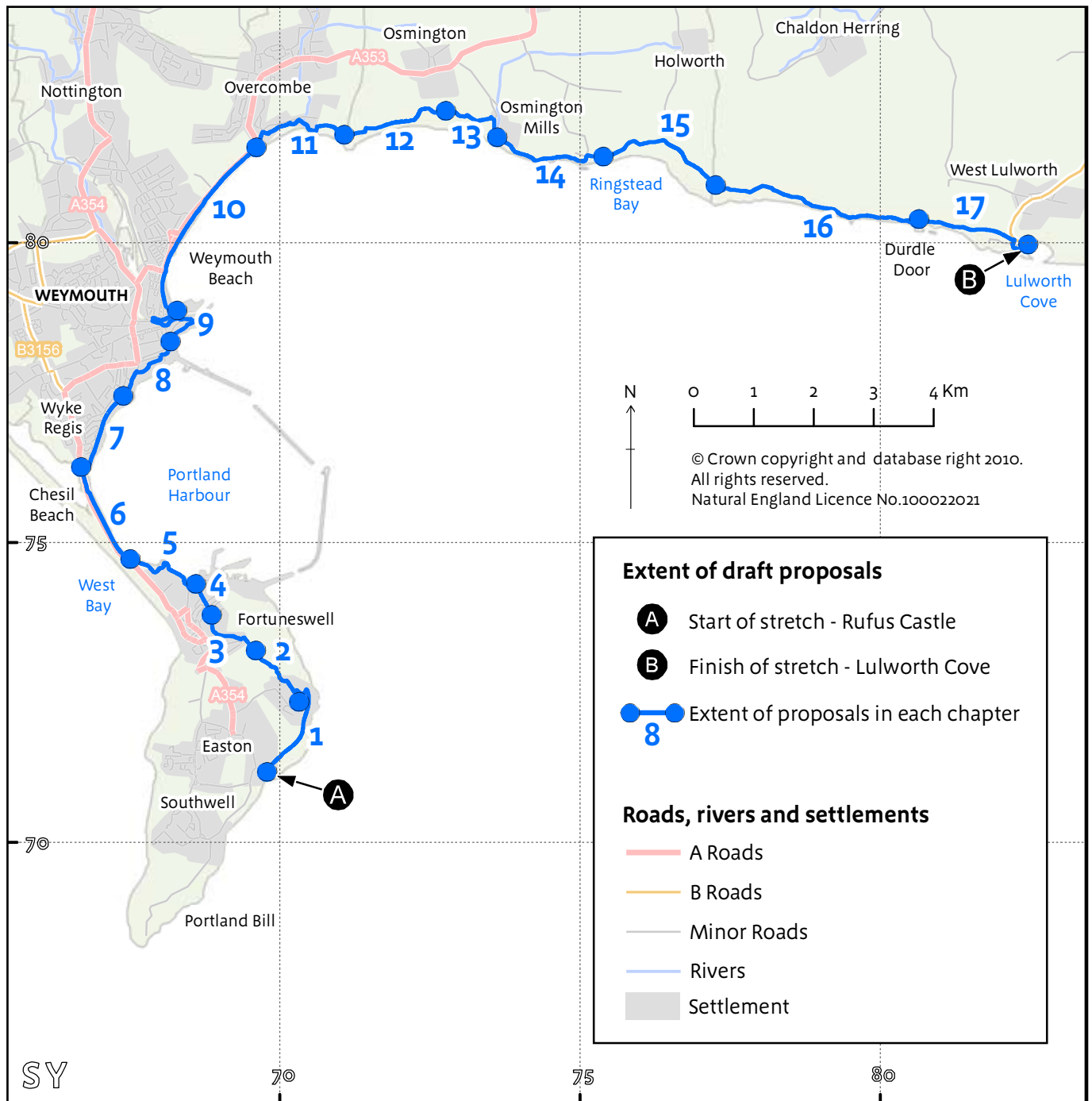


Coastal Access Weymouth Bay

Natural England's Draft Proposals: Overview



Map A: Key map



Chapter number and title

- | | | | |
|---|--|----|---------------------------------------|
| 1 | Rufus Castle to Grove | 10 | Alexandra Gardens to Overcombe Corner |
| 2 | Grove to High Angle Battery | 11 | Overcombe Corner to Redcliff Point |
| 3 | High Angle Battery to the Merchant's Incline | 12 | Redcliff Point to Black Head |
| 4 | The Merchant's Incline | 13 | Black Head to Osmington Mills |
| 5 | The Merchant's Incline to Hamm Beach | 14 | Osmington Mills to Ringstead |
| 6 | Hamm Beach | 15 | Ringstead to White Nothe |
| 7 | Rodwell Trail | 16 | White Nothe to Durdle Door |
| 8 | Sandsfoot Castle to Newton's Cove | 17 | Durdle Door to Lulworth Cove |
| 9 | Newton's Cove to Alexandra Gardens | | |

Advice on reading the report

Our report is published on our website as a series of separate documents:

Overview

This document is called the **Overview**. It explains the overall context for the report and includes background information which is helpful in understanding our Draft Proposals.

Draft Proposals

Chapters 1 to 17 are called the **Draft Proposals**. These explain the access provisions we propose for the particular lengths of coast to which they relate.

Each of chapters 1 to 17 is accompanied by a detailed **map** (or, some cases, two maps) of the relevant length of coast. The detailed maps are numbered according to the chapter of the Draft Proposals to which they relate.

We recommend that you read the Overview first – in particular part 4, which includes notes to help you understand the detailed maps.

Using Map A (previous page)

Map A shows the whole of the Weymouth Bay stretch divided into short numbered lengths of coast, from Rufus Castle on Portland at the south western end (Chapter 1) to Lulworth Cove at the eastern end (Chapter 17).

Each number on the Key map corresponds to the number of the chapter in the Draft Proposals which relates to that length of coast, and also to the number of the corresponding detailed map (or maps).

To find proposals for a particular place, find the place on Map A and note the number of the length of coast which includes it. Then read the corresponding chapter of the Draft Proposals alongside the appropriate map or maps. If you are interested in a place which crosses the boundary between two lengths of coast, read both chapters.

Printing

If printing, please note that the maps should be printed on A3 paper. If you don't have the facility to print at A3 size, we suggest you print the chapter you are interested in on A4 paper and view the map on your computer screen, using the zoom tool to view it at a suitable size.

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Introduction

1. Reason for the consultation

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. The duty is in two parts: one relating to securing a long-distance route around the coast; the other to a margin of coastal land associated with the route where people will be able to spread out and explore, rest or picnic in appropriate places as well as walking along the coast.

To secure these objectives, we must submit reports to the Secretary of State for Environment, Food and Rural Affairs recommending where the route should be and identifying the coastal margin. The reports must follow the approach set out in our Coastal Access Scheme, which – as the legislation requires – has been approved by the Secretary of State.

