included but the route could be positioned in a way that includes more land for open access e.g. along the neck of headlands).
- Look for areas of landward spreading room, taking note of their recreational potential. For example could coastal climbing cliffs or a public viewing point which are set back from the current coast line be included, or by extending the boundary landward to a clear feature or fence line will this make it easier for the public to understand where they can go?

Coastal land uses

NE's scheme details the common land uses around the coast and how it will look to align the trail and spreading room along each of these.

Key land uses - Parks and gardens, houses and hotels

Some land categories will be outside the operation of the coastal access rights (known as excepted land). Land surrounding private houses and hotels for example, are exempt from the coastal access rights as they are classified as 'buildings and their curtilage' and will not be included as part of the spreading room.

The coastal trail may therefore utilise existing rights of way which cross parks and gardens or in some cases, by permission of the landowners, a path may be created on the seaward side. In some areas, parks may present a problem and the trail may be forced to go inland for some distance. In these instances, NE will try and reach agreements with the landowners for the trail to pass through the park. You should note any areas with very large gardens and parks which may restrict access to the coast and let NE know so they can start an early dialogue with the landowners.

Key land uses - Cropped and ploughed land

Cropped and ploughed land cannot be included as spreading room as they are also exempt but the trail will normally occupy a 4 metre wide strip along the seaward edge of the field. If you know the landowner, it may be worth talking to them and NE about trying to get a larger area included for public access as part of an agri-environment scheme such as the higher stewardship scheme; this might mean the trail (and some spreading room) is more appropriately located and at the same time provides a financial incentive to the landowner.

Key land uses - Shooting interests

Some areas of the coast, such as marsh or quarries may be used for activities such as shooting (game birds, wild fowl, deer etc). Sporting rights on private land for wildfowling for example, are common at the coast but this should not prevent the route from being aligned appropriately and land seaward of the route will automatically qualify as spreading room. NE may apply restrictions to some areas during or immediately before a shoot on the grounds of public safety, disruption to the shoot or disturbance (e.g. concerns that visitors or dogs may disturb the wildlife / shoot).

Key land uses - Grazing land and cattle

Some areas of grazing land on the coast will be included as spreading room or the line of the route will pass through new fields. Many of the concerns with public access and cattle relate to dogs and the public will be required to keep dogs on a short lead in the vicinity of livestock. The joint advice from the Ramblers, BMC and National Farmers Union should be used as a guide in these locations. The use of land for the grazing of cattle should not be seen as a reason to exclude access.

Key land uses - Golf courses, camp and caravan sites

Permanent camp and caravan sites, just as golf courses, are exempt from the coastal access rights but there is the provision for the trail to cross these areas of land along an access strip if it is safe and convenient for it to do so. This will normally be along the seaward edge of the site or will follow an existing Rights of Way or tracks. NE may use their discretionary powers to include spreading room on the landward side of the route.

A table outlining a larger selection of the most common land types and land uses, and NE's approach to alignment for each of these, can be found in the survey check list.

What to do next...

Consider the position of the route in relation to land use

- Some land uses, such as ports and military sites, will force the route inland for a short length. Others areas, such as cropped and grazed land, will allow a route to be created close to the coast. In all cases, the route should stay close to sea, have sea views and be safe and convenient.
- When looking at a length of coast with a land use which may limit spreading room (e.g. camp sites) it is essential that the trail is as seaward as possible, links with other Rights of Way and inland detours should be avoided wherever possible.

A summary of what to look for when planning your route and spreading room...

- When looking at a section of coast you should take into account the type of land and its current use your preferred route crosses as this might influence its final position. Check the reminder table on the back cover of the survey check list.
- Other things to look for along each section of coast:
 - Existing rights of way suitable for the trail;
 - Existing rights of way which can link to the trail;
 - Existing areas of open access land;
 - Land suitable for new spreading room;
 - Any new gates or other works which will be needed;
 - Places of historical, wildlife or archaeological interest;
 - Local services like pubs, cafes, B&B's, farm shops, bus and other public transport links, etc.
- If any of the places of interest or local services do not directly link to the trail, suggest new paths which might link them to maximise benefits to the local economy.