Each report will cover a different stretch of coast. The first will relate to coastal access at Weymouth Bay, where the Government has asked us to deliver improved access to the coast in time for the sailing events during the 2012 Olympics and Paralympics. This document is essentially a draft version of our report to the Secretary of State for this stretch. We will publish the final version after the consultation.

Our Draft Proposals would make the following key improvements to the existing arrangements for coastal access at Weymouth Bay:

- The existing South West Coast Path would move closer to the sea in several places.
- For the first time, there would be secure statutory rights of public access to world-famous areas of beach, cliff and other coastal land on this part of the Purbeck Coast.
- The coastal path would be able to ‘roll back’ as the cliffs erode or slip, solving long-standing difficulties with maintaining a continuous route around the slumping cliffs between Weymouth and Lulworth Cove.

This is a significant opportunity to improve public access to the coast at Weymouth Bay and provide a lasting legacy from the 2012 Olympics and Paralympics for residents, businesses and visitors to this part of the coast.

We look forward to receiving your comments on our Draft Proposals.

2. How can I take part in the consultation?

Anyone can comment on the Draft Proposals in this report. Some people, including owners and occupiers of the affected land, have already met us to discuss their views, while others will be contributing to our thinking for the first time. We want you to tell us what you think of our recommendations.

To submit your comments, please fill in the online form at this address:

www.naturalengland.org.uk/coastalaccess

The closing date for comments is 5pm on **10 January 2011**.

3. What happens after the consultation?

After the consultation, we will analyse all the comments we have received and decide what changes to make to the report before submitting it for consideration by the Secretary of State. Alongside the report we will publish a short summary of the comments we received and any significant changes we have made in the light of the consultation.

When we publish the final report, anyone who wants to will be able to make representations to us about it. Owners and occupiers will also have an opportunity to make formal objections about the proposals: any objections will be considered by a person appointed by the Secretary of State, probably a planning inspector. Once all representations and objections have been considered, the Secretary of State will make a decision about whether to approve our proposals, with or without modifications. Chapter 3 of our Coastal Access Scheme explains these processes in more detail.

4. Understanding the detailed maps

When you look at the detailed maps which accompany the Draft Proposals, we suggest you first study the key carefully. The following notes will help provide some background:

- i The thickness of the line used to depict the proposed route of the trail is intended to make it easy to find on the map, and to enable us to differentiate (by shading the line differently) between sections of the trail that would use existing rights of way etc., and sections that would not. The thickness of the line on the map is not an indication of the width of the actual trail on the ground – the proposed route of the trail simply follows the centre of the line shown.
- ii The map also indicates other relevant routes, including the line of the South West Coast Path and existing public rights of way. The proposed route of the trail often corresponds with these, but in some places the proposed alignment has no existing legally secure path on the ground.
- iii The South West Coast Path has been adapted slightly over time to cope with coastal erosion and other changes, in consultation with people who manage the land. Some of these changes have been formally approved by the Secretary of State, but others have not yet been formally approved. The existing South West Coast Path route shown on the maps in this report is the route currently used by the public and managed as the South West Coast Path, which may be different from the formally approved route.
- iv There are also differences between public rights of way recorded on the definitive map of public rights of way and paths currently used and managed as public rights of way. Some of these differences may be attributed to adaptation of the path over time to cope with coastal erosion and other processes, whilst others appear to arise from anomalies in the way the rights were originally recorded on the definitive map. The maps in this report show the public rights of way recorded on the definitive map as accurately as possible at the scale used.
- v Some of the maps show a purple line representing the landward extent of the coastal margin, where this differs significantly from the proposed route of the trail. This line is important in understanding the maps, because all land seaward of it would be spreading room, other than:
 - any **excepted** land, such as land covered by buildings or their curtilage; or

- any land where coastal access rights would be **excluded** under statutory powers – we indicate in the report where we already know of circumstances that may make this relevant.

Part 14 of this Overview summarises in full the categories of excepted land under the legislation.

- vi Under the legislation the landward extent of the coastal margin is by default the trail itself, or the inland edge of any land adjoining the trail on its landward side that is section 15 land (see Glossary) or foreshore, cliff, dune, beach or a bank, barrier or flat. But we have the discretion to propose instead that the landward extent of the coastal margin should coincide with a recognisable physical feature on the ground – whether the effect of doing so is to add land into the margin, or remove land from it. We use this discretion in two distinct ways in this report:
 - to propose that instead of the default trail width of four metres set by the legislation, particular physical features such as walls, fences or pavement edges should be used where appropriate to define the landward extent of the trail on that section; and
 - to propose in some places that additional areas of landward spreading room should be added to the coastal margin – to make the extent of people’s rights clearer or more cohesive on the ground, or to secure or enhance public enjoyment of these areas, or both: chapter 4 of the Coastal Access Scheme sets out in more detail the criteria we use when deciding whether to propose this in any particular place.
- vii On a length of coast where we propose that the trail should be able to ‘roll back’ in response to coastal change, the landward extent of the coastal margin as indicated initially on the map may move inland:
 - with the trail itself, or
 - because an area of section 15 land or foreshore, cliff, dune, or beach, or a bank, barrier or flat, newly touches the trail as a result of roll back, with the result that it automatically becomes part of the margin under the terms of the legislation.

Preparation of the report

5. General approach

To secure the twin objectives under the legislation of a long distance coastal walking route and with it a margin of accessible land, both with secure public rights, we have followed the approach set out in our Coastal Access Scheme, as approved by the Secretary of State. This detailed document sets out clearly the stages of implementation we must adhere to.

In line with this methodology, we conducted extensive preliminary work in two main stages:

- identifying the key issues and opportunities on the stretch; and
- walking the course with owners and occupiers of the affected land.

Identifying the key issues and opportunities

This stage involved discussions with representatives of organisations with a strategic interest in this stretch of coast, including:

- County and District Council officers, including ecology, geology, historic environment, transport and countryside ranger staff.
- Staff from the Dorset Area of Outstanding Natural Beauty Partnership and the Jurassic Coast World Heritage Site team.
- Local officers from the Environment Agency and English Heritage.
- Representatives of the Country Land and Business Association, National Farmers' Union, and Dorset Wildlife Trust.

We also sought specific information on possible opportunities to improve access along the coast for a range of different users, including where improvements for people with reduced mobility might be beneficial. We achieved this through working with the Dorset Local Access Forum, whose membership covers a wide spectrum of interests, and direct contact with local user 'interests' not currently reflected in the membership of the Forum – the latter included climbing and cycling.

In addition to these discussions we took into account a wide variety of information, plans and strategies that we considered relevant to the alignment process. Those that are published on the internet are listed in the Bibliography (see part 12 of the Overview).

'Walking the course'

This stage involved visiting land that may be affected to discuss options for alignment with the owners and occupiers. In most cases we achieved this through separate site meetings with the individuals and businesses concerned, but in the interests of efficiency we also held a small number of larger meetings to discuss our proposals with groups of owners and occupiers whose homes or businesses occupy adjacent coastal frontages, e.g. Sandsfoot Castle to Newton's Cove (chapter 8 of the Draft Proposals).

6. Recreational issues

The South West Coast Path already affords relatively good linear coastal access through the Weymouth Bay stretch as can be seen on Map B: Existing public access on Weymouth Bay. For the most part it follows the coast relatively closely, but there are points where it is routed inland (for example, on the north eastern side of the Isle of Portland – see chapter 3 of the Draft Proposals), and where there is a gap between existing coastal footpaths (for example, east of Overcombe, where the public footpath has been affected by landslips – see chapter 11 of the Draft Proposals). We address both these issues in the chapters of the report relating to the places where they occur.

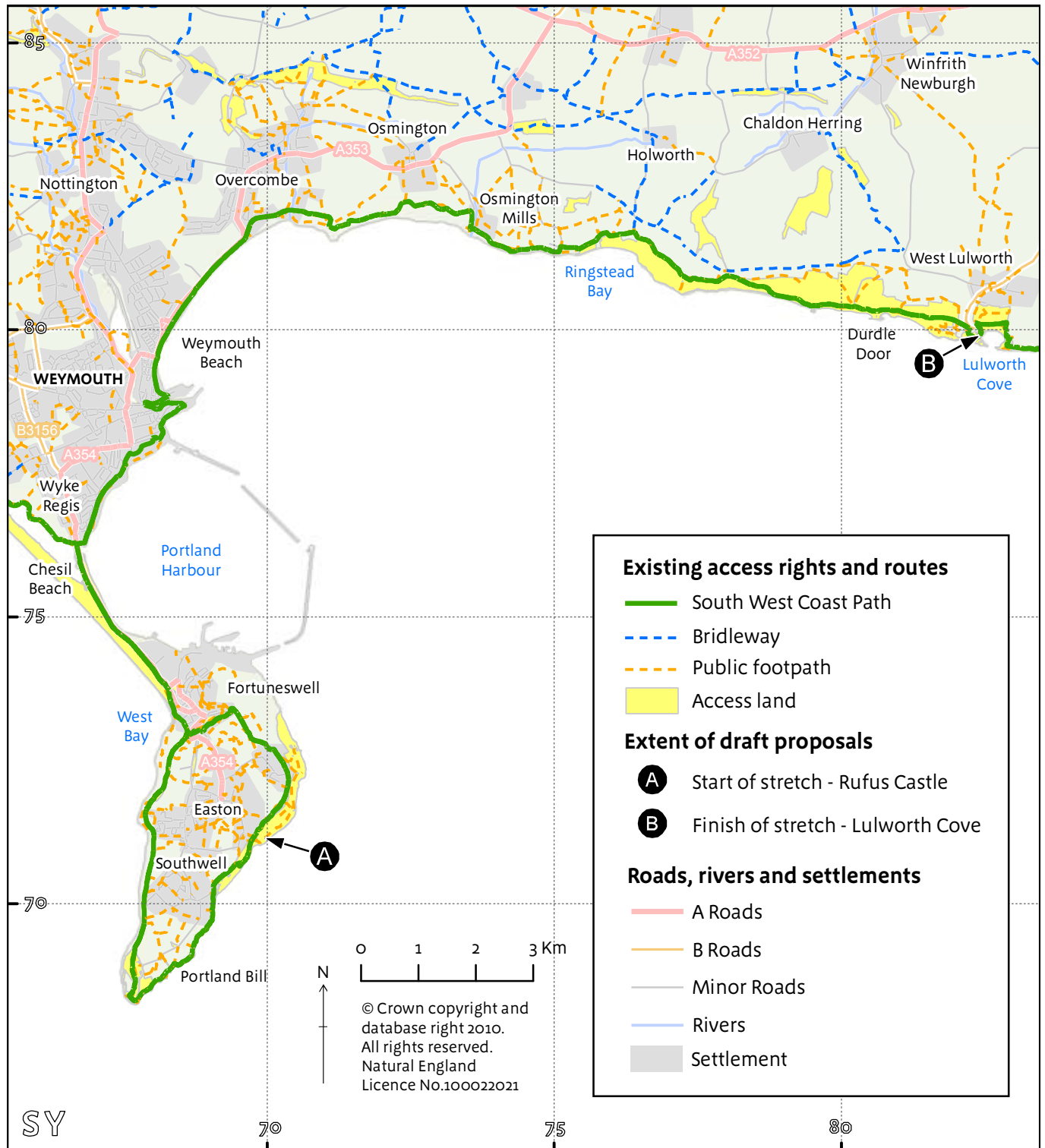
In addition there are extensive areas of land with wider rights of access to the east of the stretch, between Ringstead Bay and Lulworth Cove, along the causeway between Ferry Bridge and the Isle of Portland and, to a lesser extent, on the eastern side of the Isle of Portland itself – shown as existing access land on Map B. The spreading room described in the later chapters of the report would include these areas, but we also propose to include as spreading room suitable additional land where there are currently no secure public rights of access.

Local user groups asked for improved waymarking along the South West Coast Path on this stretch, particularly on the Isle of Portland. This issue is addressed as part of our overall approach to the implementation of the proposals described later in the Overview.

Several aspirations of local users emerged from these discussions which we have not been able to address fully in our Draft Proposals, for reasons set out elsewhere in the report:

- establishment of a coastal path along the north eastern side of the Isle of Portland, where existing public rights of way are currently severed – see chapter 3 of the Draft Proposals;
- establish a cycle track between Weymouth and the Isle of Portland – see part 8 of the Overview;
- better access for people with reduced mobility through Weymouth, in particular through Nothe Gardens – see chapter 9 of the Draft Proposals.

Map B: Existing public access on Weymouth Bay



7. Interests of owners and occupiers

In discharging our coastal access duty we must aim to strike a fair balance between the interests of the public in having rights of access over coastal land, and the interests of owners and occupiers of land over which any coastal access rights would apply. This was a key driver in the design of our Draft Proposals, which were discussed in detail one by one with each of the owners and occupiers of the affected land during the ‘walking the course’ process and are reflected in the later chapters of the report insofar as they were relevant to the individual lengths of coast described.

‘Urban coast’

The coast from Rufus Castle on Portland as far as Overcombe Corner (chapters 1 to 10 of the Draft Proposals) is predominantly urban in character, albeit generally with sea views and areas of beach, foreshore and other coastal land.

The issues raised by owners and occupiers on this part of the stretch generally related to the operational needs of businesses or to the privacy of residents. These issues are to a large extent addressed by the provisions in the legislation for particular categories of land to be automatically excepted from the coastal access rights – including land covered by buildings and their curtilage and land used as a garden. Land which becomes subject to development in the future will also become excepted from the coastal access rights if it is developed in these ways.