Volunteer training exercise maps - a guide to use

With the full volunteer training pack you will also find a set of maps to help clarify how the scheme will work on the ground. Each map has two sides, one showing the current length of coast and its features (Side A), and the reverse showing how this length of coast may look after Natural England has put in place the new English Coastal Route and Spreading Room (Side B).

To get the full benefit of the training maps don't look at the 'Side B' without attempting the exercise first!

These maps are those used by Natural England in their scheme and have been reused here with their permission. The numbered markers on 'Side B' of the maps refers to Natural England's explanatory notes for that section of coast (see scheme for details).

Choose a map (Side A) and using an indelible pen draw a line where you think the coastal route should be positioned and hash which areas should be included as spreading room.

Refer to the scheme or the check list of land types on the back of the survey form for guidance on where the route will normally be positioned along the most common coastal land types and which areas should be included as spreading room. By attempting to second guess what Natural England will do you will develop a feel for how the scheme will be rolled out.

Having marked the position of the route and spreading room on 'Side A' of the map, flip over to the reverse (Side B) and compare your outcome with Natural England's. Look for areas which differ and try and work out why to get a better understanding of Natural England's decision making process.

What to do next...

Get others to agree with your proposed route and spreading room

- Try to contact your local access authority and find out who is leading on implementing coastal access – either arrange to speak to them directly or send them the information you gather.
- If you think parts of your proposed route might cause problems for landowners or businesses, raise the issue with your local access authority and if possible, liaise with the landowner directly. If we can sort out any problems locally and in an open, friendly fashion, this will help when NE start to walk the course with them.

Volunteer survey forms - a guide to use

With the full volunteer training pack you will find a survey form for use when out studying a length of coast. The form is designed to help gather key information along small lengths of coast. It may be easier to consider small sections of coast if the landscape is varied so feel free to photocopy or print more forms from the template included on the CD.

To undertake a survey you will need a digital camera and a map to mark points of interest so that they can be easily referenced when drafting reports.

Frequently used terms and notes

The English Coastal Route

The Marine and Coastal Access Act places a duty on the Secretary of State and Natural England to create a long distance route around the English coast

The Trail

The line of the English coastal route, plus a 2 metres strip either side of the centre line of that route.

Spreading room

Land each side of the route to which the public have a right of open access on foot.

Excepted land

Land to which the public do not have a right of access including buildings and their curtilage, parks and gardens, quarries, railways, and other types of land as listed in Schedule 1 of the Countryside and Rights of Way Act 2000.

Coastal land

As defined in the Countryside and Rights of Way Act 2000 as foreshore, cliff, bank, barrier, dune, beach or flat.

Roll back

Lengths of the trail which move inland or “roll back” with coastal erosion or coastal change.

Stretch of coast

The part of the coast included in a report by Natural England.

Section of coast

Part of a stretch of the coast included in a report by Natural England.

Length of coast

Smaller sections of the coast included in a report by Natural England.

Person with relevant interest

A person who owns, leases or is in lawful occupation of land included in a coastal report.

Fair balance

The balance Natural England and the Secretary of State must aim to strike 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.

Overriding principles

The main criteria which Natural England has to take into consideration when setting the trail and spreading room. These include proximity to the coast, sea views, safety and convenience for users and they must aim to ‘strike a fair balance’.

River estuary

Waters from the seaward limit of the estuarial waters upstream to the first public crossing point which Natural England may treat as coast, but to which the coastal access duty does not apply.

NE

Natural England

SoS

Secretary of State

LAF

Local Access Forum

For more information visit:

www.ramblers.org.uk

www.thebmc.co.uk

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