In some places on this part of the stretch we make specific recommendations to address issues raised by owners and occupiers, for example to enable public access to be managed in places where there are temporary arrangements for the sailing events at the 2012 Olympics and Paralympics. Such recommendations are set out in the chapters of the Draft Proposals which relate to the affected lengths of coast.

‘Rural’ coast

The coast from Overcombe Corner as far as Lulworth Cove (chapters 11 to 17 of the Draft Proposals) is predominantly rural in character. The needs of farming and other rural business operations were the main considerations to emerge from our discussions with owners and occupiers on this part of the stretch, but there are also small settlements and isolated dwellings where privacy was a factor.

In general the existing public access provisions are already managed effectively alongside these adjacent land uses, but there are places where we have been able through discussion with relevant interests to identify small adjustments to the existing South West Coast Path route which better integrate recreational benefits with the interests of owners and occupiers. These are described in the relevant chapters of the Draft Proposals.

8. Environmental issues

Natural environment

Data relating to the natural environment was collated for us by the Dorset Environmental Records Centre and then assessed by Dorset County Council and Natural England specialists. We paid particular regard to sites with certain key designations for their wildlife and/or geological interest (See Map C: Key statutory environmental designations on Weymouth Bay):

- European sites, which comprise Special Areas of Conservation (SAC), Special Areas of Protection (SPA) and Ramsar sites; and
- Sites of special scientific interest (SSSI).

With regard to European sites it is important to note that the proposals in this report were screened under procedures which apply the requirements of Directives 2001/42/EC (on the assessment of the effects of certain plans and programmes on the environment), 92/43/EEC (on the conservation of natural habitats and of wild fauna and flora); and 2009/147/EC (on the conservation of wild birds). It was concluded, on the basis of objective information, that the risk of the proposals undermining the conservation objectives of the European sites within the Weymouth Bay stretch could be excluded. The proposals would not, therefore, in our view be likely to have a significant effect on a European site and the Secretary of State will be advised that further assessment under the Directives is not required.

In order to comply with the letter and spirit of the Strategic Environmental Assessment and Habitats Directives, the Natural England staff scrutinising the proposals throughout the screening process have maintained clearly distinct and separate roles from those writing the proposals.

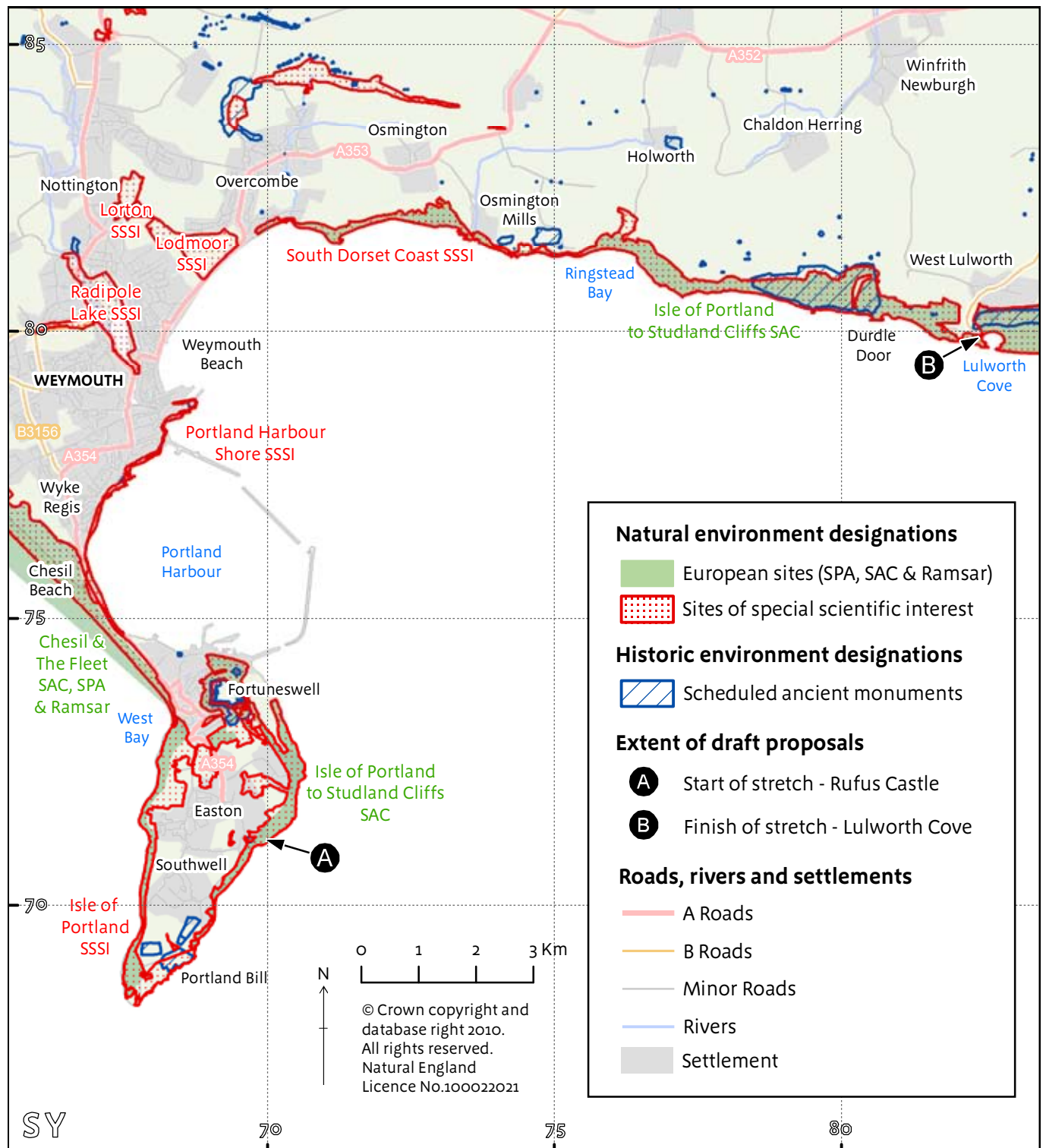
As part of this process we considered the potential to establish a cycle track along Hamm Beach between Weymouth and the Isle of Portland, which was identified as a key aspiration by local recreational interests. This land forms part of a Special Area of Conservation. Our proposal in this report is to establish a walking route along Hamm Beach, using a dismantled railway line. The proposed route is suitable for pedestrian access without any improvement, but any alteration to its surface could potentially impact on the designated features. Discussions between relevant groups are continuing with regard to identifying a suitable location for a cycling route in this area.

Historic Environment

The data relating to the historic environment on this stretch of coast is complex and diverse with records varying in age and level of completeness. Our preliminary conclusion, based on desk-based analysis of the existing data and on discussions with officers from English Heritage and local government, is that it is unlikely that our proposals would undermine the conservation objectives for the historic environment within the Weymouth Bay stretch.

However, given the nature of the historic environment data, we now intend to verify the draft proposals for the route and associated spreading room set out in this report by conducting a field survey of the proposed route in conjunction with English Heritage and Dorset County Council. The field survey will take place during this consultation. We will then consider whether any modifications are necessary to our Draft Proposals as a result before we submit our final proposals to the Secretary of State.

Map C: Key statutory environmental designations on Weymouth Bay



9. Coastal change

This stretch of coast is complex and as in many other parts of the English coast, part of it is subject to continual change through the effects of climate change, coastal erosion and other geomorphological processes. While the developed areas of Weymouth and Portland rely upon the Isle of Portland and Portland Harbour breakwaters to control coastal change, the open rural coast is largely undefended and is subject to varying rates of change.

The principal source of information regarding this is the South Devon and Dorset Shoreline Management Plan, a non-statutory policy document for the planning and management of coastal defences. With reference to this document, and with advice from the Environment Agency, we have identified the lengths of coast within this stretch which are particularly susceptible to erosion or other geomorphological processes, such as landslips. On these lengths of coast we propose to recommend that the trail rolls back automatically, once the initial route has been approved by the Secretary of State. There is more detail about these roll back arrangements and the lengths of coast where they would apply in chapters 11 to 17 of the Draft Proposals.

Implementation of the proposals

10. Physical establishment of the trail

Below we summarise how our proposed route for the trail would be physically established to make it ready for public use before any new rights come into force. There is further detail about some of the provisions mentioned here in the Draft Proposals.

The trail would make extensive use of existing coastal paths on the ground, including the existing route of the South West Coast Path. Our estimate of the capital costs for physical establishment of the trail on the proposed route is £18,350 and is informed by:

- information already held by the access authority, Dorset County Council, in relation to the management of the existing South West Coast Path; and
- information gathered while visiting affected land and talking to the people who own and manage it about the options for the route.

There are three main elements to the overall cost:

- A significant number of new signs would be needed on the trail, in particular on route sections where the proposed route differs from that of the existing South West Coast Path.
- Any signs and information boards with outdated information about the existing route of the South West Coast Path would require replacement.
- The surfaces and access furniture of the existing paths and footways on the proposed route are generally of a suitable standard for the trail, but there are some places where new steps, boardwalks and dropped kerbs would enhance the convenience of the trail. These are mentioned in the detailed descriptions for the relevant route sections in the Draft Proposals.

Table 1 explains our estimate of the capital cost for each of the main elements of physical establishment described above.

Table 1: Estimate of capital costs

Item	Cost
Signs	£15,050
Steps	£1,725
Boardwalks	£1,175
Dropped kerbs	£400
Boundary crossing	£200
Total	£18,550

Once the Secretary of State has notified her decision on our final report, we, or Dorset County Council on our behalf, would consult with affected land owners and occupiers about relevant aspects of the design, installation and maintenance of the new signs and infrastructure that are needed. They would conform to the published standards for National Trails and the other criteria described in our Coastal Access Scheme.

There is one potential opportunity to enhance the trail on this stretch which is mentioned in our Draft Proposals, in the relevant route section, but which is not included in our cost estimate because it is contingent on funding being provided from other sources, i.e. provision of a ramp at Nothe Gardens in Weymouth to improve access for people with reduced mobility (see chapter 9 of the Draft Proposals).

11. Management, maintenance and monitoring of the trail

Below we summarise the arrangements which we envisage would be appropriate for management, maintenance and condition monitoring of the proposed route of the trail.

The arrangements are broadly based on the standards currently applied to the management, monitoring and maintenance of the South West Coast Path, supplemented by information gathered while visiting the affected land and talking to the people who own and manage it about the options for the route.

Our estimate of the annual cost of these arrangements is £18,125. This estimate is based on a formula which has been used successfully in recent years to calculate the cost of maintaining the South West Coast Path to National Trail standards.

The estimate is broken down in Table 2. It is subdivided into parts of the trail which would follow existing public rights of way (and other highways) and other parts of the trail, recognising that there are existing responsibilities for the management and maintenance of public rights of way and other highways. The overall cost assessment reflects our aspiration that all parts of the route should be managed according to consistent quality standards.

Table 2: Estimate of annual costs

Parts of the trail following existing public rights of way and other highways	Annual cost
Basic maintenance	£4,500
Vegetation control	£825
Replacement furniture	£3,350
Subtotal (route sections on existing public rights of way and other highways)	£8,675
Other parts of the trail	
Basic maintenance	£4,650
Vegetation control	£850
Replacement furniture	£3,950
Subtotal (other route sections)	£9,450
Total (all route sections)	£18,125

Notes on the table

There are three main elements to the estimate: basic maintenance, vegetation control and replacement of access furniture.

Basic maintenance includes field inspections, liaison with owners and occupiers and minor maintenance. This part of our estimate is calculated using standard rates per kilometre, based on the current costs of managing the South West Coast Path. It allows for the basic maintenance requirement for off-road parts of the trail to be greater than for parts which are on pavements and roads.

The requirement for **vegetation control** also varies considerably based on local conditions. Our estimate makes allowance for these local differences. This part of our estimate is also calculated using standard rates per kilometre.

Replacement of access furniture such as gates and steps is necessary from time to time due to wear and tear. This part of our estimate is made by calculating an annual rate of depreciation for each furniture item, based on standard unit costs, and an estimated average lifespan for each type of furniture.

We have also made some allowance in our estimate for the extra costs of basic maintenance and furniture replacement which are likely to be incurred on parts of the trail that would roll back due to erosion. In making this estimate we recognise that the extent and pattern of erosion, and therefore the associated costs, are much more difficult to predict than the other factors considered here.

Background information

12: Bibliography

Information about Natural England's coastal access programme

Natural England

www.naturalengland.org.uk/ourwork/enjoying/places/coastalaccess/default.aspx

Information about the statutory framework for coastal access

Department for Environment, Food and Rural Affairs

www.defra.gov.uk/rural/countryside/coastaccess.htm

The statutory framework for coastal access

Coastal Access Scheme

NE269 - Coastal Access: Natural England's Approved Scheme

Natural England

<http://naturalengland.etraderstores.com/NaturalEnglandShop/NE269>

Marine and Coastal Access Act 2009

Department for Environment, Food and rural Affairs

www.defra.gov.uk/environment/marine/legislation/index.htm

Countryside & Rights of Way Act 2000 [CROW]

Office of Public Sector Information

www.opsi.gov.uk/acts/acts2000/20000037.htm

The Access to the Countryside (Coastal Margin) (England) Order 2010

Office of Public Sector Information

www.legislation.gov.uk/uksi/2010/558/contents/made

National Parks and Access to the Countryside Act 1949

Office of Public Sector Information

www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1949/cukpga_19490097_en_1

The Coastal Access Reports (Consideration and Modification Procedure) (England) Regulations 2010

Office of Public Sector Information

www.legislation.gov.uk/uksi/2010/1976/contents/made

Environmental legislation referred to in the report

Strategic Environmental Assessment Directive

(Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment)

European Commission

<http://ec.europa.eu/environment/eia/sea-legalcontext.htm>

Habitats Directive

(Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora)

European Commission

http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

Other published information used in the preparation of the report

A register of coastal climbing sites in England

British Mountaineering Council

www.thebmc.co.uk/Download.aspx?id=692

Connect2 Weymouth

Sustrans

www.sustransconnect2.org.uk/schemes/project_detail.php?id=29

Dorset Rights of Way Improvement Plan (draft)

Dorset County Council

www.dorsetforyou.com/footpaths/improvementplan

Dorset and East Devon Coastal Corridor Action Plan 2009-14 (consultation draft)

Dorset Area of Outstanding Natural Beauty

www.dorsetaonb.org.uk/our-work/coastal-corridor/coastal-corridor-plan/268-dorset-and-east-devon-coastal-corridor-action-plan.html

Our Role in Dorset 2008-2011: Dorset County Council's Corporate Plan

Dorset County Council

www.dorsetforyou.com/343542

Purbeck Heritage Strategy 2010-2015

Purbeck District Council

www.dorsetforyou.com/media.jsp?mediaid=147917&filetype=pdf

Quality standards for National Trails

Natural England

www.nationaltrail.co.uk/uploads/nationaltrails%20QS.pdf

South Devon and Dorset Shoreline Management Plan: Durlston Head to Rame Head SMP2 (draft)

South Devon and Dorset Coastal Advisory Group

www.sdadcag.org/SMPd2r.html

South West Coast Path National Trail – A Framework for Action 2007-2012

South West Coast Path National Trail partnership

www.southwestcoastpath.com/downloads/SWCP_framework_2007-12.pdf

Visit Weymouth website

Weymouth and Portland Borough Council

www.visitweymouth.co.uk/index.php?resource=8

13: Glossary of terms

The terms and their explanations below are simply for guidance and are not intended to have any legal effect.

Any terms shown in bold type within each explanation are included as a separate entry elsewhere in the glossary.

2009 Act means the Marine and Coastal Access Act 2009. Part 9 of the 2009 Act includes provisions to improve public access to the coast. There are supplementary provisions relating to:

- consideration of coastal access reports, objections and representations by the Secretary of State – in Schedule 1A of the **1949 Act** (inserted by Schedule 19 of the 2009 Act);
- the establishment and maintenance of the English coastal route – in Schedule 20 of the 2009 Act.

Section 1.1 of the Coastal Access Scheme includes a brief overview of the main provisions, which are explained in more detail in subsequent chapters. See bibliography for publication details.

1949 Act means the National Parks and Access to the Countryside Act 1949. The 1949 Act includes provisions and procedures for the creation of long-distance routes (now more commonly known as **National Trails**). These provisions were amended and added to by the **2009 Act** for the purpose of identifying the coastal trail. See bibliography for publication details.

alignment is the term the report uses to describe the choices we make about the proposed route of **the trail** and the landward boundary of the **coastal margin**.

alternative route means a route proposed to the Secretary of State as part of our report, for use by the public at times when access to part of the trail is excluded under a **direction**. Figure 16 in chapter 6 of the Coastal Access Scheme explains alternative routes in more detail.

building has the same meaning given in Schedule 1 of CROW, as amended for the coast by the **Order**. The term includes any structure or erection and any part of a building. For this purpose “structure” includes any tent, caravan or other temporary or moveable structure. It does not include any fence or wall, anything which is a means of access (as defined by CROW section 34 – for example steps or bridges), or any slipway, hard or quay.

coastal access rights is the term the report uses to describe the rights of public access to the coast provided under section 2(1) of **CROW** as a result of the provisions of the **2009 Act** and the **Order**. Coastal access rights are normally rights of access on foot for open-air recreation. These rights are by default subject to **national restrictions** and may additionally be subject to **directions** which **restrict** or **exclude** them locally. Section 2.2 of the Coastal Access Scheme explains more about the nature and management of coastal access rights.

coastal margin means a margin of land at the coast falling within one or more of the descriptions given at article 3 of the **Order**. Its main component is land subject to the **coastal access rights**, but it also contains other land, including land that is not accessible to the public. A landowner may also voluntarily include land in the coastal access margin by making a **dedication**. Section 2.1 of the Coastal Access Scheme explains these other categories of land and how they fit in.

coastal processes is a term used in the report to mean coastal erosion, encroachment by the sea or other physical change due to geomorphological processes such as landslip. Where any part of **the trail** could be significantly affected by coastal processes, either directly or because of the need to maintain continuity with a part that is directly affected, we have included recommendations for it to **roll back** in accordance with a description in the report.

CROW means the Countryside and Rights of Way Act 2000. **Coastal access rights** take effect by virtue of CROW section 2(1). Certain provisions in CROW are amended or added to by the **2009 Act** and the **Order** for the purposes of the coast. Chapter 2 of the Coastal Access Scheme provides an overview of how the amended CROW provisions apply to the coast. See bibliography for publication details.

dedication means any voluntary dedication of land by the owner or long leaseholder under section 16 of **CROW** so that it will be subject to access rights under that Act. A dedication may also make provision for specific **national restrictions** that would otherwise apply over the affected land to be removed or relaxed.

Land within the **coastal margin** that was previously dedicated as access land under CROW becomes subject to the coastal access regime, including the national restrictions and the reduced level of liability operating on other parts of the margin with **coastal access rights**. On certain land, a dedication may be used to 'opt in' to the coastal access regime land where it would not otherwise apply. Section 4.7 of the Coastal Access Scheme explains these scenarios in more detail.

definitive map means the legal record of public rights of way. It shows public footpaths, bridleways, restricted byways, and byways open to all traffic.

direction means a direction under chapter II of **CROW** Part 1 to impose local **restrictions** or **exclusions** on the use of the **coastal access rights**.

excepted land – see part 14 of the Overview.

exclude/exclusion are terms the report uses to refer to local exclusion of the **coastal access rights** by **direction** (as opposed to the **national restrictions** that apply on all coastal access land by default). In this way the use of the rights may where necessary either be excluded completely, or restricted in specified ways by means of a local restriction. Section 6.6 of the Coastal Access Scheme explains the provisions in detail and our approach to their use.

foreshore is not defined in the **2009 Act** or **the Order**. In the report it is taken to mean the land between mean low water and mean high water.

gate is used in several ways in the report:

- 'Field gate' means a wide farm gate, for vehicle access.
- 'Kissing gate' means a pedestrian access gate, sometimes suitable for wheelchairs.
- 'Wicket gate' means a narrow field gate, sometimes suitable for wheelchairs, but unsuitable for larger vehicles.

guide fencing is a term the report uses to describe simple temporary fencing which can be put up and taken down with minimal cost or effort – see figure 15 in chapter 6 of the Coastal Access Scheme.

Habitats Directive means the European Community Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora. See bibliography for publication details.

the legislation is the term the report uses to describe four pieces of legislation which include provisions relevant to the implementation of our draft proposals: the **2009 Act**, the **1949 Act**, **CROW** and the **Order**. There are separate entries in the glossary which describe each of these in more detail.

local access forum means a local access forum established under section 94 of **CROW**. Natural England is required to consult Dorset Local Access Forum in the preparation of the report, and to invite representations from it on its final report – see chapter 3 of the Coastal Access Scheme for details.

national restrictions – see part 15 of the Overview.

National Trail means a long-distance route approved by the Secretary of State under section 52 of the **1949 Act**. The report uses the term solely to refer to the existing South West Coast Path route, although the proposed route for the trail would also be approved by the Secretary of State under the same provision.

objection means an objection by a person with a **relevant interest** in affected land to Natural England about a proposal in the report. An objection must be made on certain specified grounds, in accordance with the provisions in Schedule 1A of the **1949 Act** (as inserted by Schedule 19 of the **2009 Act**). Stages 6 and 7 of the implementation process described in chapter 3 of the Coastal Access Scheme provide an overview of the procedures for considering objections.

Order means the Access to the Countryside (Coastal Margin) (England) Order 2010 (S.I. 2010/558), made under section 3A of **CROW**. It sets out descriptions of land which are **coastal margin** and amends Part I of CROW in certain key respects for the purposes of coastal access. See bibliography for publication details.

public right of way (PROW) means a public footpath, bridleway, restricted byway or byway open to all traffic. These public rights of way are recorded on the **definitive map**.

relevant interest means a relevant interest in land, as defined by section 297(4) of the **2009 Act**. This is a person who:

- holds an estate in fee simple absolute in possession in the land;
- holds a term of years absolute in the land, or
- is in lawful occupation of the land.

representation means a representation made by any person to Natural England regarding a proposal in the report. A representation may be made on any grounds, in accordance with the provisions in Schedule 1A of the **1949 Act** (as inserted by Schedule 19 of the **2009 Act**). Stages 6 and 7 of the implementation process described in chapter 3 of the Coastal Access Scheme provide an overview of the procedures for considering representations.

restrict/restriction – see “**exclude/exclusion**”.

roll back is the term the report uses to describe arrangements made under the provisions of section 55B of the **1949 Act**, whereby we may propose to the Secretary of State that the route of a specified part of the **trail** which is subject to significant erosion or other coastal processes should adapt in accordance with a written description in the report, without further confirmation by her. Section 4.9 of the Coastal Access Scheme explains these provisions in more detail.

route section is the term used in the report to describe short sections of the proposed route for the trail. Each route section is assigned a unique serial number which we use to refer to it in the Draft Proposals and on the accompanying maps.

Scheduled Monument means a site or monument of national importance given legal protection by virtue of being listed on the Schedule of Monuments under section 1 of the Ancient Monuments and Archaeological Areas Act 1979.

section 15 land means land with public access rights under:

- section 193 of the Law of Property Act 1925;
- a local or private Act;
- a management scheme made under Part I of the Commons Act 1899; or
- an access agreement or access order made under Part V of the National Parks and Access to the Countryside Act 1949; or
- land subject to, or potentially subject to, public access under section 19 of the Ancient Monuments and Archaeological Areas Act 1979.

Where section 15 land forms part of the **coastal margin** (which it may do in any of the ways explained in section 4.7 of the Coastal Access Scheme), these rights apply instead of the **coastal access rights**. Figure 1 in Section 2.1 of the Coastal Access Scheme shows the relationship of section 15 land to the coastal access regime in more detail.

Site of Special Scientific Interest (SSSI) means a site notified under section 28 of the Wildlife and Countryside Act 1981 (as amended) as nationally important for its wildlife and/or geological or physiographical features.

spreading room is the term the report uses to describe any land, other than the **trail** itself, which forms part of the **coastal margin** and which has public rights of access. In addition to land with **coastal access rights** it therefore includes areas of **section 15 land**.

Spreading room may be either seaward or landward of the trail. **Landward spreading room** is spreading room adjacent to and landward of the trail. Section 4.7 of the Coastal Access Scheme explains in more detail the ways in which land may become spreading room.

Spreading room may be subject to **directions** that **restrict** or **exclude** the coastal access rights locally from time to time. However, the report does not use the term to describe land which is subject to a direction which excludes access for the long-term.

Land is not described as spreading room in the report if it falls into one of the descriptions of **excepted land**, although it may become spreading room if it loses its excepted status as a result of a change of use, or if the owner voluntarily dedicates it as coastal margin. Highways are treated as excepted land under the provisions of the Order, but may cross spreading room or form part of the **trail**.

statutory duty means the work an organisation must do by order of an Act of Parliament.

strategic environmental assessment means the overall requirements of European Community Council Directive 2001/42/EC, which we must follow under certain circumstances in assessing the likely impacts on the environment of the introduction of **coastal access rights**. Paragraphs 4.8.9 and 4.8.10 of the Coastal Access Scheme describe the circumstances when we will conduct a strategic environmental assessment.

stretch is the term the report uses to describe the whole coastline affected by the Draft Proposals contained in the report.

temporary route means a diversionary route which operates while access to the trail is excluded by direction. Unlike an alternative route, a temporary route may be specified by or under the direction without requiring confirmation by the Secretary of State in the report, though land owner consent is needed in some circumstances. Figure 16 in chapter 6 of the Coastal Access Scheme explains the provisions for temporary routes in more detail.

the trail is the term the report uses to describe the strip of land which people walk on when following the long-distance route created for the purposes of section 296 of the 2009 Act. The route itself is shown as a line on a map. The line over which the route passes and the land adjacent to it – normally the land within 2 metres of the line on either side – becomes coastal margin. This strip of land is what the report calls “the trail”.

variation report means a report to the Secretary of State under section 55(1) of the **1949 Act**. Natural England may prepare a variation report recommending changes to coastal access proposals that have previously been approved. Figure 9 in chapter 3 of the Coastal Access Scheme explains in more detail the circumstances when a variation report is necessary.

A variation report may also be prepared by Natural England (in the context of our recommendations for the **trail** which we have a duty to secure under section 296 of the 2009 Act) to recommend that the route of another **National Trail** at the coast is modified. The Draft Proposals explain where we intend to use a variation report in this way to recommend changes to the existing route of the South West Coast Path National Trail.

14. Excepted land categories

The effect of Schedule 1 to the Countryside and Rights of Way Act 2000 is that 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 we may propose that the trail should cross them on an access strip – in which case the strip itself is not excepted from the coastal access rights. We have not made any proposals for access strips in relation to this stretch of coast. Where land in any of these categories would form part of the coastal margin in the Draft Proposals, it would therefore be fully excepted from coastal access rights. That includes:

- 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 are also excepted from the coastal access rights. This does not prevent the trail from following a public footpath or other highway, and people can continue exercising their rights to use highways that fall within the wider spreading room. Such highways form part of the coastal margin even though the access rights along them are afforded by other legislation.

Land owners may choose, under the legislation, to dedicate excepted land as a permanent part of the coastal margin. These provisions are explained in more detail in Chapter 2 of our Coastal Access Scheme.

15. National restrictions

The coastal access rights which would be newly introduced under our Draft Proposals include most types of open-air recreation on foot or by wheelchair including walking, climbing and picnicking.

The scope of these coastal access rights is normally limited by a set of rules that we call in the Coastal Access Scheme the “national restrictions”. They list some specific activities not included within the coastal access rights – for example camping, horse riding and cycling. The national restrictions on the coastal access rights are set out on pages 26-27.

The national restrictions do not prevent such recreational uses taking place under other rights, or with the landowner’s permission, or by traditional tolerance – for example on an area of foreshore where horse riding is customary. In particular, these national restrictions have no effect on people’s use of public rights of way or section 15 land (see the entry for ‘section 15 land’ in the Glossary).

The land owner (or in some circumstances a long leaseholder or farm tenant) also has the option to include such recreational uses within the coastal access rights on a particular area of land, or on his holdings generally. He can do this:

- permanently (i.e. on behalf of himself and future owners of the land), by dedicating such rights under section 16 of the Countryside and Rights of Way Act 2000 (CROW); or
- until further notice, by agreeing that we should give a direction under CROW Schedule 2 paragraph 7 to this effect.

We can provide more information about these options on request.

Countryside and Rights of Way Act 2000

SCHEDULE 2 RESTRICTIONS TO BE OBSERVED BY PERSONS EXERCISING RIGHT OF ACCESS (Section 2)

General restrictions

- 1 (1) Subject to sub-paragraph (2), section 2(1) does not entitle a person to be on any land if, in or on that land, he –
 - (a) drives or rides any vehicle other than an invalid carriage as defined by section 20(2) of the Chronically Sick and Disabled Persons Act 1970,
 - (b) uses a vessel or sailboard on any non-tidal water,
 - (c) has with him any animal other than a dog,
 - (d) commits any criminal offence,
 - (e) lights or tends a fire or does any act which is likely to cause a fire,
 - (f) intentionally or recklessly takes, kills, injures or disturbs any animal, bird or fish,
 - (g) intentionally or recklessly takes, damages or destroys any eggs or nests,
 - (h) feeds any livestock,
 - (i) bathes in any non-tidal water,
 - (j) engages in any operations of or connected with hunting, shooting, fishing, trapping, snaring, taking or destroying of animals, birds or fish or has with him any engine, instrument or apparatus used for hunting, shooting, fishing, trapping, snaring, taking or destroying animals, birds or fish,
 - (k) uses or has with him any metal detector,
 - (l) intentionally removes, damages or destroys any plant, shrub, tree or root or any part of a plant, shrub, tree or root,
 - (m) obstructs the flow of any drain or watercourse, or opens, shuts or otherwise interferes with any sluice-gate or other apparatus,
 - (n) without reasonable excuse, interferes with any fence, barrier or other device designed to prevent accidents to people or to enclose livestock,
 - (o) neglects to shut any gate or to fasten it where any means of doing so is provided, except where it is reasonable to assume that a gate is intended to be left open,
 - (p) affixes or writes any advertisement, bill, placard or notice,
 - (q) in relation to any lawful activity which persons are engaging in or are about to engage in on that or adjoining land, does anything which is intended by him to have the effect –
 - (i) of intimidating those persons so as to deter them or any of them from engaging in that activity,
 - (ii) of obstructing that activity, or
 - (iii) of disrupting that activity,
 - (r) without reasonable excuse, does anything which (whether or not intended by him to have the effect mentioned in paragraph (q)) disturbs, annoys or obstructs any persons engaged in a lawful activity on the land,
 - (s) engages in any organised games, or in camping, hang-gliding or para-gliding, or
 - (t) engages in any activity which is organised or undertaken (whether by him or another) for any commercial purpose.
- (2) Nothing in sub-paragraph (1)(f) or (j) affects a person's entitlement by virtue of section 2(1) to be on any land which is coastal margin if the person's conduct (to the extent that it falls within sub-paragraph (1) (f) or (j)) is limited to permitted fishing-related conduct.

- (3) In sub-paragraph (2) the reference to permitted fishing-related conduct is a reference to the person –
- (a) having a fishing rod or line, or
 - (b) engaging in any activities which –
 - (i) are connected with, or ancillary to, fishing with a rod and line, or with a line only, in the exercise of a right to fish, and
 - (ii) take place on land other than land used for grazing or other agricultural purposes.
- 2 (1) In paragraph 1(k), “metal detector” means any device designed or adapted for detecting or locating any metal or mineral in the ground.
- (2) For the purposes of paragraph 1(q) and (r), activity on any occasion on the part of a person or persons on land is “lawful” if he or they may engage in the activity on the land on that occasion without committing an offence or trespassing on the land.
- 3 Regulations may amend paragraphs 1 and 2.
- 4 (1) During the period beginning with 1st March and ending with 31st July in each year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead.
- (2) Sub-paragraph (1) does not apply in relation to land which is coastal margin.
- 5 Whatever the time of year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead and which is in the vicinity of livestock.
- 6 In paragraphs 4 and 5, “short lead” means a lead of fixed length and of not more than two metres.
- 6A (1) Whatever the time of year, section 2(1) does not entitle a person to be on any land which is coastal margin at any time if –
- (a) that person has taken onto the land, or allowed to enter or remain on the land, any dog, and
 - (b) at that time, the dog is not under the effective control of that person or another person.
- (2) For this purpose a dog is under the effective control of a person if the following conditions are met.
- (3) The first condition is that –
- (a) the dog is on a lead, or
 - (b) the dog is within sight of the person and the person remains aware of the dog's actions and has reason to be confident that the dog will return to the person reliably and promptly on the person's command.
- (4) The second condition is that the dog remains –
- (a) on access land, or
 - (b) on other land to which that person has a right of access.
- (5) For the purposes of sub-paragraph (4), a dog which is in tidal waters is to be regarded as remaining on access land.
- 6B (1) Section 2(1) does not entitle a person to be on any land which is coastal margin if, on that land, the person obstructs any person passing, or attempting to pass, on foot along any part of the English coastal route, any official alternative route or any relevant temporary route.
- (2) In this paragraph –
- “the English coastal route” means the route secured pursuant to the coastal access duty (within the meaning of section 296 of the Marine and Coastal Access Act 2009);
- “official alternative route” has the meaning given by section 55J of the National Parks and Access to the Countryside Act 1949;
- “relevant temporary route” means a route for the time being having effect by virtue of a direction under section 55I of that Act to the extent that the line of the route passes over coastal margin.

Enquiries about the consultation

The Natural England enquiries service is the first point of contact for enquiries about the consultation:

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There is an online enquiry form at:

www.naturalengland.org.uk/coastalaccess



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